

Washington State Register

MARCH 4, 1998

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of March 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Mary F. Gallagher Dilley
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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) deleted material is (~~lined out between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

1997 - 1998
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
98-12	May 6	May 20	Jun 3	Jun 17	Jul 7	Aug 1
98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 15
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98-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25	Sep 19
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98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

¹All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

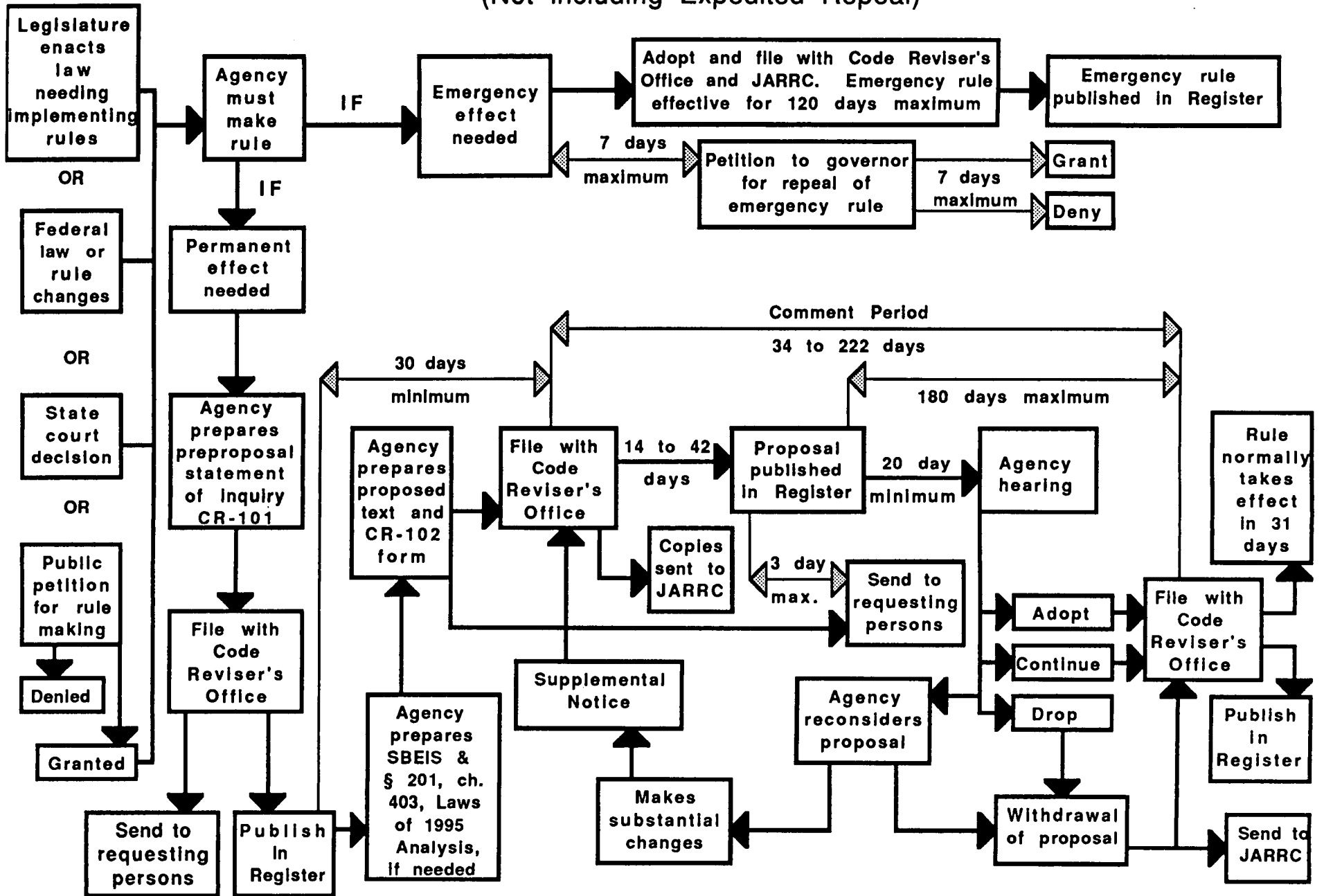
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 98-05-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 (Business and Professions Division)

[Filed February 6, 1998, 9:55 a.m.]

Subject of Possible Rule Making: Changes to architect fees listed in WAC 308-12-326.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340, 18.08.370, and 18.08.430.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Compliance with RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule. Fees charged by the agency for services provided are established in rule to allow for public hearing process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may participate in rule drafting by contacting James D. Hanson, Program Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 753-1153, FAX (360) 664-2551, TDD (360) 586-2788. All interested persons will be added to the agency's mailing list for this rule proposal and any subsequent rule-amending actions.

February 6, 1998
 James D. Hanson
 Program Administrator

WSR 98-05-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed February 10, 1998, 9:16 a.m.]

Subject of Possible Rule Making: WAC 458-20-183 Amusement and recreation activities and businesses.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule needs to be updated to incorporate provisions of chapter 148, Laws of 1996. The rule should be revised to explain that "daytrips for sightseeing purposes" are now considered amusement and recreation services subject to the retail sales tax under RCW 82.04.050 (3)(a); resellers of amusement and recreation activities may now purchase these activities at wholesale; and use tax now applies to previously untaxed (use tax) amusement and recreation activities.

In addition, several petitions to amend WAC 458-20-183 have been granted by the Department of Revenue. The petitions objected to provisions in the rule regarding the method of determining the taxable portion of dues received by organizations providing amusement and recreation activities. The department solicits comments on what changes should be made, and why.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by April 15, 1998. After that date, the department will evaluate the comments and prepare a draft revision of the rule. The draft revision will be circulated to interested parties. Written comments may be submitted by mail, FAX, or e-mail. Written comments may be directed to Greg Potegal, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 753-1971, FAX (360) 664-0693, e-mail gregp@dor.wa.gov.

February 9, 1998
 Russell W. Brubaker
 Assistant Director

WSR 98-05-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed February 11, 1998, 10:09 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 468-54 WAC implementing chapter 47.52 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.04 [34.05] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The modification of chapter 468-54 WAC will fulfill the intent of the governor's executive order for WAC review. The modification will provide minor technical changes and clarify the intent of this WAC by making it easier to understand.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Contact person for the Department of Transportation is Randy Deer, P.O. Box 47329, Olympia, WA 98504-7329, (360) 705-7251, FAX 705-6805. The proposed modification will be sent to the following for their review:

Washington State Association of Counties, 206 10th Avenue S.E., Olympia, WA 98501-1311, Gary Lowe, Director, (360) 753-1886, FAX 753-2842.

Association of Washington Cities, 1076 Franklin Street S.E., Olympia, WA 98501, Craig Olson, (360) 753-4137, FAX 753-4896.

Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, Tim Douglas, (360) 753-7426, FAX 586-3582.

City Design Standards Committee, TransAid Service Center, P.O. Box 47390, Olympia, WA 98504-7390, Wayne Gruen, Deputy Assistant Secretary, (360) 705-7374, 705-6822.

February 10, 1998
 Gerald E. Smith
 Deputy Secretary
 for Operations

WSR 98-05-038
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 11, 1998, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 392-126 WAC, Shared leave programs for school personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 176, Laws of 1996 amended leave sharing for state and school employees. Employees are allowed to transfer personal holidays and sick leave to another employee regardless of whether or not the employee accrues annual leave.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Implementation of leave sharing law for state employees is administered by state Department of Personnel.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. Questions: Herb Miller, School Financial Services, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, WA 98504-7200, (360) 753-3587.

February 10, 1998
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 98-05-039
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 11, 1998, 10:56 a.m.]

Subject of Possible Rule Making: Chapter 392-172 WAC, governing the provision of special education to special education students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090 authorizes the superintendent to promulgate such rules as are necessary to provide for the education of students with disabilities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reauthorization of the Individuals with Disabilities Act (Public Law 105-17) require the Department of Education to revise rules for the education of students with disabilities which will result in necessary revisions to chapter 392-172 WAC.

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

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 Dr. Doug Gill, Director of Special Education, Office of Superintendent of Public Instruction, Old Capitol Building, Thurston County, Washington, phone (360) 753-6733, FAX (360) 586-0247.

February 9, 1998
J. J. Coolican
Deputy Superintendent
of Public Instruction

WSR 98-05-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 13, 1998, 3:56 p.m.]

Subject of Possible Rule Making: WAC 388-515-1505 Community options program entry system (COPEs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.057, and 42 CFR 435.725 - 726.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule will be amended to allow COPEs eligible individuals living in residential settings to retain a personal maintenance allowance of \$58.84.

Process for Developing New Rule: The Department of Social and Health Services invites anyone interested in participating in the development of this rule to contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-1008, FAX (360) 753-7315, TTY (800) 848-5429, e-mail richaa@dshs.wa.gov.

February 10, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-05-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 13, 1998, 3:57 p.m.]

Subject of Possible Rule Making: Amend WAC 388-513-1340, 388-513-1345, and possibly related sections, to clarify deductions allowed when determining eligibility and post-eligibility for institutional Medicaid clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.057, 42 CFR 435.601, and sections 4715 and 4735 of the Federal Balanced Budget Act of 1997 (Public Law 105-33 (H.R. 2015)).

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

implement federal provisions: Funds received under a class settlement in the case of *Susan B. Walker v Bayer Corporation et al.*, 96-C-5024 (N.D.Ill. May 8, 1997) will not be counted as income when determining institutional Medicaid eligibility and post-eligibility. Certain veteran's benefits (currently exempt) will be considered as income when determining Medicaid post-eligibility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Social and Health Services is working with the Washington State Department of Veteran Affairs to develop these rules.

Process for Developing New Rule: The Department of Social and Health Services invites anyone interested in participating in the development of these rules to contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-1008, FAX (360) 753-7315, TTY (800) 848-5429, e-mail richaa@dshs.wa.gov.

February 10, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-05-055
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed February 13, 1998, 4:24 p.m.]

Subject of Possible Rule Making: Rules relating to prepaid telecommunications services. Provisions that might be affected include those currently codified in WAC 480-121-040 (2)(b). Other provisions relating to this topic might also be affected. Docket No. UT-971469.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4) and 80.36.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Competition in the telecommunications industry has resulted in a number of new telecommunications services, such as debit cards. Many of these services require customers to make payment prior to provision of service. With the advent of these services the commission did not have rules specifically designed to protect consumers advanced payments; to establish and monitor adequate financial resources of telecommunications companies; ensure adequate disclosure to consumers; and ensure adequate access to carrier. The current practice is to put conditions in companies registration orders to address these issues. The intent of this preproposal inquiry is to work with stakeholders to review current guidelines for reasonableness, examine changes that might be needed, and recommend reasonable regulations to meet the needs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the commission will call for written comments, and may

provide the opportunity for additional written comments. The commission will schedule at least one informal workshop with interested persons in a manner designed to develop consensus regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, FAX (360) 586-1150.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-971469, not later than **March 18, 1998**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held on **May 26, 1998**, beginning at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and FAX numbers referencing Docket No. UT-971469, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and FAX numbers, referencing Docket No. UT-971469, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet website at <<http://www.wutc.wa.gov/>>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

February 11, 1998
Terrence Stapleton
for Paul Curl
Acting Secretary

WSR 98-05-056
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed February 13, 1998, 4:25 p.m.]

Subject of Possible Rule Making: Rules relating to regulated water companies will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-110 WAC might be affected. The review will include consideration of whether substantive changes or additions are required for water regulation, especially (but not limited to) the provisions of WAC 480-110-023 Regulatory threshold and 480-110-081 Service connections and WAC 480-09-300 through 480-09-330, requiring regulated companies to provide certain information when filing for a general rate case. Docket No. UW-980082.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State Departments of Health and Ecology. The commission will invite each of those agencies to participate actively in the rule making.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, FAX (360) 586-1150.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UW-980082, not later than **March 18, 1998**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the

workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held on **April 16, 1998**, beginning at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be [be] available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Mark Halliday at (360) 664-1245 no later than 5:00 p.m., Tuesday, April 14, 1998. Questions may be addressed to Sondra Walsh at (360) 664-1254 or e-mail at sondra@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and FAX numbers referencing Docket No. UW-980082, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and FAX numbers, referencing Docket No. UW-980082, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet website at <http://www.wutc.wa.gov/>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

February 11, 1998
 Terrence Stapleton
 for Paul Curl
 Acting Secretary

WSR 98-05-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed February 17, 1998, 4:02 p.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice each year. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and

Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained after April 15, 1998, upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, FAX (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 16, 1998, at 10 a.m.

February 17, 1998
Russell W. Brubaker
Assistant Director

WSR 98-05-102

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-4—Filed February 18, 1998, 11:20 a.m.]

Subject of Possible Rule Making: Updating the regulatory scheme of chapter 284-24 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.19.020, 48.19.080, 48.19.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Several sections of chapter 284-24 WAC were identified in the Insurance Commissioner's regulatory improvement review as rules that may need to be revised and updated. The commissioner will consider methods, including reorganization of the rules in chapter 284-24 WAC, to increase the effectiveness of the rules and to simplify the compliance and enforcement processes. One area that will be considered is the use of transmittal forms in rate filings. Additionally, as a part of this update of chapter 284-24 WAC, the commissioner will consider rules regarding the effect of the postal zip code changes in insurers' rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and written comments may be submitted by March 20, 1998, to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, e-mail inscomr@aol.com, FAX (360) 407-0351.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0351, Internet KacyB@oic.wa.gov.

February 18, 1998

Greg J. Scully
Chief Deputy Commissioner

WSR 98-05-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 18, 1998, 11:35 a.m.]

Subject of Possible Rule Making: To delete WAC 16-32-009 which contains an outdated schedule of laboratory fees, and to add two new additional optional services offering improved testing for Bovine Leukemia virus and John's disease of cattle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.38.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New testing methods have made it possible for the Microbiology Laboratory to provide better service to the livestock industry and animal health.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rules with affected stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Polzin, Microbiology Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 753-2228, FAX (360) 753-5047, e-mail lpolzin@agr.wa.gov.

December 3, 1997
Mary A. Martin Toohey
Assistant Director

WSR 98-05-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 18, 1998, 11:37 a.m.]

Subject of Possible Rule Making: Defining freedom from infestation by plant pests and updating existing rules implementing chapter 15.13 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.13 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.13.390 requires "freedom from infestation by plant pests" to be defined in rule. Also, existing rules implementing chapter 15.13 RCW are no longer entirely responsive to stakeholder and program needs and should be updated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine. Discussions with APHIS are ongoing,

as the state and federal programs are interrelated and cooperative in nature.

Process for Developing New Rule: The industry has requested changes to the rule. Representatives of the Washington State Department of Agriculture discuss options for specific provisions with industry groups and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, FAX (360) 902-2094, e-mail twessels@agr.wa.gov; and Mary Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, FAX (360) 902-2094, e-mail mtoohey@agr.wa.gov.

February 18, 1998
Mary A. Martin Toohey
Assistant Director

WSR 98-05-020
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed February 6, 1998, 2:42 p.m.]

February 10, 1998
 Eric A. Berger
 Executive Director

Continuance of WSR 98-01-224, 98-01-225, 98-01-226, 98-01-227, 98-01-228, 98-01-229, 98-01-230, 98-01-231, 98-01-232, 98-01-233, and 98-01-234.

Purpose: To continue hearing date.

Hearing Location: Bank of California Building, 900 4th Avenue, 24th Floor, Attorney General Training Center, Seattle, WA, on February 26, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by February 23, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by February 25, 1998.

Date of Intended Adoption: February 27, 1998.

February 6, 1998
 Cheryl M. Sexton
 Confidential Secretary

WSR 98-05-036
PROPOSED RULES
COUNTY ROAD ADMINISTRATION BOARD
 [Filed February 10, 1998, 11:06 a.m.]

Original Notice.

Title of Rule: Title 136 WAC, The rural arterial program.

Purpose: Amending WAC 136-130-030, 136-130-040, 136-161-070, 136-161-080, 136-161-090, 136-200-040, 136-210-030, 136-220-020, and 136-220-030.

Statutory Authority for Adoption: Chapter 36.79 RCW. Summary: Revisions for the rural arterial program.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, Olympia, (360) 753-5989; Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: [No information supplied by agency.]

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

Small Business Economic Impact Statement: [No information supplied by agency.]

Does RCW 34.05.328 apply to this rule adoption? [No information supplied by agency.]

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W. #240, Olympia, WA 98505-0913 [98504-0913], on April 9, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by April 1, 1998, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, FAX (360) 586-0386, by April 1, 1998.

Date of Intended Adoption: April 9, 1998.

AMENDATORY SECTION (Amending Order 88, filed 6/10/92, effective 7/11/92)

WAC 136-130-030 Project prioritization in Puget Sound region (PSR). Each county in the PSR may submit projects requesting RATA funds not to exceed ~~(((\$500,000 per project))~~ 80% of the regional allocation total. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR biennial apportionment shall have a minimum of 25% of the regional allocation committed to projects on roads classified as major collectors (07) or minor collectors (08).

PSR RAP rating points shall be assigned on the basis of 20 points for traffic volume, 25 points for accident history, 15 points for structural condition, 25 points for geometric condition, and 15 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-130-040 Project prioritization in north-west region (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed \$500,000 per project and 50% of the regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of 40 points for structural condition, 40 points for geometrics, 10 points for traffic volume, 10 points for traffic accidents ~~((and)),~~ 5 points for any project on a major collector (07), and 10 points for any project on a rural principle arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-161-070 RAP program cycle—Selection and approval of projects for RATA funding. (1) At its last regular meeting before the beginning of each biennium, the CRABoard will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

(a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and

(b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the CRABoard

in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The state-wide net amount of RATA funds available for allocation to projects in the project program period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs ~~(, and less any amounts set aside for emergent projects as described in WAC 136-161-100)~~. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-110 WAC.

(3) For the biennium beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the biennium beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001. For each biennium thereafter, the project program period will be two years in length, beginning and ending two years later than the preceding project program period.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to 90% of the net amount estimated to be available to each region for the project program period, with the remaining 10% allocated at such time as deemed appropriate by the CRABoard.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the CRABoard prior to the commencement of construction.

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-080 Limitations on allocations of RATA funds to counties. For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: ~~No maximum project RATA contribution ((~~is~~ \$500,000, ~~no~~));~~ 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is \$500,000; ~~25% ((limit on percentage of the forecasted regional apportionment amount));~~

(3) NER: No maximum project RATA contribution; 12.5%;

(4) SWR: No maximum project RATA contribution; 15%;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%

Walla Walla County	14%
Yakima County	20%

AMENDATORY SECTION (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

WAC 136-161-090 Limitations on use of RATA funds. RATA funds requested and allocated to a project are limited to 80% in the ~~((PSR and))~~ NWR, and 90% in the PSR, SWR, NER and SER, of the total eligible project development costs, which include preliminary engineering and construction costs in all regions, and right of way costs in the PSR, NWR, NER and SER. Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of RATA funds for that project is limited to the amount allocated and shown in the CRAB/county contract (see chapter 136-170 WAC), unless the allocation is increased pursuant to chapter 136-165 WAC.

AMENDATORY SECTION (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

WAC 136-200-040 Functional classification verification. Each RAP project application submitted in accordance with WAC ~~((136-160-020))~~ 136-161-050 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a rural arterial or collector.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-210-030 Deviations from design standards. Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC ~~((136-161-020))~~ 136-161-050. Request for deviation shall be made to the WSDOT assistant secretary for transaid.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-220-020 Establishment of matching requirements. Counties will be required to match RATA funds with a minimum of 20% matching funds in the ~~((PSR and))~~ NWR and 10% matching funds in the PSR, SWR, NER and SER.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-220-030 Use of other funds to match RATA funds. A county with an approved RAP project may use any other funds available for such project including federal, other state, private and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of

PROPOSED

20% other funds in the ~~((PSR and))~~ NWR and 10% other funds in the PSR, SWR, NER and SER.

WSR 98-05-040
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 11, 1998, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-16-098.

Title of Rule: Chapter 392-139 WAC, School district levy authority and local effort assistance.

Purpose: To increase levy authority by two percent in 1998 and by four percent in 1999 and thereafter; to increase local effort assistance from ten percent to twelve percent for selected districts; and to repeal the limitation on levy amounts put on the ballot.

Statutory Authority for Adoption: RCW 84.52.0531(a) and 28A.150.290(2).

Statute Being Implemented: Chapter 259, Laws of 1997.

Summary: See Purpose above.

Reasons Supporting Proposal: Necessary to implement chapter 259, Laws of 1997.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, (360) 753-2298, Implementation: Allen H. Jones, Office of Superintendent of Public Instruction, (360) 753-6708; and Enforcement: Michael L. Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is necessary to implement the changes in levy authority and local effort assistance as required by chapter 259, Laws of 1997. This law restores the four percent added levy authority provided during 1993-1997 in two steps: Two percent in 1998 and an additional two percent in 1999. Local effort assistance is increased from ten percent to twelve percent for those districts whose ten percent tax rates are in the top quartile of all school district ten percent levy rates ranked from high to low.

As a result of the new law school district levy authority will increase by \$90-100 million over two years and state local effort assistance payments will increase by \$11-12 million dollars in 1999 and thereafter.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No business impact is anticipated.

RCW 34.05.328 does not apply to this rule adoption. The contents of the rule are dictated by statute.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on March 24, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 10, 1998, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, FAX (360) 753-4201, by March 23, 1998.

Date of Intended Adoption: March 25, 1998.

February 10, 1998

Terry Bergeson

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-007 Organization of this chapter.

This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

Sections 001-099 General provisions and definitions.

Sections 100-299 Definitions for excess levy authority.

Sections 300-399 Determination of excess levy authority.

ty.

Sections 600-649 Definitions for local effort assistance.

Sections 660-679 Determination of local effort assistance for ~~((1993, 1996))~~ 1998 and thereafter.

~~((Sections 680-699 Determination of local effort assistance for 1994 and 1995.))~~

Sections 900-999 Notification, petitions and requests for review.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-139-215 Definition—P-223H. As used in this chapter, "P-223H" means the form printed by the superintendent of public instruction and distributed annually to all school districts for reporting of ~~((handicapped))~~ special education students pursuant to chapter 28A.155 RCW.

AMENDATORY SECTION (Amending Order 96-13, filed 9/11/96, effective 10/12/96)

WAC 392-139-310 Determination of excess levy base. The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

(1) Sum the following state and federal allocations for the prior school year:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation ~~((reimbursement))~~ - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education ~~((of children))~~; and

PROPOSED

6124 Special education supplemental(~~(, EHA, Part B; and~~

~~6127 Special education deinstitutionalized).~~

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

6151 Remediation(~~(, ESEA, Chapter 1);~~

6153 Migrant(~~(, ESEA, Chapter 1);~~

6164 Bilingual(~~(, P.L. 93-380 (SPI))~~) Title VII Part A;

6167 Indian education(~~(,)~~) - JOM;

6264 Bilingual(~~(, P.L. 93-380)~~) (direct); and

6268 Indian education(~~(,)~~) - ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

4175 Local education program enhancement (including student learning improvement allocations); and

6176 (~~(ESEA, Chapter 2)~~) Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants(~~(,)~~) - unassigned;

6100 Special purpose(~~(,)~~) - OSPI(~~(,)~~) - unassigned;

6138 Secondary vocational education;

6146 Skills center;

6177 (~~(Mathematics and science)~~) Eisenhower professional development;

6200 Direct special purpose grants; and

6246 Skills center(~~(,)~~) - direct federal grant.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are (~~(from))~~ defined in the accounting manual for public school districts in the state of Washington, revised ((1996)) 1997.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Special education;

4155 Learning assistance;

4165 Transitional bilingual;

4174 Highly capable;

4175 Local education program enhancement;

4198 School food services (state);

4199 Transportation - operations;

4499 Transportation (~~(reimbursement)~~) - depreciation;

6124 Special education - supplemental;

~~((6127 Special education deinstitutionalized);)~~

6138 Secondary vocational education;

6146 Skills center;

6151 Remediation(~~(, ESEA, Chapter 1);~~

6153 Migrant(~~(, ESEA, Chapter 1);~~

6176 (~~(ESEA, Chapter 2)~~) Targeted assistance;

6177 (~~(Mathematics and science)~~) Eisenhower professional development; and

6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

5200 General purpose direct federal grants(~~(,)~~) - unassigned;

6100 Special purpose(~~(, SPI,))~~) - OSPI - unassigned;

6164 Bilingual(~~(, P.L. 93-380 (SPI))~~) - Title VII Part A;

6167 Indian education(~~(,)~~) - JOM;

6200 Direct special purpose grants;

6246 Skills center(~~(,)~~) - direct federal grant;

6264 Bilingual(~~(, P.L. 93-380)~~) (direct);

6268 Indian education(~~(,)~~) - ED; and

6998 USDA commodities.

(5) State moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(6) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

AMENDATORY SECTION (Amending Order 96-13, filed 9/11/96, effective 10/12/96)

WAC 392-139-320 Determination of maximum excess levy percentage. (1) For ~~((1994, 1995, 1996 and 1997))~~ 1998, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus ~~((four))~~ two percent (e.g., 21.5% plus ~~((4%))~~ 2% equals ~~((25.5%))~~ 23.5%).

(2) For ~~((1993, 1998))~~ 1999 and thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage as the greater of twenty-~~four~~ percent or the percentage calculated as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by:

(i) For ~~((1993,))~~ 1999 (~~(and thereafter)~~), the school district's 1993 maximum excess levy percentage (~~((for the prior calendar year))~~) plus four percent (e.g., 21.5% plus 4% equals 25.5%);

(ii) For ~~((1998))~~ 2000 and thereafter, the school district's maximum levy percentage for ~~((1993))~~ the prior calendar year;

(b) Subtract from the result obtained in (a) of this subsection the school district's levy reduction funds for the year of the levy; and

(c) Divide the result obtained in (b) of this subsection by the school district's excess levy base.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-620 Definition—Eligible school district—((1993, 1996)) 1998 and thereafter. As used in this chapter, "eligible school district" for ((1993, 1996)) 1998 and thereafter means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

NEW SECTION

WAC 392-139-622 Definition—Districts eligible for ten percent equalization—1999 and thereafter. As used in this chapter, "districts eligible for ten percent equalization" in 1999 and thereafter means school districts with a ten percent levy rate that exceeds the state-wide average ten percent levy rate but that is not in the top quartile of district ten percent levy rates ranked from highest to lowest.

NEW SECTION

WAC 392-139-623 Definition—Districts eligible for twelve percent equalization—1999 and thereafter. As used in this chapter, "districts eligible for twelve percent equalization" in 1999 and thereafter means school districts with a ten percent levy rate in the top quartile of district ten percent levy rates ranked from highest to lowest.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-625 Definition—State matching ratio—((1993, 1996)) 1998 and thereafter. As used in this chapter, "state matching ratio" for ((1993, 1996)) 1998 and thereafter, means the ratio calculated for each school district as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate; and
- (2) Divide the result by the state-wide average ten percent levy rate.

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR ((1993, 1996)) 1998 AND THEREAFTER

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-660 Determination of maximum local effort assistance—((1993, 1996 and thereafter)) 1998. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for calendar years ((1993, 1996 and thereafter)) 1998 as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate;
- (2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate; and
- (3) Multiply the result obtained in subsection (2) of this section by the district ten percent levy amount.

NEW SECTION

WAC 392-139-661 Determination of maximum local effort assistance—1999 and thereafter. The superintendent of public instruction shall calculate maximum local effort

assistance for each eligible school district in calendar year 1999 and thereafter as follows:

- (1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate;
- (2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate; and
- (3)(a) For districts eligible for ten percent equalization, multiply the result obtained in subsection (2) of this section by the district ten percent levy amount; and
- (b) For districts eligible for twelve percent equalization, multiply the result obtained in subsection (2) of this section by the district twelve percent levy amount.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-670 Local effort assistance allocations—((1993, 1996)) 1998 and thereafter. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement for ((1993, 1996)) 1998 and thereafter as the lesser of the following amounts:

- (1) The school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or
- (2) The school district's maximum local effort assistance for ((the calendar year)) 1998 calculated pursuant to WAC 392-139-660, and for 1999 and thereafter calculated pursuant to WAC 392-139-661.

AMENDATORY SECTION (Amending Order 93-20, filed 10/20/93, effective 11/20/93)

WAC 392-139-676 Monthly payments of local effort assistance—1993, 1996 and thereafter. For ((1993, 1996)) 1998 and thereafter, the superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW 28A.500.010 (4)((b)).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-139-120	Definition—4121 Special education.
WAC 392-139-122	Definition—4155 Learning assistance.
WAC 392-139-126	Definition—4165 Transitional bilingual.
WAC 392-139-128	Definition—4174 Highly capable.
WAC 392-139-129	Definition—4175 Local education program enhancement.
WAC 392-139-130	Definition—4198 School food services.
WAC 392-139-132	Definition—4199 Transportation—Operations.
WAC 392-139-134	Definition—4499 Transportation reimbursement—Depreciation.

WSR 98-05-048

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed February 13, 1998, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-011.

Title of Rule: University housing and dining, chapter 516-56 WAC.

Purpose: To streamline rules. Students and others interested in becoming student residents at Western Washington University contact the university by telephone or website and seek information regarding university housing. Housing and dining contracts, residency manuals and handbooks are annually updated.

Statutory Authority for Adoption: RCW 28B.35.-120(12).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Rich, Director, University Housing, Western Washington University, Bellingham, Washington 98225, (360) 650-2950.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Streamlines it and points out how to access the university's system more simply and by a variety of means.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications are attached to the policy. No costs imposed on small business through adoption of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, Bellingham, Washington, on April 6, 1998, at 1 p.m.

Assistance for Persons with Disabilities: Contact Kay Rich, Director, by March 31, 1998, TDD 1-800-833-6388.

Submit Written Comments to: Kay Rich, Director, University Housing, FAX (360) 650-6890, by March 31, 1998.

Date of Intended Adoption: June 12, 1998.

February 12, 1998
Gloria A. McDonald
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-56-001 Housing and dining—General. The objectives of the housing and dining areas maintained by Western Washington University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life.

WAC 392-139-150	Definition—5200 General purpose direct federal grants, unassigned.
WAC 392-139-152	Definition—6100 Special purpose, OSPI, unassigned.
WAC 392-139-154	Definition—6124 Special education, supplemental Part B.
WAC 392-139-156	Definition—6127 Special education, deinstitutionalized.
WAC 392-139-158	Definition—6138 Secondary vocational education.
WAC 392-139-160	Definition—6146 Skills center.
WAC 392-139-162	Definition—6151 Remediation, ESEA, Chapter 1.
WAC 392-139-164	Definition—6153 Migrant, ESEA, Chapter 1.
WAC 392-139-168	Definition—6164 Bilingual, P.L. 93-380.
WAC 392-139-170	Definition—6167 Indian education, JOM.
WAC 392-139-172	Definition—6176 ESEA, Chapter 2, P.L. 100-297.
WAC 392-139-174	Definition—6177 Mathematics and science.
WAC 392-139-176	Definition—6198 School food services.
WAC 392-139-178	Definition—6200 Direct special purpose grants.
WAC 392-139-180	Definition—6246 Skills center, direct federal grant.
WAC 392-139-182	Definition—6264 Bilingual, P.L. 93-380.
WAC 392-139-184	Definition—6268 Indian education, ED.
WAC 392-139-186	Definition—6998 USDA commodities.
WAC 392-139-611	Definition—District twelve percent levy rate.
WAC 392-139-616	Definition—State-wide average twelve percent levy rate.
WAC 392-139-621	Definition—Eligible district—1994 and 1995.
WAC 392-139-626	Definition—State matching ratio—1994 and 1995.
WAC 392-139-680	Determination of maximum local effort assistance—1994 and 1995.
WAC 392-139-681	Determination of local effort assistance allocations—1994 and 1995.
WAC 392-139-685	Determination of safety net allocations.
WAC 392-139-690	Determination of proration percentages.
WAC 392-139-691	Monthly payments of local effort assistance—1994 and 1995.

All rules, regulations, policies, procedures and general information are found in the *WWU Office of University Residences Guide to University Residences, Room and Board Agreement, Birnam Wood Apartment Agreement, and/or the Residential Community Handbook*. Please contact the Office of University Residences, Edens Hall 101, WWU, Bellingham, Washington, for the most up-to-date information.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-56-002	Applicability of housing and dining rules.
WAC 516-56-010	Applications for residence halls and university apartments.
WAC 516-56-011	Assignments to residence halls.
WAC 516-56-012	Assignments to university apartments.
WAC 516-56-020	Deposits.
WAC 516-56-021	Room and board payments.
WAC 516-56-022	Apartment rentals.
WAC 516-56-023	Charges for damages.
WAC 516-56-030	Entry into rooms or apartments.
WAC 516-56-040	Refunds.
WAC 516-56-050	Responsibility for personal property.
WAC 516-56-060	Eligibility for occupancy.
WAC 516-56-070	Housing regulations—General.
WAC 516-56-080	Consolidation of facilities.
WAC 516-56-090	Guests.

WSR 98-05-049
PROPOSED RULES
GRAYS HARBOR COLLEGE
 [Filed February 13, 1998, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-19-010.

Title of Rule: Student rights and responsibilities.

Purpose: To update and revise the college's student code of conduct.

Statutory Authority for Adoption: RCW 28B.50.-140(13).

Summary: This document will replace the old student code of conduct. Significant changes were made which require the entire revision of the policy.

Reasons Supporting Proposal: The code needs revising due to growth of the college and changes in students reflecting societal changes over the last ten to fifteen years.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Torgerson, Student Services, (360) 538-4066.

Name of Proponent: Grays Harbor College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to update and clarify an outdated student code of conduct.

Proposal Changes the Following Existing Rules: This rule will be clearer and more comprehensive. Students and college employees will be better able to understand procedures and policies related to student rights and responsibilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Has no impact on small businesses. Only impacts students enrolled at the college.

RCW 34.05.328 does not apply to this rule adoption. Grays Harbor College is not an agency listed under subsection (5) of this RCW.

Hearing Location: Grays Harbor College Board Room, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, on March 25, 1998, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact John Rajcich by March 23, 1998, TDD (360) 538-4223, or (360) 538-4068.

Submit Written Comments to: Arlene Torgerson, FAX (360) 538-4293, by March 25, 1998.

Date of Intended Adoption: April 1, 1998.

February 11, 1998
 Dr. Arlene Torgerson
 Vice-President
 for Student Services

AMENDATORY SECTION (Amending WSR 91-11-102, filed 5/22/91, effective 6/22/91)

WAC 132B-120-010 Definitions. As used in this document the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.

(2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(~~((16))~~) as now law or hereafter amended.

(4) (~~("Drugs")~~) "Controlled substances" shall mean (~~(and include any narcotic drug as defined in RCW 69.50.101(o), any))~~ the definition of controlled substances as defined in RCW ((69.50.201 through 69.50.212 or any legend drug as defined in RCW 69.41.010(8)) 69.50.101 as now law or hereafter amended.

(5) "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) (~~("Disciplinary officials")~~) shall mean the hearing committee as denominated in WAC 132B-120-170, the dean of student services and/or the vice president for instruction, and the president.

(8) ~~"Student" shall mean and include any person who is regularly enrolled at the college.~~

(9) ~~"Disciplinary action" shall mean and include the warning, probation, expulsion, suspension, or reprimand of any student pursuant to WAC 132B-120-120 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.)~~ "Faculty" shall mean any person employed on a full

or part-time basis as a teacher, instructor, counselor or librarian.

(8) "Student" shall mean and include any person who is enrolled at the college or is in the process of applying for admission to the college.

(9) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person.

(10) "College community" shall mean all employees and students of the college.

(11) "Disciplinary action" shall mean any of the sanctions listed in WAC 132B-120-130.

(12) "Sexual harassment" shall mean unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Examples of behaviors that may constitute harassment include but are not limited to: Repeated, offensive and unwelcome insults and/or jokes; pressure for dates or sex, if unwelcome or repeated; repeated, unwelcome comments about an individual's body or clothing; persistent, unwelcome flirtation, advances and/or propositions of a sexual nature; deliberate and unwelcome touching, such as patting, hugging, pinching or repeated brushing against a person's body.

(13) "Hazing" shall mean any method of initiation into a student organization or association or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Hazing does not include customary athletic events or other similar contests or competitions.

(14) "Trespass" shall be defined in accordance with chapter 9A.52 RCW.

(15) "Assembly" shall mean any activity engaged in by two or more persons the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

(16) "RCW" shall mean the Revised Code of Washington.

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-020 Statement of ((purpose)) policy and community philosophy. (1) Grays Harbor College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions.

Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself/herself as a responsible member of the college community. This includes an expectation that the student will ~~((obey appropriate laws, will comply with the rules and regulations of the college and its departments, and will maintain a high standard of integrity and honesty.~~

~~(3) Sanctions for violations of college regulations or conduct which interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians);~~

Obey appropriate laws;

Comply with the rules and regulations of the college;

Practice personal and academic integrity;

Respect the dignity of all persons;

Respect the rights and property of others;

Discourage bigotry, striving to learn from differences in people, ideas and opinions;

Demonstrate concern for others' feelings and their need for conditions which support their work and development;

Refrain from and discourage behaviors which undermine the respect all GHC community members deserve.

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student ~~((enrolled at the college))~~ whenever said student is engaged in or present at any college-related activity whether occurring on or off of college facilities.

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-040 ((Student misconduct.)) Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code((;)) or for a violation of other college rules and regulations which may from time to time be properly enacted((;)) or for ~~((any of the following types of misconduct:~~

~~(1) Smoking is prohibited in all classrooms and the library and other areas so posted by college officials.~~

~~(2) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any Grays Harbor College student attending a college sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any Grays Harbor College student attending such events on nonecollege property shall conform to state law.~~

~~(3)) specific prohibited conduct including but not limited to the following:~~

~~(1) Smoking and use of tobacco products anywhere other than designated smoking areas.~~

~~(2) Using, possessing, consuming, or being under the influence of, or selling any liquor as defined in RCW 66.04.010, in violation of law or in a manner which disrupts a college activity.~~

(3) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program.

(4) Engaging in lewd, indecent, or obscene behavior.

~~((4))~~ (5) Where the student presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the education process of the college.

~~((5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.~~

~~(6) The intentional making of false statements and/or filing of false charges against the college and members of the college community.~~

~~(7) Forgery, alteration, or misuse of college documents, records, funds or instruments of identification with the intent to defraud.~~

~~(8) Theft from or damage to college premises and/or property, or theft of or damage to property of a member of the college community or college premises.~~

~~(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.~~

~~(10) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.)~~ (6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or conduct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, learning, research or administrative functions.

(8) Conducting or participating in an assembly which violates the guidelines of assembly as defined in Section II E.

(9) All forms of student academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty.

This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(10) Forgery of or unauthorized alteration of or access to any college document, record, funds or instrument of identification, including electronic hardware, software and records.

(11) The intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(12) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(13) Causing or attempting to cause physical damage to property owned, controlled or operated by the college or to

property owned, controlled or operated by another person while said property is located on college facilities.

(14) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(15) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(16) Possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property. This does not apply to commissioned police officers as prescribed by law.

(17) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(18) Violating any of the computer use policies in effect on campus.

(19) Sexual harassment as defined in Section IB12 of another student or employee.

(20) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment. (This may include intentional, repeated, unwelcome attempts to contact a student or employee.)

(21) Hazing in any form as described in RCW 28B.10.900.

NEW SECTION

WAC 132B-120-055 Trespass. The vice-president of student services or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain on any college property or facility. Such power and authority may be exercised to halt any event or activity which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any person remaining on or reentering college property after receiving notice that his/her license or privilege to be on that property has been revoked shall be subject to arrest for criminal trespass.

NEW SECTION

WAC 132B-120-065 Student rights. The following rights are endorsed by the college for each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students have the right to a learning environment which is free from unlawful discrimination and sexual harassment.

(d) Students are protected from academic evaluation which is arbitrary, prejudiced or capricious, and are responsible for meeting the standards of academic performance established by each of their instructors.

(2) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(3) Due process. Students have the right of due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating the code of conduct is entitled to procedural due process as set forth in the code.

(4) Campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and compliance with college procedures.

(5) Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner;

(b) Do not unreasonably interfere with vehicular or pedestrian traffic;

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;

(d) Do not cause destruction or damage to college property.

(6) Distribution of materials. Handbills, leaflets, newspapers and similarly related materials may be distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the vice-president for student services; provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspaper and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president for student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violate any provisions of this rule relating to the distribution of materials will be subject to disciplinary action.

(7) Commercial activities. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college; provided that such solicitation does not interfere

with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(8) Fund-raising. Students and student organizations have the right to engage in fund-raising activities subject to the approval of the vice-president for student services.

(9) Grievances. Students have the right to express and resolve misunderstandings, complaints and grievances according to the stated grievance procedures.

NEW SECTION

WAC 132B-120-075 Student responsibilities.

Students who choose to attend Grays Harbor College also choose to participate actively in the learning process offered by the college. The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their educational goals. In return, the college desires that each student assume responsibility to:

(1) Participate actively in the learning process, both in and out of the classroom;

(2) Seek timely assistance in meeting educational goals;

(3) Attend all class sessions;

(4) Prepare adequately to participate fully in class activities;

(5) Participate actively in the academic advising system;

(6) Develop skills required for learning, e.g., basic skills, time management, and study skills;

(7) Assume final authority for the selection of appropriate educational goals;

(8) Select courses appropriate for meeting chosen educational goals;

(9) Make appropriate use of services;

(10) Contribute towards improving the college;

(11) Become knowledgeable of and adhere to the college's policies, practices and procedures;

(12) Abide by the standards set forth in the code of conduct.

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-080 (~~Academic dishonesty~~) Classroom conduct. (~~((1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:~~

~~(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.~~

~~(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.~~

~~(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.~~

~~(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.~~

~~(2) Classroom conduct:))~~ Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

~~((a)) (1) Any student who(, by any act of misconduct,) substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.~~

~~((b)) (2) The instructor of each course offered by the college shall be authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided a student shall have the right to appeal such disciplinary action to the ((associate dean of student affairs)) vice-president for student services.~~

NEW SECTION

WAC 132B-120-085 Groups and organizations. (1) Recognized student groups and organizations may be charged with violations of this code. Such a group or organization and its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

(2) Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code. Sanctions of groups or organizations are subject to the appeal process upon request.

AMENDATORY SECTION (Amending WSR 91-11-102, filed 5/22/91, effective 6/22/91)

WAC 132B-120-120 Disciplinary process. (1) Any infractions of college rules and regulations may be referred by any ~~((college faculty or staff member to the dean of student services or in his absence the vice president for instruction. That official shall then follow the appropriate procedures for any disciplinary action which he deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in WAC 132B-120-180.~~

(2) The disciplinary official may take whatever action he deems appropriate within the framework of these regulations. ~~If the student concludes that any sanctions imposed upon him are inappropriate, he may appeal to the student/faculty disciplinary committee.~~

~~((3)) student or employee to the vice-president for student services or in his/her absence the vice-president for~~

instruction or designee. Sexual harassment complaints or concerns may be directed to the vice-president for student services or the equity resource director. The vice-president for student services or, in his/her absence, the vice-president for instruction of the college is responsible for initiating the disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice-president for student services or, in his/her absence, the vice-president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters. That official shall then follow the appropriate procedures for any disciplinary action which is deemed necessary relative to the alleged misconduct.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and in order that any informality in disciplinary proceedings not mislead the student as to the seriousness of the matter under consideration, will be informed of what provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student services or, in his/her absence, the vice-president for instruction or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after providing whatever counseling and advice may be appropriate.

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.

(d) Refer the matter to the student/faculty disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(4) If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. ~~((If the student concludes that the action of the disciplinary committee is inappropriate, he may appeal the matter to the president of the college.~~

~~((4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student/faculty disciplinary committee. The decision of the president is final.))~~

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-130 ((Disciplinary terms)) Sanctions. (1) ~~((As used in this document the following terms shall mean:))~~ Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

(2) More than one sanction may be recommended. Sanctions may include, but are not limited to:

(a) Disciplinary warning((+)). Constitutes oral notice of violation of college rules and regulations.

(b) Reprimand((+)). Formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(c) Disciplinary probation((+)). Formal action placing conditions upon the student's continued attendance ~~((because of his violation of college rules and regulations or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities))~~. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(d) Restitution. Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

(e) Discretionary sanctions. These may include but are not limited to: Work assignments, service to college or community, class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

(f) Loss of privileges. Loss of specific college privileges for a specified period of time. These may include but are not limited to student activities, athletic events, drama or music performances, or club participation.

(g) No contact. Restriction from entering specific college areas and/or all forms of contact with certain person(s).

(h) Summary suspension((+)). Temporary dismissal from the college ~~((and temporary termination of a student's status))~~ for a period of time ~~((not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in this code due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or other students or persons in college facilities on or off campus, or to the educational process of the college.~~

~~((+))~~ during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(i) During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

(ii) At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed.

~~((i))~~ Suspension((+)). Temporary dismissal from the college and ~~((temporary))~~ termination of student status ~~((for violation of college rules and regulations or for failure to meet college standards of conduct))~~.

~~((f))~~ ~~((i))~~ Expulsion~~((Dismissal from the college and))~~. Permanent termination of student status ~~((for violation of college rules and regulations or for failure to meet the college standards of conduct for an indefinite period of time or permanently))~~ from the college.

~~((2))~~ (3) Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

~~((3))~~ (4) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132B-120-135 Summary suspension procedures. (1) If the vice-president for student services deems summary suspension appropriate, she/he shall give the student oral or written notice of the reasons for summary suspension, duration of the summary suspension, and of any possible additional disciplinary or corrective action that may be taken. If oral notice is given, written notice shall follow within two calendar days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(2) The presiding officer for the informal hearing shall be an administrator designated by the president other than the administrator who initially imposed the summary suspension (normally, the vice-president for student services) and will be accompanied by the president of the associated students of Grays Harbor College or designee. The student shall be given the opportunity to present written and/or oral evidence. The issue before the presiding officer shall be whether reasonable cause exists to support and to continue the summary suspension.

(3) The presiding officer shall issue a written decision within two days of the informal hearing.

(4) The student may request a de novo review of the informal hearing decision before the student/faculty disciplinary committee. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

(5) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed two days per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

AMENDATORY SECTION (Amending WSR 91-11-102, filed 5/22/91, effective 6/22/91)

WAC 132B-120-170 Student/faculty disciplinary committee. (1) The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to by the appropriate authority or appeal to it by student(s). The committee will be composed of the following persons:

(a) A member appointed by the president of the college who shall serve as chair;

(b) Two members of the faculty, appointed by the president of the faculty association;

(c) Two representatives from the student council, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he/she has a complaint or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole. ~~((The disciplinary committee chairman will be elected by the members of the disciplinary committee.~~

~~(3) The committee may decide that the student involved:~~

~~(a) Be given a disciplinary warning;~~

~~(b) Be given a reprimand;~~

~~(c) Be placed on disciplinary probation;~~

~~(d) Be given a suspension;~~

~~(e) Be expelled;~~

~~(f) Be exonerated with all proceedings terminated and with no sanctions imposed;~~

~~(g) Be disqualified from participation in any school sponsored athletic events or activities.))~~

AMENDATORY SECTION (Amending WSR 91-11-102, filed 5/22/91, effective 6/22/91)

WAC 132B-120-180 ((Procedural guidelines-) Student/faculty disciplinary committee procedures. (1)

The student(~~(, if he wishes to appeal,))~~ has a right to a fair and impartial hearing before the committee on any charge of misconduct(~~((His failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.~~

~~(2) The student shall be given notice of the date, time and place of the hearing, the charges against him, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense))~~ resulting in disciplinary action other than warning or reprimand.

(2) The committee chair shall establish general rules of procedures for conducting hearings. A majority of the committee shall set the time, place and available seating capacity for a hearing. All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The committee shall issue written notice of the date, time and place of the hearing, and the charges against the

student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

~~((3) The student or his representative shall be entitled to hear and examine the evidence against him and be informed of the identity of its sources; he shall be entitled to present evidence in his own behalf and to question witnesses testifying against him as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.~~

~~(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether he is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.~~

~~(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.~~

~~(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.~~

~~(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.~~

~~(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.~~

~~(9) An adequate summary of the proceedings will be kept. As [At] a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.~~

~~(10) The student will be provided with a copy of the findings of fact and with the conclusions of the committee. He will also be advised of his right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation will be sent to the parents or guardian of the student.~~

~~(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with the foregoing procedural guidelines.~~

~~(12) The president of the college or his designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He shall then notify the official who initiated the proceedings, the student and the committee chairperson.))~~ (4) The student may be represented by counsel

PROPOSED

and/or accompanied by an advisor of his/her choice, who is not, however, an employee of the college. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the vice-president for student services at least five calendar days prior to the hearing.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters. The committee shall request the administration to provide the student a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(7) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing, invited guests are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room.

(8) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. However, it may not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The committee may decide to uphold or modify sanctions in accordance with WAC 132B-120-130.

(10) An adequate summary of the proceedings will be kept. At a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours. The student will be provided with a copy of the findings of fact and with the conclusions of the committee.

(11) The student will also be advised of his/her right to present within seven calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

(12) If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president of the college or his/her designated representative, after reviewing the case, including the report of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee

by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

AMENDATORY SECTION (Amending WSR 91-11-102, filed 5/22/91, effective 6/22/91)

WAC 132B-120-190 Appeals. Any disciplinary action other than warning or reprimand may be appealed ((as described below)). ((Notice of an appeal by a student shall)) All appeals must be made in writing and addressed to the ((~~dean of~~) vice-president for student services within ((~~ten~~) seven calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by ((~~a faculty member or other college staff member~~)) any college employee may be appealed to, and shall be reviewed by, the ((~~dean of~~) vice-president for student services, or in his/her absence, the vice-president for instruction or designee.

(2) Disciplinary action ((~~by the appropriate disciplinary official~~)) may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to((;)) and shall be reviewed by((;)) the college president or his/her designee.

((~~(4) Disciplinary action by the president shall either indicate his approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.~~))

AMENDATORY SECTION (Amending Order 80-1, Resolution No. 10-80, filed 8/6/80)

WAC 132B-120-200 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the ((~~disciplinary official taking or initiating the action~~)) office of the vice-president for student services. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved((;)); insofar as possible, for not more than ((~~five~~) six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than ((~~five~~) six years.

NEW SECTION

WAC 132B-120-210 Hazing sanctions. Any student found to have violated RCW 28B.10.900 et seq. related to hazing, by virtue of a criminal conviction or by final decision of the college president or designee, shall, in lieu of or in addition to any other disciplinary action which may be imposed under this chapter, forfeit any entitlement to student-funded grants, scholarships, or awards of a period of time determined by the college.

In addition, any organization or association found to have knowingly permitted hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

NEW SECTION

WAC 132B-120-220 Student grievance procedure.

The purpose of these procedures is to provide guidelines which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution which promotes constructive dialogue and understanding.

(1) Student complaints. A complaint is any expression of dissatisfaction with the performance of a college employee, policy or procedure. Students who have a complaint shall use the following procedure:

Step 1. If the complaint is about the action of a college employee, the college employee and student shall make a good faith effort to resolve the grievance on a one-to-one basis. If the complaint is about a policy or procedure, it should be discussed with the employee most closely responsible for the policy or procedure. Both parties should openly discuss the concern, attempt to understand the other's perspective, explore alternatives and attempt to arrive at a satisfactory resolution.

Step 2. If the student determines that the complaint cannot be resolved to his/her satisfaction with the employee concerned, he/she should contact one of the following people:

- (a) The vice-president for instruction for complaints regarding an instructional employee, policy or procedure; or
- (b) The vice-president for student services regarding any other employee, policy or procedure.

The student may be referred to other appropriate personnel for resolution.

Step 3. The vice-president will discuss with the student his/her concerns including options available to resolve the concern. The student may be requested to indicate in writing the nature of the grievance specifying as accurately as possible all details. Following discussion and the gathering of any further information as needed, the vice-president, within twenty working days, will issue a decision to resolve the complaint and report his/her findings to all involved parties. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

Step 4. If the meeting with the vice-president does not resolve the complaint to the student's satisfaction, he/she may appeal to the president of the college. The president may amend, modify, reverse or accept the recommendation of the vice-president. The decision of the president shall be final.

(2) Records. The vice-president shall keep all written statements or transcripts associated with the complaint as part of the files. The files will be destroyed after six years from the initiation of the complaint.

(3) Time limits on filing a complaint. The student must file a complaint within one academic quarter of the event which caused the grievance to be filed. The vice-president may suspend this rule under exceptional circumstances such as extended illness, or leave of a party to the complaint. No complaints will be considered after two academic quarters of the occurrence of the source of the grievance. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

(4) Grievances excluded. The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for student services or the equity resource director for information on those specific procedures.

A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education or the board of trustees of Community College District No. 2 shall not be grievable matters.

WSR 98-05-053

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

(Aging and Adult Services Administration)

[Filed February 13, 1998, 4:01 p.m.]

Continuance of WSR 98-03-085.

Preproposal statement of inquiry was filed as WSR 96-11-105.

Name of Agency Personnel Responsible for Drafting and Implementation: E. A. (Hank) Hibbard, Aging and Adult Services Administration Headquarters, Lacey, (360) 493-2543.

Name of Proponent: Department of Social and Health Services, governmental.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on March 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by March 24, 1998.

Date of Intended Adoption: No sooner than March 25, 1998.

PROPOSED

February 13, 1998
Edith M. Rice, Chief
Office of Legal Affairs

45850, Olympia, WA 98504-5850, FAX (360) 902-7540, by
March 24, 1998.

Date of Intended Adoption: No sooner than March 25,
1998.

February 12, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-05-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed February 13, 1998, 4:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-24-013.

Title of Rule: WAC 388-530-1600 Unit dose pharmacy billing requirements.

Purpose: This rule has been rewritten to comply with the principles of the Governor's Executive Order 97-02. It also allows pharmacies to bill more than once per month for unit dose services to nursing facilities, if they choose to do so.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Statute Being Implemented: 42 CFR 447.333 and Attachment 4.19-B, Page 2-b of the State Plan under Title XIX of the Social Security Act.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-7462.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 42 CFR 447.333.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: WAC 388-530-1600 has been rewritten to comply with the principles of the Governor's Executive Order 97-02, and reflects that pharmacists have the option of billing more than once per month for unit dose delivery.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It allows pharmacies to bill unit doses as dispensed if the pharmacy chooses to do so voluntarily.

RCW 34.05.328 does not apply to this rule adoption. This amendment is exempt according to RCW 34.05.328 (5)(c)(ii) because it is not a significant legislative rule as it does not submit a person to a penalty or sanction. The only change is minor and merely provides a billing option for pharmacies.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on March 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 13, 1998, TTY (360) 902-8324, VOICE (360) 902-7540.

Submit Written Comments to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box

AMENDATORY SECTION (Amending WSR 96-21-031, filed 10/9/96, effective 11/9/96)

WAC 388-530-1600 Unit dose pharmacy billing requirements. (1) To be eligible for a unit dose dispensing fee, a pharmacy shall:

(a) Notify MAA in writing of its intent to provide unit dose service;

(b) ~~((Ask for a unit dose provider number;~~

~~(e)))~~ Specify the type of unit dose service to be provided;

~~((d)))~~ (c) Identify the nursing facility to be served;

~~((and~~ (e)) (d) Indicate the approximate date unit dose service to the facility will commence(~~(-~~

~~(2) The pharmacy shall); and~~

(e) Sign an agreement to follow department ~~((abide by specific))~~ requirements for unit dose reimbursement.

~~((3)))~~ (2) Under a true or modified unit dose delivery system, a pharmacy ~~((shall))~~ may bill MAA ~~((only))~~ for the ~~((actual))~~ number of drug units ~~((used by a client during the billing period))~~ dispensed.

~~((4) Under a modified unit dose delivery system, a pharmacy:~~

(a) ~~May bill MAA for the number of drug units dispensed to a client during the billing period;~~

(b) ~~Shall deduct the cost of unused drugs returned to the pharmacy on or before the last day of the billing period from charge to MAA, except as provided in subsection (6) of this section.~~

~~((5)))~~ (3) The pharmacy shall ~~((deduct from))~~ submit an adjustment form or claims reversal of the charge to MAA for the cost of unused drugs returned to the pharmacy on or before the ~~((last))~~ sixtieth day ~~((of the billing period immediately))~~ following the ~~((period in which))~~ date the drug was dispensed, except as provided in subsection ~~((6)))~~ (4) of this section. Such adjustment shall conform to the nursing facility's monthly log as described in subsection (6).

~~((6) Controlled substances returned to the pharmacy do not have to be credited to MAA. According to federal regulations, pharmacists shall destroy))~~

(4) Modified unit dose providers do not have to credit MAA for controlled substances which are returned to the pharmacy.

~~((7) Pharmacies shall bill MAA only once per month for all clients residing in a nursing facility served under a unit dose system. The monthly billing period shall be the same for all clients in the nursing facility.~~

~~(8) The billing period for:~~

(a) ~~A true unit dose pharmacy shall be the calendar month;~~

(b) ~~A modified unit dose pharmacy may be the calendar month or a monthly period starting on a specified date which shall be carried over to succeeding months. Once the~~

~~modified unit dose pharmacy establishes the billing period for a nursing facility, the pharmacy shall not change the billing period without the department's approval.~~

~~(9) The pharmacy shall wait at least thirty days from the commencement of unit dose service to a nursing facility before submitting the first claims for drugs dispensed under unit dose to clients residing in that facility. This billing lag shall apply to both true and modified unit dose providers.~~

~~(10)) (5) Pharmacies ((may)) shall not charge ((the)) clients or MAA a fee for repackaging a client's bulk medications in unit dose form ((a client's bulk medications supplied by another pharmacy)). The costs of repackaging shall be the responsibility of the nursing facility when the repackaging is done;~~

~~(a) To conform with a nursing facility's delivery system ((and)); or~~

~~(b) For the nursing facility's convenience. ((The costs of repackaging in such instances shall be the responsibility of the nursing facility.~~

~~(11)) (6) The pharmacy shall maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy shall keep a monthly log for each nursing facility served, including but not limited to the following information:~~

- (a) Facility name and address;
- (b) Client's name and patient identification code (PIC);
- (c) Drug name/strength;
- (d) NDC or labeler information;
- (e) Quantity and date dispensed;
- (f) Quantity and date returned;
- (g) Value of returned drugs or amount credited;
- (h) Explanation for no credit given or nonreusable returns; and
- (i) Prescription number.

~~((12)) (7) Upon MAA's request, the pharmacy shall submit ((to MAA)) copies of the ((monthly)) logs referred to in subsection ((11) of this section. MAA shall decide whether a unit dose pharmacy should maintain)) (6) on a monthly, quarterly, or annual ((reports)) basis.~~

~~((13)) (8) The pharmacy shall submit annually with the completed prescription volume survey to MAA:~~

~~(a) An updated list of nursing facilities served under unit dose systems; and~~

~~(b) The nursing facilities' respective billing period start dates. ((The pharmacy shall submit this update with the pharmacy's completed prescription volume survey.))~~

WSR 98-05-058

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

[Filed February 13, 1998, 4:31 p.m.]

WAC 246-828-295, 246-828-300, and 246-828-370 were filed (CR-102XA) on September 17, 1997, in WSR 97-19-099. Rule changes for these sections were also filed (CR-102) on December 24, 1997, in WSR 98-01-166. Please withdraw the changes filed on September 17, 1997, for the above sections and retain the changes filed on December 24, 1997.

WAC 246-836-990 was filed (CR-102) on December 3, 1997, in WSR 97-24-101. Changes for this section were also filed (CR-102) on December 24, 1997, in WSR 98-01-166. Please withdraw the first changes filed December 3, 1997, and retain the changes filed on December 24, 1997.

Bruce Miyahara
Secretary

WSR 98-05-059

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

[Filed February 13, 1998, 4:33 p.m.]

WAC 246-810-140, 246-826-995, and 246-926-995 were filed (CR-102) on December 24, 1997, in WSR 98-01-166. Please withdraw the changes.

Bruce Miyahara
Secretary

WSR 98-05-061

PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 16, 1998, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-24-070.

Title of Rule: Air contaminants, chapter 296-62 WAC, General occupational health standards.

Purpose: The department began review of WAC 296-62-07515 Control of chemical agents, Table 1: Limits for Air Contaminant Permissible Exposure Limits (PEL) after OSHA published correcting amendments August 4, 1997, in the Federal Register (Volume 61, Number 149, page 42018). A federal-initiated correction is proposed that will add the abbreviation "(DBCP)" to 1,2-Dibromo-d-chloropropane.

The department is also proposing state-initiated amendments. The chromic acid and chromates PEL will be changed in order to be at least as effective as OSHA. Recently, the chromic acid and chromates PEL was amended from 0.1 mg/m³ ceiling limit to 0.1 mg/m³ time weighted average in error. This amendment became effective November 5, 1997. The current proposal returns the PEL to a ceiling limit.

Based on the available health data, the department is also proposing changes to mercury (aryl and inorganic) PEL in order to provide the appropriate protection to worker health. Recently, the mercury PEL was amended from 0.1 mg/m³ ceiling limit to 0.1 mg/m³ time weighted average. This amendment became effective November 5, 1997. The current proposal returns the PEL to a ceiling limit.

Another state-initiated proposed amendment includes the addition of a skin designation to carbon tetrachloride to make it consistent with the health data. This will not establish additional compliance requirements because of the current personal protective equipment requirements for use of carbon tetrachloride. Footnote h/ is updated to reflect the current American Conference of Industrial Hygienists (ACGIH) definition for respirable fraction (found in the 1996

PROPOSED

Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices Appendix D: Particle Size-Selective Sampling Criteria for Airborne Particulate Matter Table III: Respirable). A footnote is added to include this same definition for all respirable fraction PELs. Another footnote is added to clarify arsenic, inorganic compounds (as As) PEL listed in Table 1.

Amended Sections:

WAC 296-62-07515 Control of chemical agents, a federal-initiated proposed amendment is made to add the abbreviation "(DBCP)" to Dibromo-d-chloropropane. It does not establish new compliance requirements.

State-initiated proposed amendments are being made to Table 1: Limits for Air Contaminants Permissible Exposure Limits (PEL). The following amendments establish new compliance requirements.

- Chromic acid and chromates (as CrO₃) PEL is changed from 0.1 mg/m³ TWA (time weighted average) to 0.1 mg/m³ ceiling limit making this PEL identical to OSHA's rule (Code of Federal Regulations 1910.1000 Table Z-1 and Z-2) and WISHA at least as effective as OSHA. This reverses a recent change made in error, which took effect November 5, 1997.
- Mercury (aryl and inorganic) (as Hg) PEL is changed from 0.1 mg/m³ TWA to 0.1 mg/m³ ceiling limit which makes this PEL identical to OSHA's rule (Code of Federal Regulations 1910.1000 Table Z-1 and Z-2) and provides appropriate protection of the health of workers where these chemicals are used.

The following state-initiated amendments do not establish additional compliance requirements.

- A skin designation is added to carbon tetrachloride.
- Two new footnotes are added.
- Other minor amendments are made to correct errors in references and improve the clarity of information presented.

WAC 296-62-07477 Appendix C—Questions and answers, (appendix to methylene chloride standard located in Part G of chapter 296-62 WAC, General occupational health standards). State-initiated proposed amendments remove the word "Solution" from Figure 2. This is a minor correction that does not establish additional compliance requirements.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Vol. 62, No. 149, p. 42018.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule

would not place a more than minor economic impact on business. Thus, the department is not required to prepare a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. The proposed rule does meet the significant rule criteria because this rule making does introduce new requirements. The protection offered by the rule has strengthened in regards to mercury (aryl and inorganic) and chromic acid and chromates. But the additional requirements for chromic acid and chromates are because WISHA is not at least as effective as the OSHA rule. Therefore chromic acid and chromates is exempted from the significant rule criteria under RCW 34.05.328 (5)(b)(iii). In order to provide appropriate worker protect, mercury (aryl and inorganic) requirements are strengthened based on the available health data.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on March 24, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by March 13, 1998, at (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Program Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, FAX (360) 902-5529, by 5:00 p.m. on March 31, 1998. Comments submitted by FAX must be no more than ten pages.

Date of Intended Adoption: April 24, 1998.

February 16, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 97-18-062, filed 9/2/97, effective 12/1/97)

WAC 296-62-07477 Appendix C.

Questions and Answers

Methylene Chloride Control in Furniture Stripping
(Adapted from NIOSH publication No. 93-133)

Introduction

This appendix answers commonly asked questions about the hazards from exposure to methylene chloride. It also describes approaches to controlling methylene chloride exposure during the most common furniture stripping processes. Although these approaches were developed and field tested by the National Institute of Occupational Safety and Health, each setting requires custom installation because of the different air flow interferences at each site.

1. What is the Stripping Solution Base?

The most common active ingredient in paint removers is a chemical called methylene chloride. Methylene chloride is present in the paint remover to penetrate, blister, and finally lift the old finish. Other chemicals in paint removers work to accelerate the stripping process, to retard evaporation, and to act as thickening agents. These other ingredients may include: methanol, toluene, acetone, or paraffin.¹

2. Is Methylene Chloride Bad for Me?

Exposure to methylene chloride may cause short-term health effects or long-term health effects.

Short-Term (Acute) Health Effects

Exposure to high levels of paint removers over short periods of time can cause irritation to the skin, eyes, mucous membranes, and respiratory tracts. Other symptoms of high exposure are dizziness, headache, and lack of coordination. The occurrence of any of these symptoms indicates that you are being exposed to high levels of methylene chloride. At the onset of any of these symptoms, you should leave the work area, get some fresh air, and determine why the levels were high.

A portion of inhaled methylene chloride is converted by the body to carbon monoxide, which can lower the blood's ability to carry oxygen. When the solvent is used properly, however, the levels of carbon monoxide should not be hazardous. Individuals with cardiovascular or pulmonary health problems should check with their physician before using the paint stripper. Individuals experiencing severe symptoms such as shortness of breath or chest pains should obtain proper medical care immediately.¹

Long-Term (Chronic) Health Effects

Methylene chloride has been shown to cause cancer in certain laboratory animal tests. The available human studies do not provide the necessary information to determine whether methylene chloride causes cancer in humans. However, as a result of the animal studies, methylene chloride is considered a potential occupational carcinogen. There is also considerable indirect evidence to suggest that workers exposed to methylene chloride may be at an increased risk of developing ischemic heart disease. Therefore, it is prudent to minimize exposure to solvent vapors.³

3. What does the Methylene Chloride Standard Require?

On January 10, 1997, the Occupational Safety and Health Administration published a new regulation for methylene chloride. The standard establishes an eight-hour time-weighted average exposure limit of 25 parts per million (ppm), as well as a short-term exposure limit of 125 ppm determined from a 15 minute sampling period. That is a reduction from the current WISHA limit of 100 ppm. The standard also sets a 12.5 ppm action level (a level that would trigger periodic exposure monitoring and medical surveillance provisions).² WISHA adopted an identical standard on [date].

The National Institute for Occupational Safety and Health recommends that methylene chloride be regarded as a "potential occupational carcinogen." NIOSH further recommends that occupational exposure to methylene chloride be controlled to the lowest feasible limit. This recommendation was based on the observation of cancers and tumors in both rats and mice exposed to methylene chloride in air.⁵

4. How Can I Be Exposed to Methylene Chloride while Stripping Furniture?

Methylene chloride can be inhaled when vapors are in the air. Inhalation of the methylene chloride vapors is generally the most important source of exposure. Methylene chloride evaporates quicker than most chemicals. The odor threshold of methylene chloride is 300 ppm.⁶ Therefore, once you smell methylene chloride, you are being over-exposed. Pouring, moving, or stirring the chemical will increase the rate of evaporation.

Methylene chloride can be absorbed through the skin either by directly touching the chemical or through your gloves. Methylene chloride can be swallowed if it gets on your hands, clothes, or beard, or if food or drinks become contaminated.

5. How Can Breathing Exposures be Reduced?

Install a Local Exhaust Ventilation System

Local exhaust ventilation can be used to control exposures. Local exhaust ventilation systems capture contaminated air from the source before it spreads into the workers' breathing zone.⁷ If engineering controls are not effective, only a self-contained breathing apparatus equipped with a full face piece and operated in a positive-pressure mode or a supplied-air respirator affords the level of protection. Air-purifying respirators such as gas masks with organic vapor canisters can only be used for escape situations.⁸ These gas masks are not suitable for normal work situations because methylene chloride is poorly absorbed by the canister filtering material.

A local exhaust system consists of the following: a hood, a fan, ductwork, and a replacement air system.^{9,10,11} Two processes are commonly used in furniture stripping: flow-over and dip tanks. For flow-over systems there are two common local exhaust controls for methylene chloride - a slot hood and a down draft hood. A slot hood of different design is most often used for dip tanks. (See Figures 1, 2, and 3.)

The hood is made of sheet metal and connected to the tank. All designs require a centrifugal fan to exhaust the fumes, ductwork connecting the hood and the fan, and a replacement air system to bring conditioned air into the building to replace the air exhausted.

In constructing or designing a slot or down draft hood, use the following data:

PROPOSED

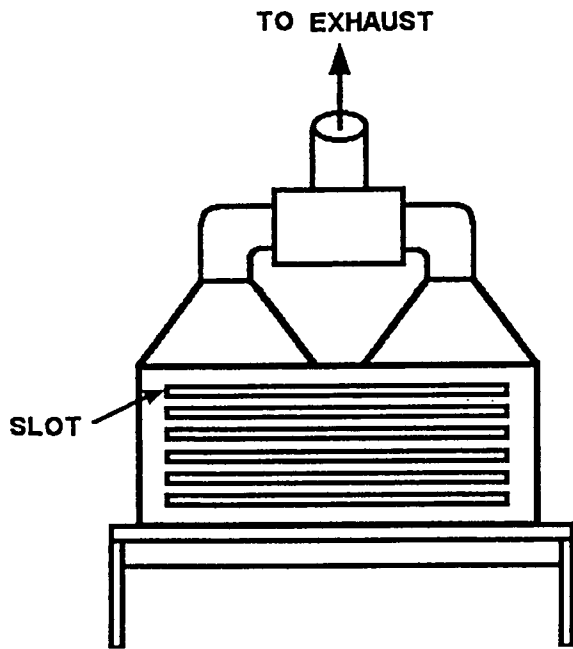


FIGURE 1 -- SLOT HOOD

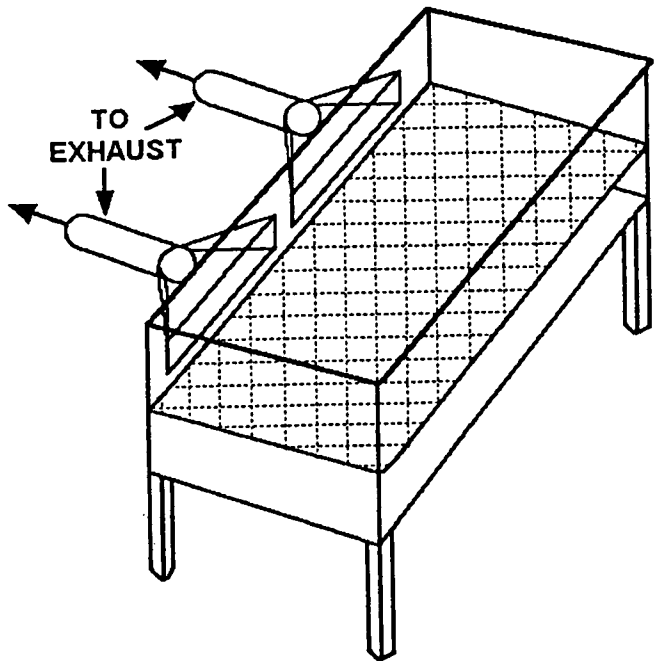


FIGURE 2 -- DOWNDRAFT HOOD

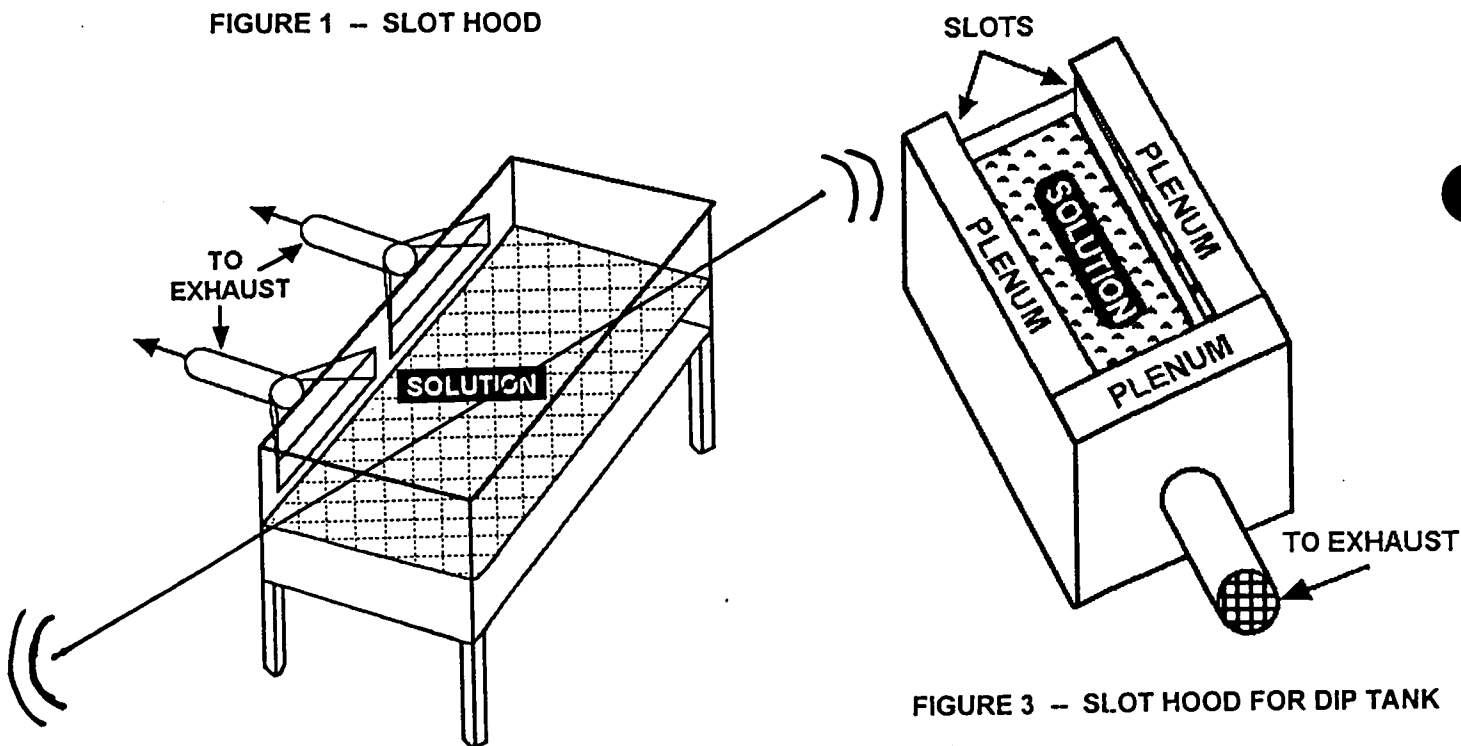


FIGURE 3 -- SLOT HOOD FOR DIP TANK

FIGURE 2 -- DOWNDRAFT HOOD

Safe Work Practices

Workers can lower exposures by decreasing their access to the methylene chloride.¹²

- 1) Turn on dip tank control system several minutes before entering the stripping area.
- 2) Avoid unnecessary transferring or moving of the stripping solution.
- 3) Keep face out of the air stream between the solution-covered furniture and the exhaust system.
- 4) Keep face out of vapor zone above the stripping solution and the dip tank.
- 5) Retrieve dropped items with a long handled tool.

- 6) Keep the solution-recycling system off when not in use. Cover reservoir for recycling system.
- 7) Cover dip tank when not in use.
- 8) Provide adequate ventilation for rinse area.

How Can Skin Exposures Be Reduced?

Skin exposures can be reduced by wearing gloves whenever you are in contact with the stripping solution.¹³

- 1) Two gloves should be worn. The inner glove should be made from polyethylene/ethylene vinyl alcohol (e.g., Silver Shield®, or 4H®). This material, however, does not provide good physical resistance against tears, so an outer glove made from nitrile or neoprene should be worn.
- 2) Shoulder-length gloves will be more protective.
- 3) Change gloves before the break-through time occurs. Rotate several pairs of gloves throughout the day. Let the gloves dry in a warm well ventilated area at least over night before reuse.
- 4) Keep gloves clean by rinsing often. Keep gloves in good condition. Inspect the gloves before use for pin-holes, cracks, thin spots, and stiffer than normal or sticky surfaces.
- 5) Wear a face shield or goggles to protect face and eyes.

6. What Other Problems Can Occur?

Stripping Solution Temperature

Most manufacturers of stripping solution recommend controlling the solution to a temperature of 70°F. This temperature is required for the wax in the solution to form a vapor barrier on top of the solution to keep the solution from evaporating too quickly. If the temperature is too high, the wax will not form the vapor barrier. If it is too cold, the wax will solidify and separate from the solvent causing increased evaporation. Use a belt heater to heat the solution to the correct temperature. Call your solution manufacturer for the correct temperature for your solution.¹⁴

Make-Up Air

Air will enter a building in an amount to equal the amount of air exhausted whether or not provision is made for this replacement. If a local exhaust system is added a make-up or replacement air system must be added to replace the air removed. Without a replacement air system, air will enter the building through cracks causing uncontrollable eddy currents. If the building perimeter is tightly sealed, it will prevent the air from entering and severely decrease the amount exhausted from the ventilation system. This will cause the building to be under negative pressure and decrease the performance of the exhaust system.¹⁵

Dilution Ventilation

With general or dilution ventilation, uncontaminated air is moved through the workroom by means of fans or open windows, which dilutes the pollutants in the air. Dilution ventilation does not provide effective protection to other workers and does not confine the methylene chloride vapors to one area.¹⁶

Phosgene Poisoning from Use of Kerosene Heaters

Do not use kerosene heaters or other open flame heaters while stripping furniture. Use of kerosene heaters in connection with methylene chloride can create lethal or dangerous concentrations of phosgene. Methylene chloride vapor is mixed with the air used for the combustion of

kerosene in kerosene stoves. The vapor thus passes through the flames, coming into close contact with carbon monoxide at high temperatures. Any chlorine formed by decomposition may, under these conditions, react with carbon monoxide and form phosgene.¹⁷

REFERENCES

¹Halogenated Solvents Industry Alliance and Consumer Product Safety Commission [1990]. Stripping Paint from Wood (Pamphlet for consumers on how to strip furniture and precautions to take). Washington DC: Consumer Product Safety Commission.

²*Ibid.*

³NIOSH [1992]. NIOSH Testimony on Occupational Safety and Health Administration's proposed rule on occupational exposure to methylene chloride, September 21, 1992, OSHA Docket No. H-71. NIOSH policy statements. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

⁴56 Fed. Reg. 57036 [1991]. Occupational Safety and Health Administration: Proposed rule on occupational exposure to methylene chloride.

⁵NIOSH [1992].

⁶Kirk, R.E. and P.F. Othmer, Eds. [1978]. Encyclopedia of Chemical Technology, 3rd Ed., Vol. 5:690. New York: John Wiley & Sons, Inc.

⁷ACGIH [1988]. Industrial Ventilation: A Manual of Recommended Practice. 20th Ed. Cincinnati, OH: American Conference of Governmental Industrial Hygienists.

⁸NIOSH [1992].

⁹Fairfield, C.L. and A.A. Beasley [1991]. In-depth Survey Report at the Association for Retarded Citizens, Meadowlands, PA. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹⁰Fairfield, C.L. [1991]. In-depth Survey Report at the J.M. Murray Center, Cortland, NY. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹¹Hall, R.M., K.F. Martinez, and P.A. Jensen [1992]. In-depth Survey Report at Tri-County Furniture Stripping and Refinishing, Cincinnati, OH. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹²Fairfield, C.L. and A.A. Beasley [1991]. In-depth Survey Report at the Association for Retarded Citizens, Meadowlands, PA. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹³Roder, M. [1991]. Memorandum of March 11, 1991 from Michael Roder of the Division of Safety Research to Cheryl L. Fairfield of the Division of Physical Sciences and Engineering, National Institute for Occupational Safety and

Health, Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services.

¹⁴Kwick Kleen Industrial Solvents, Inc., [1981]. Operations Manual, Kwick Kleen Industrial Solvents, Inc., Vincennes, IN.

¹⁵ACGIH [1988].

¹⁶*ibid.*

¹⁷Gerritsen, W.B. and C.H. Buschmann [1960]. Phosgene Poisoning Caused by the Use of Chemical Paint Removers containing Methylene Chloride in Ill-Ventilated Rooms Heated by Kerosene Stoves. British Journal of Industrial Medicine 17:187.

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

AMENDATORY SECTION (Amending WSR 97-19-014, filed 9/5/97, effective 11/5/97)

WAC 296-62-07515 Control of chemical agents. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

PROPOSED

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ⁱ Number	TWA		STEL ^d		CEILING		Skin Designation
		ppm ^a / mg/m ^{3b}	ppm ^a / mg/m ^{3b}	ppm ^a / mg/m ^{3b}	ppm ^a / mg/m ^{3b}	ppm ^a / mg/m ^{3b}	ppm ^a / mg/m ^{3b}	
Abate, see Temephos	—	—	—	—	—	—	—	—
Acetaldehyde	75-07-0	100	180	150	270	—	—	—
Acetic acid	64-19-7	10	25	—	—	—	—	—
Acetic anhydride	108-24-7	—	—	—	—	5.0	20	—
Acetone	67-64-1	750	1800	1000	2400	—	—	—
Acetonitrile	75-05-8	40	70	60	105	—	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—	—	—	—
Acetylene	74-86-2	Simple	Asphyxiant	—	—	—	—	—
Acetylene dichloride (see 1,2-Dichloroethylene)	—	—	—	—	—	—	—	—
Acetylene tetrabromide	79-27-6	1.0	14	—	—	—	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	—	5.0	—	—	—	—	—
Acrolein	107-02-8	0.1	0.25	0.3	0.8	—	—	—
Acrylamide	79-06-1	—	0.03	—	—	—	—	X
Acrylic acid	79-10-7	10	30	—	—	—	—	X
Acrylonitrile (see WAC ((296-62-07344)) 296-62-07336(3))	107-13-1	—	—	—	—	—	—	—
Aldrin	309-00-2	—	0.25	—	—	—	—	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	—	—	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	—	—	—
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	—	—	—
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	—	—	—
alpha-Alumina (see Aluminum oxide)	1344-28-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _o	—	—	—	—	—
Aluminum, metal and oxide (as Al)	7429-90-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _o	—	—	—	—	—
pyro powders	—	—	5.0	—	—	—	—	—
welding fumes f/ soluble salts	—	—	5.0	—	—	—	—	—
alkyls (NOC)	—	—	2.0	—	—	—	—	—
Alundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—	—	—	—
2-Aminoethanol (see Ethanolamine)	—	—	—	—	—	—	—	—

2-Aminopyridine	504-29-0	0.5	2.0	—	—	—	—	—
Amitrole	61-82-5	—	0.2	—	—	—	—	—
Ammonia	7664-41-7	25	18	35	27	—	—	—
Ammonium chloride, fume	12125-02-9	—	10	—	20	—	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
n-Amyl acetate	628-63-7	100	525	—	—	—	—	—
sec-Amyl acetate	626-38-0	125	650	—	—	—	—	—
Aniline and homologues	62-53-3	2.0	8.0	—	—	—	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	—	—	—	—	X
Anitmony and Compounds (as Sb)	7440-36-0	—	0.5	—	—	—	—	—
ANTU	86-88-4	—	0.3	—	—	—	—	—
(alpha Naphthyl thiourea)	—	—	—	—	—	—	—	—
Argon	7440-37-1	Simple	Asphyxiant	—	—	—	—	—
Arsenic,	7440-38-2	—	0.2	—	—	—	—	—
Organic compounds (as As)	—	—	—	—	—	—	—	—
Arsenic, Inorganic	7440-38-2	—	0.2n/	—	—	—	—	—
compounds(⊖) (as As)	—	—	—	—	—	—	—	—
(see WAC 296-62-07347 ((for applications and exclusions)))	—	—	—	—	—	—	—	—
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—
Asbestos	—	—	—	—	—	—	—	—
(see WAC 296-62-077 through 296-62-07753)	—	—	—	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	—	5.0	—	—	—	—	—
Atrazine	1912-24-9	—	5.0	—	—	—	—	—
Azinphos methyl	86-50-0	—	0.2	—	—	—	—	X
Barium, soluble	7440-39-3	—	0.5	—	—	—	—	—
compounds (as Ba)	—	—	—	—	—	—	—	—
Barium Sulfate	7727-43-7	—	—	—	—	—	—	—
Total dust	—	—	10.0	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Benomyl	17804-35-2	—	—	—	—	—	—	—
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Benzene(⊖)	71-43-2	1.0	—	5.0	—	—	—	—
(see WAC 296-62-07523)d/	—	—	—	—	—	—	—	—
Benzidine(⊖)	92-87-5	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
p-Benzoquinone(⊖)	—	—	—	—	—	—	—	—
(see Quinone)	—	—	—	—	—	—	—	—
Benzo(a) pyrene(⊖)	—	—	—	—	—	—	—	—
(see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Benzoyl peroxide	94-36-0	—	5.0	—	—	—	—	—
Benzyl chloride	100-44-7	1.0	5.0	—	—	—	—	—
Beryllium and beryllium	7440-41-7	—	0.002	—	0.005	—	0.025	—
compounds (as Be)	—	—	—	—	(30 min.)	—	—	—
Biphenyl (see Diphenyl)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts:	—	—	—	—	—	—	—	—
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—
Pentahydrate	12179-04-3	—	1.0	—	—	—	—	—
Boron oxide	1303-86-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Boron tribromide	10294-33-4	—	—	—	—	1.0	10	—

PROPOSED

Boron trifluoride	7637-07-2	—	—	—	—	1.0	3.0	—
Bromacil	314-40-9	1.0	10	—	—	—	—	—
Bromine	7726-95-6	0.1	0.7	0.3	2.0	—	—	—
Bromine pentafluoride	7789-30-2	0.1	0.7	—	—	—	—	—
Bromochloromethane(♁) (see Chlorobromomethane)	—	—	—	—	—	—	—	—
Bromoform	15-25-2	0.5	5.0	—	—	—	—	X
Butadiene (1,3-butadiene)	106-99-0	1	2.2	5	—	—	—	—
Butane	106-97-8	800	1,900	—	—	—	—	—
Butanethiol (see Butyl mercaptan)	—	—	—	—	—	—	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	—	—	—
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	—	—	—	—	X
n-Butyl acetate	123-86-4	150	710	200	950	—	—	—
sec-Butyl acetate	105-46-4	200	950	—	—	—	—	—
tert-Butyl acetate	540-88-5	200	950	—	—	—	—	—
Butyl acrylate	141-32-2	10	55	—	—	—	—	—
n-Butyl alcohol	71-36-3	—	—	—	—	50	150	X
sec-Butyl alcohol	78-92-2	100	305	—	—	—	—	—
tert-Butyl alcohol	75-65-0	100	300	150	450	—	—	—
Butylamine	109-73-9	—	—	—	—	5.0	15	X
tert-Butyl chromate (see CrO ₃)	1189-85-1	—	—	—	—	—	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	—	—	—	—	—
n-Butyl lactate	138-22-7	5.0	25	—	—	—	—	—
Butyl mercaptan	109-79-5	0.5	1.5	—	—	—	—	—
o-sec-Butylphenol	89-72-5	5.0	30	—	—	—	—	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	—	—	—
Cadmium oxide fume(♁) (as Cd) (see WAC 296-62-074)	1306-19-0	—	—	—	—	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	—	—	—	—	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^o / _l	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—
Calcium hydroxide	1305-62-0	—	5.0	—	—	—	—	—
Calcium oxide	1305-78-8	—	2.0	—	—	—	—	—
Calcium silicate	1344-95-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^o / _l	—	—	—	—	—
Calcium sulfate	7778-18-9	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^o / _l	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam;	105-60-2	—	—	—	—	—	—	—
Dust	—	—	1.0	—	3.0	—	—	—
Vapor	—	5.0	20	10	40	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—
Carbaryl (Sevin)	63-25-2	—	5.0	—	—	—	—	—
Carbofuran (Furadon)	1563-66-2	—	0.1	—	—	—	—	—
Carbon black	1333-86-4	—	3.5	—	—	—	—	—
Carbon dioxide	124-38-9	5,000	9,000	30,000	54,000	—	—	—
Carbon disulfide	75-15-0	4.0	12	12	36	—	—	X

Carbon monoxide	630-08-0	35	40	—	—	200 m/	229 m/	—
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	—	—	—
Carbon tetrachloride	56-23-5	2.0	12.6	—	—	—	—	(—)
Carbonyl chloride (see Phosgene)	—	—	—	—	—	—	—	X
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	—	—	—
Catechol (Pyrocatechol)	120-80-9	5.0	20	—	—	—	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Cesium hydroxide	21351-79-1	—	2.0	—	—	—	—	—
Chlordane	57-74-9	—	0.5	—	—	—	—	X
Chlorinated camphene	8001-35-2	—	0.5	—	1.0	—	—	X
Chlorinated diphenyl oxide	55720-99-5	—	0.5	—	—	—	—	—
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	—
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	—	—	—
Chlorine trifluoride	7790-91-2	—	—	—	—	0.1	0.4	—
Chloroacetaldehyde	107-20-0	—	—	—	—	1.0	3.0	—
α-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	—	—	—	—	—
Chloroacetyl chloride	79-04-9	0.05	0.2	—	—	—	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	—	—	—	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	—	—	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	—	—	—	—	—
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	—	—	—	—	—	—	—	—
Chlorodifluoromethane	75-45-6	1,000	3,500	—	—	—	—	—
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	—	1.0	—	—	—	—	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	—	0.5	—	—	—	—	X
1-Chloro-2, 3-epoxypropane(ε) (see Epichlorhydrin)	—	—	—	—	—	—	—	—
2-Chloroethanol (see Ethylene chlorohydrin)	—	—	—	—	—	—	—	—
Chloroethylene (see vinyl chloride)	—	—	—	—	—	—	—	—
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	—	—	—	—	—
1-Chloro-1-nitropropane	600-25-9	2.0	10	—	—	—	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—	—	—	—
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	—	—	—	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000	6,320	—	—	—	—	—
Chloropicrin	76-06-2	0.1	0.7	—	—	—	—	—
beta-Chloroprene	126-99-8	10	35	—	—	—	—	X
o-Chlorostyrene	2039-87-4	50	285	75	428	—	—	—
o-Chlorotoluene	95-49-8	50	250	—	—	—	—	—
2-Chloro-6-trichloromethyl pyridine (see Nitrapyrin)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X
Chromic acid and chromates (as CrO3)	Varies	—	((0.1))	—	—	—	—	((—))
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	—	0.5	—	—	—	—	0.1

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Chromium (VI) compounds (as Cr)	—	—	0.05	—	—	—	—	—
Chromium Metal and insoluble salts	7440-47-3	—	0.5	—	—	—	—	—
Chromyl chloride	14977-61-8	0.025	0.15	—	—	—	—	—
Chrysene(±) (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Clopidol	2971-90-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _o /	—	—	—	—	—
Coal dust (less than 5% SiO ₂)	—	—	2.0 _h /	—	—	—	—	—
Respirable fraction	—	—	—	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	0.1 _h /	—	—	—	—	—
Respirable fraction	—	—	—	—	—	—	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	—	0.2	—	—	—	—	—
Cobalt, metal fume & dust(±)	7440-48-4	—	0.05	—	—	—	—	—
(as Co)	—	—	—	—	—	—	—	—
Cobalt carbonyl (as Co)	10210-68-1	—	0.1	—	—	—	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	—	0.1	—	—	—	—	—
Coke oven emissions (see WAC 296-62-200)	—	—	—	—	—	—	—	—
Copper fume (as Cu)	7440-50-8	—	0.1	—	—	—	—	—
Dusts and mists (as Cu)	—	—	1.0	—	—	—	—	—
Cotton dust (raw) e/	—	—	1.0	—	—	—	—	—
Corundum(±) (see Aluminum oxide)	—	—	—	—	—	—	—	—
Crag herbicide (Sesone)	136-78-7	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _o /	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	—	—	—	—	—
Crufomate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies with Compound	—	5.0	—	—	—	—	X
Cyanogen	460-19-5	10	20	—	—	—	—	—
Cyanogen chloride	506-77-4	—	—	—	—	0.3	0.6	—
Cyclohexane	110-82-7	300	1,050	—	—	—	—	—
Cyclohexanol	108-93-0	50	200	—	—	—	—	X
Cyclohexanone	108-94-1	25	100	—	—	—	—	X
Cyclohexene	110-83-8	300	1,015	—	—	—	—	—
Cyclohexylamine	108-91-8	10	40	—	—	—	—	—
Cyclonite (see RDX)	121-82-4	—	1.5	—	—	—	—	X
Cyclopentadiene	542-92-7	75	200	—	—	—	—	—
Cyclopentane	287-92-3	600	1,720	—	—	—	—	—
Cyhexatin	13121-70-5	—	5.0	—	—	—	—	—
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	—	10	—	—	—	—	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	—	1.0	—	—	—	—	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	—	—	—	—	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	—	—	X
Demeton	8065-48-3	0.01	0.1	—	—	—	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	—	—	—	—	—

1, 2-Diaminoethane (see Ethylenediamine)	—	—	—	—	—	—	—	—
Diazinon	333-41-5	—	0.1	—	—	—	—	X
Diazomethane	334-88-3	0.2	0.4	—	—	—	—	—
Diborane	19287-45-7	0.1	0.1	—	—	—	—	—
Dibrom(7) (see Naled)	—	—	—	—	—	—	—	—
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC ((296-62-07345)) 296-62-07342)	96-12-8	—	—	—	—	—	—	—
2-N-Dibutylamino ethanol	102-81-8	2.0	14	—	—	—	—	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	—	—	—
Dibutyl phthalate	84-74-2	—	5.0	—	—	—	—	—
Dichloroacetylene	7572-29-4	—	—	—	—	0.1	0.4	—
o-Dichlorobenzene	95-50-1	—	—	—	—	50	300	—
p-Dichlorobenzene	106-46-7	75	450	110	675	—	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—	—	—	—
Dichlorodifluoromethane	75-71-8	1,000	4,950	—	—	—	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	—	0.2	—	0.4	—	—	—
1, 1-Dichloroethane	75-34-3	100	400	—	—	—	—	—
1, 2-Dichloroethane (see Ethylene dichloride)	—	—	—	—	—	—	—	—
1, 2-Dichloroethylene	540-59-0	200	790	—	—	—	—	—
1, 1-Dichloroethylene (see Vinylidene chloride)	—	—	—	—	—	—	—	—
Dichloroethyl ether	111-44-4	5.0	30	10	60	—	—	X
Dichlorofluoromethane	75-43-4	10	40	—	—	—	—	—
Dichloromethane (see Methylene chloride)	—	—	—	—	—	—	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	—	—	—	—
1, 2-Dichloropropane (see Propylene dichloride)	—	—	—	—	—	—	—	—
Dichloropropene	542-75-6	1.0	5.0	—	—	—	—	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	—	—	—	—	—
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	—	—	—	—	—
Dichlorvos (DDVP)	62-73-7	0.1	1.0	—	—	—	—	X
Dicrotophos	141-66-2	—	0.25	—	—	—	—	X
Dicyclopentadiene	77-73-6	5.0	30	—	—	—	—	—
Dicyclopentadienyl iron Total dust	102-54-5	—	—	—	—	—	—	—
Respirable fraction	—	—	10	—	—	—	—	—
Dieldrin	60-57-1	—	5.0o/ 0.25	—	—	—	—	X
Diethanolamine	111-42-2	3.0	15	—	—	—	—	—
Diethylamine	109-89-7	10	30	25	75	—	—	—
2-Diethylaminoethanol	100-37-8	10	50	—	—	—	—	X
Diethylene triamine	111-40-0	1.0	4.0	—	—	—	—	X
Diethyl ether (see Ethyl ether)	—	—	—	—	—	—	—	—
Diethyl ketone	96-22-0	200	705	—	—	—	—	—
Diethyl phthalate	84-66-2	—	5.0	—	—	—	—	—
Difluorodibromomethane	75-61-6	100	860	—	—	—	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	—	—	—	—	—
Dihydroxybenzene (see Hydroquinone)	—	—	—	—	—	—	—	—
Diisobutyl ketone	108-83-8	25	150	—	—	—	—	—
Diisopropylamine	108-18-9	5.0	20	—	—	—	—	X
Dimethoxymethane (see Methylal)	—	—	—	—	—	—	—	—
Dimethyl acetamide	127-19-5	10	35	—	—	—	—	X
Dimethylamine	124-40-3	10	18	—	—	—	—	—

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4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	—	—	—	—	—	—	—
Dimethylaminobenzene (see Xylidene)	—	—	—	—	—	—	—	—
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	—	—	X
Dimethylbenzene (see Xylene)	—	—	—	—	—	—	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	—	3.0	—	—	—	—	X
Dimethylformamide	68-12-2	10	30	—	—	—	—	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	—	—	—	—	—	—	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	—	—	—	—	X
Dimethyl phthalate	131-11-3	—	5.0	—	—	—	—	—
Dimethyl sulfate	77-78-1	0.1	0.5	—	—	—	—	X
Dinitolmide	148-01-6	—	5.0	—	—	—	—	—
(3, 5-Dinitro-o-toluamide)	—	—	5.0	—	—	—	—	—
Dinitrobenzene (all isomers)	(alpha) 528-29-0; (meta) 99-65-0; (para) 100-25-4	0.15	1.0	—	—	—	—	X
Dinitro-o-cresol	534-52-1	—	0.2	—	—	—	—	X
Dinitrotoluene	25321-14-6	—	1.5	—	—	—	—	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	—	—	—	—	X
Dioxathion	78-34-2	—	0.2	—	—	—	—	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	—	—	—	—	—
Diphenylamine	122-39-4	—	10	—	—	—	—	—
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—	—	—	—	—	—	—
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	—	—	X
Dipropyl ketone	123-19-3	50	235	—	—	—	—	—
Diquat	85-00-7	—	0.5	—	—	—	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	—	5.0	—	10	—	—	—
Disulfram	97-77-8	—	2.0	—	—	—	—	—
Disulfoton	298-04-4	—	0.1	—	—	—	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	—	10	—	—	—	—	—
Diuron	330-54-1	—	10	—	—	—	—	—
Divinyl benzene	1321-74-0	10	50	—	—	—	—	—
Emery	12415-34-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Endosulfan (Thiodan)	115-29-7	—	0.1	—	—	—	—	X
Endrin	72-20-8	—	0.1	—	—	—	—	X
Epichlorhydrin	106-89-8	2.0	8.0	—	—	—	—	X
EPN	2104-64-5	—	0.5	—	—	—	—	X
1, 2-Epoxypropane (see Propylene oxide)	—	—	—	—	—	—	—	—
2, 3-Epoxy-1-propanol (see Glycidol)	—	—	—	—	—	—	—	—
Ethane	—	Simple	Asphyxiant	—	—	—	—	—
Ethanethiol (see Ethyl mercaptan)	—	—	—	—	—	—	—	—
Ethanolamine	141-43-5	3.0	8.0	6.0	15	—	—	—
Ethion	563-12-2	—	0.4	—	—	—	—	X
2-Ethoxyethanol	110-80-5	5.0	19	—	—	—	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	—	—	—	—	X
Ethyl acetate	141-78-6	400	1,400	—	—	—	—	—
Ethyl acrylate	140-88-5	5.0	20	25	100	—	—	X

Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	—	—	—	—	—
Ethylamine	75-04-07	10	18	—	—	—	—	—
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25	130	—	—	—	—	—
Ethyl benzene	100-41-4	100	435	125	545	—	—	—
Ethyl bromide	74-96-4	200	890	250	1,110	—	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	—	—	—	—	—
Ethyl chloride	75-00-3	1,000	2,600	—	—	—	—	—
Ethylene	74-85-1	Simple	Asphyxiant	—	—	—	—	—
Ethylene chlorohydrin	107-07-3	—	—	—	—	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	—	—	—	—	X
Ethylene dibromide	106-93-4	0.1	—	0.5	—	—	—	—
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	—	—	—
Ethylene glycol	107-21-1	—	—	—	—	50	125	—
Ethylene glycol dinitrate	628-96-6	—	—	—	0.1	—	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC ((296-62-07353) 296-62-07359))	75-21-8	1.0	2.0	—	—	—	—	—
Ethyl ether	60-29-7	400	1,200	500	1,500	—	—	—
Ethyl formate	109-94-4	100	300	—	—	—	—	—
Ethylidene chloride (see 1, 1-Dichloroethane)	—	—	—	—	—	—	—	—
Ethylidene norbornene	16219-75-3	—	—	—	—	5.0	25	—
Ethyl mercaptan	75-08-1	0.5	1.0	—	—	—	—	—
n-Ethylmorpholine	100-74-3	5.0	23	—	—	—	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	—	25	130	—	—	—	—	—
Ethyl silicate	78-10-4	10	85	—	—	—	—	—
Fenamiphos	22224-92-6	—	0.1	—	—	—	—	X
Fensulfothion (Dasanit)	115-90-2	—	0.1	—	—	—	—	—
Fenthion	55-38-9	—	0.2	—	—	—	—	X
Ferbam	14484-64-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F) w/compound	Varies	—	2.5	—	—	—	—	—
Fluorine	7782-41-4	0.1	0.2	—	—	—	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	—	—	1,000	5,600	—
Fonofos	944-22-9	—	0.1	—	—	—	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75	—	2.0	—	—	—	—
Formamide	75-12-7	20	30	30	45	—	—	—
Formic acid	64-18-6	5.0	9.0	—	—	—	—	—
Furfural	98-01-1	2.0	8.0	—	—	—	—	X
Furfuryl alcohol	98-00-0	10	40	15	60	—	—	X
Gasoline	8006-61-9	300	900	500	1,500	—	—	—
Germanium tetrahydride	7782-65-2	0.2	0.6	—	—	—	—	—
Glass, fibrous or dust	—	—	10	—	—	—	—	—
Gluteraldehyde	111-30-8	—	—	—	—	0.2	0.8	—
Glycerin mist	56-81-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	—	—	—	—	—

Glycol monoethyl ether (see 2-Ethoxyethanol)	—	—	—	—	—	—	—	—
Grain dust (oat, wheat, barley)	—	—	10	—	—	—	—	—
Graphite, natural	7782-42-5	—	—	—	—	—	—	—
Respirable dust	—	—	2.5o/	—	—	—	—	—
Graphite, Synthetic	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Hafnium	7440-58-6	—	0.5	—	—	—	—	—
Helium	—	Simple	Asphyxiant	—	—	—	—	—
Heptachlor	76-44-8	—	0.5	—	—	—	—	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	—	—	—
2-Heptanone, (see Methyl n-amyl ketone)	—	—	—	—	—	—	—	—
3-Heptanone (see Ethyl butyl ketone)	—	—	—	—	—	—	—	—
Hexachlorobutadiene	87-68-3	0.02	0.24	—	—	—	—	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	—	—	—	—	—
Hexachloroethane	67-72-1	1.0	10	—	—	—	—	X
Hexachloronaphthalene	1335-87-1	—	0.2	—	—	—	—	X
Hexafluoroacetone	684-16-2	0.1	0.7	—	—	—	—	X
Hexane	—	—	—	—	—	—	—	—
n-hexane	110-54-3	50	180	—	—	—	—	—
other Isomers	Varies	500	1,800	1,000	3,600	—	—	—
	w/compound	—	—	—	—	—	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	—	—	—	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	—	—	—
sec-Hexyl acetate	108-84-9	50	300	—	—	—	—	—
Hexylene Glycol	107-41-5	—	—	—	—	25	125	—
Hydrazine	302-01-2	0.1	0.1	—	—	—	—	X
Hydrogen	—	Simple	Asphyxiant	—	—	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5	5.0	—	—	—	—	—
Hydrogen bromide	10035-10-6	—	—	—	—	3.0	10	—
Hydrogen chloride	7647-01-0	—	—	—	—	5.0	7.0	—
Hydrogen cyanide	74-90-8	—	—	4.7	5.0	—	—	X
Hydrogen fluoride	7664-39-3	—	—	—	—	3.0	2.5	—
Hydrogen peroxide	7722-84-1	1.0	1.4	—	—	—	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	—	—	—	—	—
Hydrogen Sulfide	7783-06-4	10	14	15	21	—	—	—
Hydroquinone	123-31-9	—	2.0	—	—	—	—	—
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	—	—	—	—	—	—	—	—
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	—	—	—	—	X
Indene	95-13-6	10	45	—	—	—	—	—
Indium and compounds (as In)	7440-74-6	—	0.1	—	—	—	—	—
Iodine	7553-56-2	—	—	—	—	0.1	1.0	—
Iodoform	75-47-8	0.6	10	—	—	—	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—	—	—	—
Total particulate	—	—	5.0	—	—	—	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	—	—	—
Iron salts, soluble (as Fe)	Varies	—	1.0	—	—	—	—	—
	w/compound	—	—	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—

Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—
Isobutyl acetate	110-19-0	150	700	—	—	—	—	—
Isobutyl alcohol	78-83-1	50	150	—	—	—	—	—
Isooctyl alcohol	26952-21-6	50	270	—	—	—	—	X
Isophorone	78-59-1	4.0	23	—	—	5.0	25	—
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	—	—	—	X
Isopropoxyethanol	109-59-1	25	105	—	—	—	—	—
Isopropyl acetate	108-21-4	250	950	310	1,185	—	—	—
Isopropyl alcohol	67-63-0	400	980	500	1,225	—	—	—
Isopropylamine	75-31-0	5.0	12	10	24	—	—	—
N-Isopropylaniline	768-52-5	2.0	10	—	—	—	—	X
Isopropyl ether	108-20-3	250	1,050	—	—	—	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	—	—	—
Kaolin								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	—	0.05	—	—	—	—	—
Lead arsenate (see WAC 296-62-07347)	3687-31-8	—	0.05	—	—	—	—	—
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	X
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	—	—	—	—	—
Magnesite	546-93-0							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—	—	—	—
Total particulate	—	—	10	—	—	—	—	—
Malathion	121-75-5							
Total dust	—	—	10	—	—	—	—	X
Maleic anhydride	108-31-6	0.25	1.0	—	—	—	—	—
Manganese and compound (as Mn)	7439-96-5	—	—	—	—	—	5.0	—
Manganese tetroxide and fume (as Mn)	7439-96-5	—	1.0	—	3.0	—	—	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	—	0.1	—	—	—	—	X
Manganese tetroxide (as Mn)	1317-35-7	—	1.0	—	—	—	—	—
Marble	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Mercury (aryl and inorganic) (as Hg)	7439-97-6	—	((0.1))	—	—	—	((0.1))	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	—	0.01	—	0.03	—	—	X
Mercury (vapor) (as Hg)	7439-97-6	—	0.05	—	—	—	—	X
Mesityl oxide	141-79-7	15	60	25	100	—	—	—
Methacrylic acid	79-41-4	20	70	—	—	—	—	X
Methane	—	Simple	Asphyxiant	—	—	—	—	—
Methanethiol (see Methyl mercaptan)	—	—	—	—	—	—	—	—
Methomyl (lannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5							
Total dust	—	—	10	—	—	—	—	—

PROPOSED

2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	—	—	—	—	X
4-Methoxyphenol	150-76-5	—	5.0	—	—	—	—	—
Methyl acetate	79-20-9	200	610	250	760	—	—	—
Methyl acetylene (propyne)	74-99-7	1,000	1,650	—	—	—	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000	1,800	1,250	2,250	—	—	—
Methyl acrylate	96-33-3	10	35	—	—	—	—	X
Methylacrylonitrile	126-98-7	1.0	3.0	—	—	—	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	—	—	—	—	—
Methyl alcohol (methanol)	67-56-1	200	260	250	325	—	—	X
Methylamine	74-89-5	10	12	—	—	—	—	—
Methyl amyl alcohol (see Methyl isobutyl carbinol)	—	—	—	—	—	—	—	—
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	—	—	—	—	—
N-Methyl aniline (see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone (see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	—	—	—	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	—	—	—	—	X
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	—	—	—
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	—	—	—	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	—	—	—
Methylcyclohexane	108-87-2	400	1,600	—	—	—	—	—
Methylcyclohexanol	25639-42-3	50	235	—	—	—	—	—
Methylcyclohexanone	583-60-8	50	230	75	345	—	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	—	0.2	—	—	—	—	X
Methyl demeton	8022-00-2	—	0.5	—	—	—	—	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	—	—	—	—	0.02	0.2	—
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	—	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	—	—	0.01	0.11	—
Methylene chloride	75-09-2	100	—	500	—	—	—	—
4, 4-Methylene dianiline	101-77-9	0.1	0.8	—	—	—	—	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	—	—	—	—	—	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	—	—	0.2	1.5	—
Methyl formate	107-31-3	100	250	150	375	—	—	—
5-Methyl-3-heptanone (see Ethyl amyl ketone)	—	—	—	—	—	—	—	—
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	—	—	—	—	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	—	—	—	—	X
Methyl isoamyl ketone	110-12-3	50	240	—	—	—	—	—
Methyl isobutyl carbinol	108-11-2	25	100	40	165	—	—	X
Methyl isobutyl ketone (see Hexone)	—	—	—	—	—	—	—	—
Methyl isocyanate	624-83-9	0.02	0.05	—	—	—	—	X

Methyl isopropyl ketone	563-80-4	200	705	—	—	—	—	—
Methyl mercaptan	74-93-1	0.5	1.0	—	—	—	—	—
Methyl methacrylate	80-62-6	100	410	—	—	—	—	—
Methyl parathion	298-00-0	—	0.2	—	—	—	—	X
Methyl propyl ketone (see 2-Pentanone)	—	—	—	—	—	—	—	—
Methyl silicate	684-84-5	1.0	6.0	—	—	—	—	—
alpha-Methyl styrene	98-83-9	50	240	100	485	—	—	—
Mevinphos (see Phosdrin)	—	—	—	—	—	—	—	—
Metribuzin	21087-64-9	—	5.0	—	—	—	—	—
Mica (see Silicates)	—	—	—	—	—	—	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—	—	—	—
Soluble compounds	—	—	5.0	—	—	—	—	—
Insoluble compounds	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Monocrotophos (Azodrin)	6923-22-4	—	0.25	—	—	—	—	—
Monomethyl aniline	100-61-8	0.5	2.0	—	—	—	—	X
Monomethyl hydrazine	—	—	—	—	—	0.2	0.35	—
Morpholine	110-91-8	20	70	30	105	—	—	X
Naled	300-76-5	—	3.0	—	—	—	—	X
Naphtha (Coal tar)	8030-30-6	100	400	—	—	—	—	X
Naphthalene	91-20-3	10	50	15	75	—	—	—
alpha-Naphthylamine	134-32-7	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
beta-Naphthylamine	91-59-8	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
Neon	7440-01-9	Simple	Asphyxiant	—	—	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—
(Nickel ;) Nickel (as Ni)	7440-02-0	—	—	—	—	—	—	—
Metal and insoluble compounds	—	—	1.0	—	—	—	—	—
Soluble compounds	—	—	0.1	—	—	—	—	—
Nicotine	54-11-5	—	0.5	—	—	—	—	X
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Nitric acid	7697-37-2	2.0	5.0	4.0	10	—	—	—
Nitric oxide	10102-43-9	25	30	—	—	—	—	—
p-Nitroaniline	100-01-6	—	3.0	—	—	—	—	X
Nitrobenzene	98-95-3	1.0	5.0	—	—	—	—	X
4-Nitrobiphenyl	92-93-3	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
p-Nitrochlorobenzene	100-00-5	—	0.5	—	—	—	—	X
4-Nitrodiphenyl	—	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
Nitroethane	79-24-3	100	310	—	—	—	—	—
Nitrogen	7727-37-9	Simple	Asphyxiant	—	—	—	—	—
Nitrogen dioxide	10102-44-0	—	—	1.0	1.8	—	—	—
Nitrogen trifluoride	7783-54-2	10	29	—	—	—	—	—
Nitroglycerin	55-63-0	—	—	—	0.1	—	—	X
Nitromethane	75-52-5	100	250	—	—	—	—	—
1-Nitropropane	108-03-2	25	90	—	—	—	—	—
2-Nitropropane	79-46-9	10	35	—	—	—	—	—
N-Nitrosodimethylamine	62-75-9	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
Nitrotoluene:	—	—	—	—	—	—	—	—
o-isomer	88-72-2	2.0	11	—	—	—	—	X
m-isomer	98-08-2	2.0	11	—	—	—	—	X
p-isomer	99-99-0	2.0	11	—	—	—	—	X
Nitrotrichloromethane (see Chloropicrin)	—	—	—	—	—	—	—	—

Nitrous Oxide (Nitrogen oxide)	10024-97-2	50	90	—	—	—	—	—
Nonane	111-84-2	200	1,050	—	—	—	—	—
Octachloronaphthalene	2234-13-1	—	0.1	—	0.3	—	—	X
Octane	111-65-9	300	1,450	375	1,800	—	—	—
Oil mist, mineral (particulate)	8012-95-1	—	5.0	—	—	—	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	—	—	—
Oxalic acid	144-62-7	—	1.0	—	2.0	—	—	—
Oxygen difluoride	7783-41-7	—	—	—	—	0.05	0.1	—
Ozone	10028-15-6	0.1	0.2	0.3	0.6	—	—	—
Paraffin wax fume	8002-74-2	—	2.0	—	—	—	—	—
Paraquat (Respirable dust)	4685-14-7	—	0.1	—	—	—	—	X
	1910-42-5	—	—	—	—	—	—	—
	2074-50-2	—	—	—	—	—	—	—
Parathion	56-38-2	—	0.1	—	—	—	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Particulates not otherwise regulated (see WAC 296-62-07510)	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	—	—	—
Pentachloronaphthalene	1321-64-8	—	0.5	—	—	—	—	X
Pentachlorophenol	87-86-5	—	0.5	—	—	—	—	X
Pentaerythritol	115-77-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
Perchloromethyl mercaptan	594-42-3	0.1	0.8	—	—	—	—	—
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	—	—	—
Perlite	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Petroleum distillates (Naphtha) (Rubber Solvent)	—	100	400	—	—	—	—	—
Phenol	108-95-2	5.0	19	—	—	—	—	X
Phenothiazine	92-84-2	—	5.0	—	—	—	—	X
p-Phenylene diamine	106-50-3	—	0.1	—	—	—	—	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	—	—	—	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1.0	7.0	—	—	—	—	—
Phenylethylene(=) (see Styrene)	—	—	—	—	—	—	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	—	—	—	—	—
Phenylhydrazine	100-63-0	5.0	20	10	45	—	—	X
Phenyl mercaptan	108-98-5	0.5	2.0	—	—	—	—	—
Phenylphosphine	638-21-1	—	—	—	—	0.05	0.25	—
Phorate	298-02-2	—	0.05	—	0.2	—	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	—	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	—	—	—	—	—
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	—	—	—
Phosphoric acid	7664-38-2	—	1.0	—	3.0	—	—	—
Phosphorus (yellow)	7723-14-0	—	0.1	—	—	—	—	—
Phosphorous oxychloride	10025-87-3	0.1	0.6	—	—	—	—	—
Phosphorus pentachloride	10026-13-8	0.1	1.0	—	—	—	—	—
Phosphorus pentasulfide	1314-80-3	—	1.0	—	3.0	—	—	—
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	—	—	—

Phthalic anhydride	85-44-9	1.0	6.0	—	—	—	—	—
m-Phthalodinitrile	626-17-5	—	5.0	—	—	—	—	—
Picloram	1918-02-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	X
Pindone (see Pival)	83-26-1	—	0.1	—	—	—	—	—
(2-Pivalyl-1, 3-indandione)	—	—	—	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—	—	—	—
Metal	—	—	1.0	—	—	—	—	—
Soluble salts	—	—	0.002	—	—	—	—	—
Polychlorobiphenyls (see Chlorodiphenyls)	—	—	—	—	—	—	—	—
Portland cement	65997-15-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Potassium hydroxide	1310-58-3	—	—	—	—	—	2.0	—
Propane	74-98-6	1,000	1,800	—	—	—	—	—
Propargyl alcohol	107-19-7	1.0	2.0	—	—	—	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—	—	—	—
Propionic acid	79-09-4	10	30	—	—	—	—	—
Propoxur (Baygon)	114-26-1	—	0.5	—	—	—	—	—
n-Propyl acetate	109-60-4	200	840	250	1,050	—	—	—
n-Propyl alcohol	71-23-8	200	500	250	625	—	—	X
n-Propyl nitrate	627-13-4	25	105	40	170	—	—	—
Propylene	—	Simple	Asphyxiant	—	—	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	—	—	—
Propylene glycol dinitrate	6423-43-4	0.05	0.3	—	—	—	—	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	—	—	—
Propylene imine	75-55-8	2.0	5.0	—	—	—	—	X
Propylene oxide	75-56-9	20	50	—	—	—	—	—
Propyne(≡) (see Methyl acetylene)	—	—	—	—	—	—	—	—
Pyrethrum	8003-34-7	—	5.0	—	—	—	—	—
Pyridine	110-86-1	5.0	15	—	—	—	—	—
Quinone	106-51-4	0.1	0.4	—	—	—	—	—
RDX (see Cyclonite)	—	—	1.5	—	—	—	—	X
Resorcinol	108-46-3	10	45	20	90	—	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—	—	—	—
Insoluble compounds, Metal fumes and dusts	—	—	0.1	—	—	—	—	—
Soluble compounds, salts	—	—	0.001	—	—	—	—	—
Ronnel	299-84-3	—	10	—	—	—	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	—	—	0.1	—	—	—	—	—
Rotenone	83-79-4	—	5.0	—	—	—	—	—
Rouge	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Rubber solvent (naphtha)	8002-05-9	100	400	—	—	—	—	—
Selenium compounds (as Se)	7782-49-2	—	0.2	—	—	—	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	—	—	—	—	—
Sesone (see Crag herbicide)	—	—	—	—	—	—	—	—

Silane (see Silicon tetrahydride)	—	—	—	—	—	—	—	—	—
Silica, amorphous, precipitated and gel	112926-00-8	—	6.0	—	—	—	—	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	6.0	—	—	—	—	—	—
Total dust	—	—	6.0	—	—	—	—	—	—
Respirable fraction	—	—	3.0 _{o/}	—	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05 _{o/}	—	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 g/ ((hr)) _{o/}	—	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1 _{o/}	—	—	—	—	—	—
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05 _{o/}	—	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1 _{o/}	—	—	—	—	—	—
Silicates (less than 1% crystalline silica:									
Mica (Respirable dust)	12001-26-2	—	3.0 _{o/}	—	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0 _{o/}	—	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC ((296-62-07517)) <u>296-62-07705</u>)	—	—	—	—	—	—	—	—	—
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0	—	—	—	—	—	—
Tremolite (see WAC ((296-62-07517)) <u>296-62-07705</u>)	—	—	—	—	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—	—
Respirable fraction	—	—	5.0 _{o/}	—	—	—	—	—	—
Silicon Carbide	409-21-2	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—	—
Respirable fraction	—	—	5.0 _{o/}	—	—	—	—	—	—
Silicon tetrahydride	7803-62-5	5.0	7.0	—	—	—	—	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	—	0.01	—	—	—	—	—	—
Soapstone (see Silicates)	—	—	—	—	—	—	—	—	—
Sodium azide (as HN3)	26628-22-8	—	—	—	—	—	0.1	0.3	X
(as NaN3)	—	—	—	—	—	—	0.1	0.3	X
Sodium bisulfite	7631-90-5	—	5.0	—	—	—	—	—	—
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	—	—	—	—	—	—	—	—	—
Sodium fluoroacetate	62-74-8	—	0.05	—	0.15	—	—	—	X
Sodium hydroxide	1310-73-2	—	—	—	—	—	—	2.0	—
Sodium metabisulfite	7681-57-4	—	5.0	—	—	—	—	—	—
Starch	9005-25-8	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—	—
Respirable fraction	—	—	5.0 _{o/}	—	—	—	—	—	—
Stibine	7803-52-3	0.1	0.5	—	—	—	—	—	—
Stoddard solvent	8052-41-3	100	525	—	—	—	—	—	—
Strychnine	57-24-9	—	0.15	—	—	—	—	—	—

Styrene	100-42-5	50	215	100	425	—	—	—
Subtilisins	9014-01-1	—	—	—	0.00006 (60 min.)j/	—	—	—
Sucrose	57-50-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Sulfotep (see TEDP)	—	—	—	—	—	—	—	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	—	—	—
Sulfur hexafluoride	2551-62-4	1,000	6,000	—	—	—	—	—
Sulfuric acid	7664-93-9	—	1.0	—	—	—	—	—
Sulfur monochloride	10025-67-9	—	—	—	—	1.0	6.0	—
Sulfur pentafluoride	5714-22-1	—	—	—	—	0.01	0.1	—
Sulfur tetrafluoride	7783-60-0	—	—	—	—	0.1	0.4	—
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	—	—	—
Sulprofos	35400-43-2	—	1.0	—	—	—	—	—
Systox (see Demeton)	—	—	—	—	—	—	—	—
2, 4, 5-T	93-76-5	—	10	—	—	—	—	—
Talc (see Silicates)	—	—	—	—	—	—	—	—
Tantalum	7440-25-7	—	5.0	—	—	—	—	—
Metal and oxide dusts	—	—	—	—	—	—	—	—
TEDP (Sulfotep)	3689-24-5	—	0.2	—	—	—	—	X
Tellurium and compounds (as Te)	13494-80-9	—	0.1	—	—	—	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	—	—	—	—	—
Temephos	3383-96-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
TEPP	107-49-3	0.004	0.05	—	—	—	—	X
Terphenyls	26140-60-3	—	—	—	—	0.5	5.0	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	—	—	—	—	X
Tetrachloroethylene (see Perchloroethylene)	—	—	—	—	—	—	—	—
Tetrachloromethane (see Carbon tetrachloride)	—	—	—	—	—	—	—	—
Tetrachloronaphthalene	1335-88-2	—	2.0	—	—	—	—	X
Tetraethyl lead (as Pb)	78-00-2	—	0.075	—	—	—	—	X
Tetrahydrofuran	109-99-9	200	590	250	735	—	—	—
Tetramethyl lead (as Pb)	75-74-1	—	0.075	—	—	—	—	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	—	—	—	—	X
Tetranitromethane	509-14-8	1.0	8.0	—	—	—	—	—
Tetrasodium pyrophosphate	7722-88-5	—	5.0	—	—	—	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	—	1.5	—	—	—	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	—	0.1	—	—	—	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Thioglycolic acid	68-11-1	1.0	4.0	—	—	—	—	X
Thionyl chloride	7719-09-7	—	—	—	—	1.0	5.0	—
Thiram (see WAC 296-62-07519)	137-26-8	—	5.0	—	—	—	—	—
Tin (as Sn)	7440-31-5	—	2.0	—	—	—	—	—
Inorganic compounds (except oxides)	—	—	—	—	—	—	—	—
Tin, Organic compounds (as Sn)	7440-31-5	—	0.1	—	—	—	—	X
Tin Oxide (as Sn)	21651-19-4	—	2.0	—	—	—	—	—

PROPOSED

Titanium dioxide	13463-67-7	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Toulene	108-88-3	100	375	150	560	—	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	—	—	—
m-Toluidine	108-44-1	2.0	9.0	—	—	—	—	X
o-Toluidine	95-53-4	2.0	9.0	—	—	—	—	X
p-Toluidine	106-49-0	2.0	9.0	—	—	—	—	X
Toxaphene	—	—	—	—	—	—	—	—
(see Chlorinated camphene)	—	—	—	—	—	—	—	—
Tremolite (see Silicates)	—	—	—	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2	2.5	—	—	—	—	—
Trichloroacetic acid	76-03-9	1.0	7.0	—	—	—	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	—	—	5.0	40	—
1, 1, 1-Trichloroethane	—	—	—	—	—	—	—	—
(see Methyl chloroform)	—	—	—	—	—	—	—	—
1, 1, 2-Trichloroethane	79-00-5	10	45	—	—	—	—	—
Trichloroethylene	79-01-6	50	270	200	1,080	—	—	—
Trichlorofluoromethane	75-69-4	—	—	—	—	1,000	5,600	—
Trichloromethane	—	—	—	—	—	—	—	—
(see Chloroform)	—	—	—	—	—	—	—	—
Trichloronaphthalene	1321-65-9	—	5.0	—	—	—	—	X
1, 2, 3-Trichloropropane	96-18-4	10	60	—	—	—	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	—	—	—
Tricyclohexyltin hydroxide	—	—	—	—	—	—	—	—
(see Cyhexatin)	—	—	—	—	—	—	—	—
Triethylamine	121-44-8	10	40	15	60	—	—	—
Trifluorobromomethane	75-63-8	1,000	6,100	—	—	—	—	—
Trimellitic anhydride	552-30-7	0.005	0.04	—	—	—	—	—
Trimethylamine	75-50-3	10	24	15	36	—	—	—
Trimethyl benzene	25551-13-7	25	125	—	—	—	—	—
Trimethyl phosphite	121-45-9	2.0	10	—	—	—	—	—
2, 4, 6-Trinitrophenol	—	—	—	—	—	—	—	—
(see Picric acid)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrophenyl- methylnitramine	—	—	—	—	—	—	—	—
(see Tetryl)	—	—	—	—	—	—	—	—
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	—	0.5	—	—	—	—	X
Triorthocresyl phosphate	78-30-8	—	0.1	—	—	—	—	X
Triphenyl amine	603-34-9	—	5.0	—	—	—	—	—
Triphenyl phosphate	115-86-6	—	3.0	—	—	—	—	—
Tungsten (as W)	7440-33-7	—	—	—	—	—	—	—
Soluble compounds	—	—	1.0	—	3.0	—	—	—
Insoluble compounds	—	—	5.0	—	10	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	—	—	—	—	—	—	—
Soluble compounds	—	—	0.05	—	—	—	—	—
Insoluble compounds	—	—	0.2	—	0.6	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume	—	—	—	—	—	—	—	—
Vegetable oil mist	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^o / _o	—	—	—	—	—
Vinyl acetate	108-05-1	10	30	20	60	—	—	—
Vinyl benzene (see Styrene)	—	—	—	—	—	—	—	—
Vinyl bromide	593-60-2	5.0	20	—	—	—	—	—
Vinyl chloride	75-01-4	—	—	—	—	—	—	—
(see WAC 296-62-07329)	—	—	—	—	—	—	—	—
Vinyl cyanide	—	—	—	—	—	—	—	—
(see Acrylonitrile)	—	—	—	—	—	—	—	—

Vinyl cyclohexene dioxide	106-87-6	10	60	—	—	—	—	X
Vinyl toluene	25013-15-4	50	240	—	—	—	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	—	—	—	—	—
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	—	—	—
Warfarin	81-81-2	—	0.1	—	—	—	—	—
Welding fumes f/ (total particulate)	—	—	5.0	—	—	—	—	—
Wood dust:	—	—	—	—	—	—	—	—
Nonallergenic;								
All soft woods and hard woods except allergenics	—	—	5.0	—	10	—	—	—
Allergenics; (e.g. cedar, mahogany and teak)	—	—	2.5	—	—	—	—	—
Xylenes (Xylol)	1330-20-7	100	435	150	655	—	—	—
(o-, m-, p-isomers)								
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	—	—	—	0.1	X
Xylidine	1300-73-8	2.0	10	—	—	—	—	X
Yttrium	7440-65-5	—	1.0	—	—	—	—	—
Zinc chloride fume	7646-85-7	—	1.0	—	2.0	—	—	—
Zinc chromate (as CrO3)	Varies w/compound	—	0.05	—	—	—	0.1	—
Zinc oxide	1314-13-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0o/	—	—	—	—	—
Zirconium compounds (as Zr)	7440-67-2	—	5.0	—	10	—	—	—

- Notes: a/ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr).
- b/ Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m³ column and not in the ppm column, then the number in the mg/m³ column is exact. When numerical entries for a substance are in both the ppm and mg/m³ columns, then the number in the ppm column is exact and the number in the mg/m³ column may be rounded off.
- c/ Duration is for 15 minutes, unless otherwise noted.
- d/ The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
- e/ This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing)

- and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
- f/ As determined from breathing-zone air samples.
- g/ Total dust formula for Silica (as quartz) is:
30mg/m³
% SiO₂ + 3
- h/ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent_passing_selector
(2	90
2.5	75
3.5	50
5.0	25
10	0))
1	97
2	91
3	74
4	50
5	30
6	17

PROPOSED

$\frac{7}{8}$	$\frac{9}{5}$
$\frac{8}{10}$	$\frac{1}{1}$

WSR 98-05-063
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (By the Code Reviser's Office)
 [Filed February 17, 1998, 8:49 a.m.]

WAC 232-28-61900N, proposed by the Department of Fish and Wildlife in WSR 97-16-104, appearing in issue 97-16 of the State Register, which was distributed on August 20, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 98-05-064
WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL
 (By the Code Reviser's Office)
 [Filed February 17, 1998, 8:50 a.m.]

WAC 51-11-0505, 51-11-1310 and 51-11-1322, proposed by the Building Code Council in WSR 97-16-110, appearing in issue 97-16 of the State Register, which was distributed on August 20, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 98-05-065
WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL
 (By the Code Reviser's Office)
 [Filed February 17, 1998, 8:51 a.m.]

WAC 51-40-1506, proposed by the Building Code Council in WSR 97-16-111, appearing in issue 97-16 of the State Register, which was distributed on August 20, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 98-05-066
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed February 17, 1998, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-084.

Title of Rule: Chapter 478-160 WAC, Admission and registration procedures for the University of Washington.

Purpose: To add the School of Pharmacy to those University of Washington schools offering an advanced

- Notes: i/ The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given — not CAS numbers for the individual compounds.
- j/ Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.
- m/ Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.
- n/ This PEL only applies to the exceptions to WAC 296-62-07347, Inorganic Arsenic.
- o/ The concentration of respirable particulate for the application of this limit is determined from the fraction passing a size-selector with the following characteristics.

<u>Aerodynamic diameter</u> <u>(unit density sphere)</u>	<u>Percent passing selector</u>
$\frac{1}{2}$	$\frac{97}{91}$
$\frac{3}{4}$	$\frac{74}{50}$
$\frac{5}{6}$	$\frac{30}{17}$
$\frac{7}{8}$	$\frac{9}{5}$
$\frac{8}{10}$	$\frac{1}{1}$

WSR 98-05-062
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
 (By the Code Reviser's Office)
 [Filed February 17, 1998, 8:48 a.m.]

WAC 173-303-335 and 173-303-655, proposed by the Department of Ecology in WSR 97-16-074, appearing in issue 97-16 of the State Register, which was distributed on August 20, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

PROPOSED

professional degree, and to update information on application procedures and admission to the School of Pharmacy. Also, to revise the university's course-withdrawal policy from seven weeks to fourteen days, to make other minor registration changes and various changes of a housekeeping nature.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Summary: WAC 478-160-015, 478-160-095, 478-160-142, and 478-160-143 are amended or added to include the School of Pharmacy's Doctor of Pharmacy (Pharm.D.) degree program in the admission categories for an advanced professional degree at the University of Washington.

WAC 478-160-270, 478-160-275, and 478-160-280 are amended to revise the number of registration periods and to change the course-withdrawal and course-add policies.

WAC 478-160-110 is amended to consolidate admission information for the University of Washington's School of Law. WAC 478-160-120 is repealed to eliminate redundant admission information for the School of Law.

WAC 478-160-150, 478-160-246, and 478-160-295 are amended to clarify and make language consistent, and to update office names.

Reasons Supporting Proposal: The bachelors degree program in pharmacy at the University of Washington has been discontinued. It has been replaced by the Doctor of Pharmacy (Pharm.D.) degree program as the only entry level degree offered by the school. Thus the admission category of the school is now designated as an advanced professional degree program (similar to the University of Washington's Schools of Medicine, Dentistry and Law) instead of a program of undergraduate study. Concurrent with the change, authority for admission to the School of Pharmacy has been transferred from the University's Undergraduate Office of Admissions to the School's Office of Academic and Student Programs. It should be noted that similar changes have occurred at the College of Pharmacy at Washington State University. These changes are in response to new national accreditation requirements for all schools and colleges of pharmacy in the United States.

Changing the course-withdrawal period from seven weeks to fourteen days will open up spaces for students waiting to enroll in high-demand classes; will encourage students to take fuller "ownership" of their courses and to approach them with greater seriousness and commitment; and will enhance academic standards by raising both students' and instructors' expectations of their classes. To allow some flexibility in the new policy, each student will be allocated an annual "personal" withdrawal during weeks three to seven; this should meet most individuals' requirements for later withdrawals. The continuing policy on hardship withdrawals remains available for late withdrawals in more unusual circumstances. The change to the course-withdrawal policy was approved by the University of Washington's Faculty Senate in April 1997.

Name of Agency Personnel Responsible for Drafting: Wayne Kradjan, Associate Dean, School of Pharmacy, H364 Health Sciences Building, University of Washington, (206) 685-8738 and Van Johnson, Associate Registrar, Office of the Registrar, 209 Schmitz Hall, University of Washington, (206) 685-2553; Implementation: Sid Nelson, Dean, School of Pharmacy, H364 Health Sciences Building, University of

Washington, (206) 543-2030 and W. W. (Tim) Washburn, Executive Director, Admissions and Records, 320 Schmitz Hall, University of Washington, (206) 543-3511; and Enforcement: Lee Huntsman, Provost, 301 Gerberding Hall, University of Washington, (206) 543-7632 and Ernest R. Morris, Vice-President for Student Affairs, 476 Schmitz Hall, University of Washington, (206) 543-4972.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For consistency with the new Pharm.D. degree structure, chapter 478-160 WAC must be amended to add the School of Pharmacy to those University of Washington schools currently offering advanced professional degree programs, and add new sections concerning admission information to the School of Pharmacy.

Additionally, changes are being made to the course-withdrawal policy to shorten the amount of time students may withdraw from a course without penalty and the course-add policy to shorten the amount of time a student may add a course, along with other registration changes of a minor nature.

These changes will bring chapter 478-160 WAC into compliance with changes at the national level regarding accreditation and the institution level regarding registration procedures.

Proposal Changes the Following Existing Rules: The following sections of the Washington Administrative Code are amended: WAC 478-160—015, 478-160-095, 478-160-110, 478-160-150, 478-160-246, 478-160-270, 478-160-275, 478-160-280, and 478-160-295. The following section of the Washington Administrative Code is repealed: WAC 478-160-120.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 478-160 WAC is not subject to the Regulatory Fairness Act, chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. Chapter 478-160 WAC is not subject to RCW 34.05.328 and is not considered a significant legislative rule.

Hearing Location: Room 309, Husky Union Building (HUB), Seattle Campus, University of Washington, on April 7, 1998, at noon.

Assistance for Persons with Disabilities: Contact University of Washington Disability Services Office by March 27, 1998, TDD (206) 543-6452, or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Dearnorff, Administrative Procedures Officer, Administrative Procedures Office via one of the following: Campus mail: Box 355509; United States mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; e-mail adminpro@u.washington.edu; or FAX (206) 543-0786, by April 7, 1998.

Date of Intended Adoption: April 17, 1998.

February 12, 1998
Rebecca Goodwin Dearnorff
Administrative Procedures Officer

PROPOSED

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-015 Admission categories. The University of Washington offers programs of study which lead to undergraduate, graduate and advance professional degrees and/or professional certificates.

(1) Undergraduate study includes programs of study which normally lead to a bachelor's degree.

(2) Graduate study includes programs of post-baccalaureate study normally leading to a graduate degree.

(3) Advanced professional study includes programs of study normally leading to a professional degree in medicine, dentistry ~~((or))~~, law or pharmacy.

In addition, the university has a special admissions category, nonmatriculated status, which is intended for students who have a limited educational objective which does not include a University of Washington degree or a professional certificate.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-095 Admission to the advanced professional schools of dentistry, law, ~~((and))~~ medicine, and pharmacy—Policy. The dean of each of the advanced professional schools is responsible for the interpretation and administration of regulations governing the admission of students to the school.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-110 Admission to the school of law—Application forms. Applicants to the first-year class and applicants for admission with advanced standing may obtain application forms by contacting the following office:

University of Washington School of Law
Director of Admissions
Condon Hall
1100 N.E. Campus Parkway
Seattle, WA 98105-6617

(for internal campus mail use: Box 354600). The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the address above.

NEW SECTION

WAC 478-160-142 Admission to the school of pharmacy—Application forms. Applicants to the first-year class and applicants for admission with advanced standing may obtain application forms by contacting the following office:

University of Washington School of Pharmacy
Office of Academic and Student Programs
H-362 Health Sciences Building
Box 357631
Seattle, WA 98195-7631

The deadline for filing an application is determined by the University of Washington school of pharmacy and can be obtained from the address above.

NEW SECTION

WAC 478-160-143 Admission to the school of pharmacy with advance standing. Students in good academic standing at a school approved by the American Association of Colleges of Pharmacy may apply for admission with advanced standing.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-150 Definition of nonmatriculated status. Nonmatriculated status is a special classification for students with a limited educational objective which does not include a University of Washington degree or a professional certificate.

Nonmatriculated students are not generally admitted for autumn, winter, or spring quarters, however, enrollment opportunities are available through University of Washington extension. Summer quarter enrollment is generally available to qualified nonmatriculated applicants.

Prospective students who wish to audit classes only must apply for nonmatriculated status.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-246 Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters. An enrollment confirmation deposit is required of new students and of returning students in autumn, winter and spring quarters. If space is not available when the payment is received, the payment will be returned. The ~~((fee))~~ deposit is only refundable pursuant to WAC 478-160-256.

Further information about the enrollment confirmation deposit may be obtained from the following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-270 Registration periods. There are ~~((four))~~ three official registration periods: Periods I - ~~((IV))~~ III. Specific dates, criteria for eligibility and procedural steps for each of the registration periods are published in the quarterly *Time Schedule*.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-275 Late registration or course adds—Registration period III. Any student who registers after registration periods I and II will be charged a late registration service fee.

No student shall be permitted to register or add a course after the ~~((twelfth))~~ seventh calendar day of autumn, or winter, or spring quarter without instructor approval.

No student shall be permitted to register or add a course for "a" term courses and full quarter courses after the ~~((twelfth))~~ seventh calendar day of "a" term or the full quarter, or for "b" term courses after the seventh calendar day of "b" term without instructor approval. ~~((Instructor and department chair endorsed petitions for late registration shall be submitted to the office of the registrar for review and final decision.))~~

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-280 Registration changes. Specific dates for registration changes are published in the quarterly *Time Schedule*.

A student who has once registered for a course or courses may drop courses through the end of the ~~((seventh week))~~ fourteenth calendar day of the quarter. One exception per academic year (defined as September through August) is allowed through the seventh week of the quarter.

No grade will be entered on a student's permanent record for a course dropped during the first fourteen calendar days of autumn, or winter, or spring quarter.

No grade will be entered on a student's permanent record for an "a" term course dropped during the first seven calendar days of summer quarter, for a full-quarter course dropped during the first fourteen calendar days of summer quarter, or for a "b" term course dropped during the first seven calendar days of term "b."

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-295 Military withdrawals. (1) If a student is conscripted into the armed forces or is called to active military duty, he or she may be entitled to a full refund or academic credit depending on the time of the quarter the student officially withdraws. Official withdrawals must be in writing, signed by the student, and accompanied by a copy of the student's military orders.

(2) A student who withdraws may receive credit for courses or a full refund, under the following schedule:

(a) Students who withdraw through the seventh week of the academic quarter receive a full refund of fees. No academic credit is awarded.

(b) Students who withdraw after the seventh week of the academic quarter may choose to receive academic credit or a full refund of fees.

(3) Complete information is available from the following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-160-120 Admission to the school of law with advanced standing—
Application forms.

WSR 98-05-068

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 17, 1998, 10:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-105.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificate of title.

Purpose: (1) To clarify the requirements for the general provisions for signatures; and (2) to meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 88.02.070.

Summary: Repealing WAC 308-93-430 Release of interest and 308-93-480 Certification of signature—Departmental employees; and clarifying WAC 308-93-440 Lack of proper release, 308-93-450 Signature of registered owner on application—Exceptions, 308-93-460 Releasing interest, and 308-93-470 Certification of signature.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation: Nancy Kelly, 1125 Washington Street S.E., Olympia, (360) 902-3754; and Enforcement: Eric Anderson, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 308-93 WAC provides requirements for signature purposes when applying or transferring ownership in a vessel. The purpose is to ensure proper documentation when applying for certificate of ownership and/or transferring interest in a vessel. The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street, Olympia, WA 98507, on March 26, 1998, at 2:00 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Pat Zlateff by March 25, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by March 25, 1998.

Date of Intended Adoption: April 8, 1998.

February 17, 1998
Nancy S. Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 96-03-046, filed 1/11/96, effective 2/11/96)

WAC 308-93-440 ((Lack of proper release-)) **Ownership in doubt.** ((If the registered or legal owner(s), as shown in the records of the department or a foreign state issuing the last certificate of ownership and/or registration of a vessel, has not released his/her interest in the vessel, by endorsement on the certificate of ownership or by a satisfactory release of interest, the following must be attached to an application for Washington certificate of ownership:

(1) Proper documentation authorized in WAC 308-93-430 to be used in lieu of a release by the registered or legal owner; or

(2) A bond in accordance with WAC 308-93-210; or

(3) The following, if satisfactory to the department:

(a) An affidavit by the applicant stating the reasons the person is unable to obtain a release of interest from the registered and/or legal owner(s) of record; and

(b) Evidence of ownership of the vessel by the applicant such as, but not limited to, a bill of sale; and

(c) Evidence of attempts to locate the owner(s) of record such as, but not limited to, copies of correspondence sent by registered or certified mail, return receipt requested to the last known address of the owner.

(4) For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel by satisfying subsection (3)(a) and (b) of this section and completing a form provided by the department. When satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.)) **When an applicant is unable to provide an acceptable release of interest as defined in WAC 308-93-460 from the owner(s) of record for a vessel, the applicant may:**

(1) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel. Such judgment is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(2) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is unnecessary as described in subsection (1) of this section. The applicant shall:

(a) Provide evidence of ownership of the vessel such as, but not limited to, a bill of sale;

(b) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by satisfying (b)(i) or (ii) of this subsection and completing a form approved by the department. When satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.

(i) If a record is found, the applicant shall send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter shall contain information regarding the sender's claim to ownership or a notarized or certified release of interest.

(ii) If no record is found, or the previous owner did not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant shall provide an affidavit of Request for Bonded Title or Registration without Title form explaining how the vessel was acquired.

(c) Determine whether to bond the vessel and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vessel is a Washington state vessel dealer or in lieu of the judgment described in subsection (1) of this section if there is evidence of a security agreement on the last record as found in (b) of this subsection. A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(i) A statement from a vessel dealer showing the average retail value of that year, make and model of the vessel in average condition; or

(ii) Information provided by any guide book or other publication of recognized standing in the vessel industry; or

(iii) An agreement reached between the applicant and an authorized department agent or employee.

(d) Apply to the department after the three-year bond or registration only period has lapsed, or submit the proper endorsement on the certificate of ownership or a satisfactory release of interest. The department shall, upon proper application, issue a certificate of ownership without the bond notation.

(e) Upon transferring ownership during the three-year ownership in doubt period, provide the transferee with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1) of this section or shall apply to the department for ownership in doubt as described in subsection (2) of this section and complete the time remaining on the previous ownership in doubt period.

AMENDATORY SECTION (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

WAC 308-93-450 **Signature of ((registered)) owner on application—Exceptions.** ((On an)) **All vessel owners are required to sign the application for ((an original, reissue,**

~~or transfer of~~) certificate of ~~((title, the signature of each registered owner of the vessel is required))~~ ownership except:

(1) When the application is for the sole purpose of removing a ~~((legal owner))~~ secured party of record from the certificate of ~~((title when that legal owner's security interest has been satisfied in the vessel))~~ ownership;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate ~~((title))~~ certificate of ownership;

(4) When there is a statutory authorized lien filed by a government agency ~~((to place a lien))~~ against the vessel ~~((as a secured party))~~;

~~(5) ((When ownership is transferred with an affidavit of repossession; or~~

~~(6))~~ When an existing legal owner's perfected security interest is transferred to another party and the new ~~((legal owner))~~ secured party is perfecting their security interest ~~((and removing the existing legal owner. Evidence or documentation of the secured interest transfer must be provided))~~.

(6) Only one owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

AMENDATORY SECTION (Amending WSR 93-14-082, filed 6/30/93, effective 7/31/93)

WAC 308-93-460 ((Releasing)) Release of interest.

~~((1) Any person releasing legal or registered owner interest in a vessel shall sign the release of interest provided on the certificate of ownership issued by the department or a previous jurisdiction, or a release of interest document approved by the department.~~

~~(2) Signatures releasing owner interest on approved documents other than the certificate of ownership must be certified in accordance with WAC 308-93-470.~~

~~(3) A release of interest is not required from one identified as a lessee.~~

~~(4) A valid marine document, issued by the United States Coast Guard, Documentation Office is acceptable in lieu of release of interest signatures on the certificate of ownership.~~

~~(5) When a vessel is removed from being marine documented, a copy of the removal letter from the United States Coast Guard, Documentation Office or a certified copy of the document abstract from the United States Coast Guard, Documentation Office showing removal from being documented and a release of interest document, approved by the department, with notarized signatures of the former owners is acceptable evidence for release of interest by the former owners:)) (1) Vessel owner(s) and secured parties who intend to release interest in a vessel shall:~~

(a) Sign the release of interest provided on the certificate of ownership issued by the department; or

(b) Sign a release of interest document or form approved by the department.

(2) In lieu of subsection (1)(a) and (b) of this section, secured parties who intend to release their interest in a vessel may provide:

(a) Their properly completed official lien release form;
or

(b) A release of interest on their official letterhead, if the secured party is a business entity.

(3) If the Washington certificate of ownership is a paperless title, the secured party may release their interest electronically or by signing an affidavit in lieu of title. If the affidavit in lieu of title is printed at their business location, the signature need not be notarized.

(4) Signatures releasing owner interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470. Signatures releasing interest on the certificate of ownership issued by the department or another jurisdiction do not need to be notarized or certified.

(5) Secured parties who are businesses do not need to have their signatures notarized or certified when releasing interest in a vessel in accordance with subsection (2)(a) or (b) of this section if the current certificate of ownership is submitted with an application for a new certificate of ownership.

(6) A release of interest is not required:

(a) From an owner identified as a lessee; or

(b) If a valid marine document has been issued by or applied for from the United States Coast Guard Documentation Office; or

(c) When other appropriate documents are submitted in lieu of the release of interest. Such documents may include, but are not limited to, a certified or notarized: Bill of sale, affidavit in lieu of title with the release of interest portion properly completed, release of interest form, affidavit of loss of title with the release of interest portion properly completed, or letter of release.

(7) If a vessel is documented, a United States Coast Guard abstract may be used to release the interest of the secured party for a vessel registered in Washington.

(8) Secured parties who intend to release interest on a vessel that has a marine document issued by the United States Coast Guard, Documentation Office shall provide:

(a) Their properly completed official lien release form;
or

(b) A release of interest on their official letterhead, if the secured party is a business entity;

(c) Provide a certified copy of the satisfaction of Preferred Marine Mortgage;

(d) Provide a certified copy of the document abstract from the United States Coast Guard, Documentation Office showing the lien has been satisfied.

(9) When a vessel is removed from being marine documented, the owner shall provide:

(a) A copy of the removal letter from the United States Coast Guard, Documentation Office; or

(b) Documentation described in subsection (8) of this section; and

(c) If ownership is changing, approved releases of interest as described in this rule.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WSR 98-05-070
PROPOSED RULES
LOTTERY COMMISSION
[Filed February 17, 1998, 2:53 p.m.]

PROPOSED

WAC 308-93-470 Certification of signatures. ((The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of licensing, an agent appointed by the director of licensing, an employee or appointee of either type or agent, or an employee of the department of licensing authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required.)) (1) Signatures shall be notarized by a notary public or certified by agents and subagents appointed by the director to conduct vessel title and registration activities on behalf of the department. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. These employees are:

- (i) Deputy director; and
- (ii) Assistant director for vehicle services; and
- (iii) Administrator and managers of the division primarily responsible for vessel title and registration; and
- (iv) Persons assigned to liaison duties between the department and its agents and subagents; and
- (v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and
- (vi) Persons assigned the responsibility for investigating vessel dealer activities; and

(b) Persons named on a Washington vessel dealer's bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the signature, title, and dealer number of the person certifying the signature.

(2) The person certifying the signatures shall require proof of identification. Approved identification is:

- (a) Driver's license; or
- (b) Any photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) A signed ID card issued by a city, county, state or federal government agency;
 - (iii) Any certificate or other document issued by a government agency for the purpose of establishing identity;

or
(d) Other documentation satisfactory to the person certifying the signature.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-93-430 Release of interest.
- WAC 308-93-480 Certification of signature—
Departmental employees.

Original Notice.
Preproposal statement of inquiry was filed as WSR 97-01-006 [98-01-006].

Title of Rule: WAC 315-34-055 Lotto prize claim and payment methods.

Purpose: Amends WAC 315-34-055 to extend the payment period for Lotto jackpot winners.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Rules Coordinator, Olympia, (360) 753-1947; Implementation and Enforcement: Merritt D. Long, Director, Olympia, (360) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-34-055 explains to players and retailers how Lotto jackpot winners are paid. Changes the payment period for Lotto jackpot winners.

Proposal Changes the Following Existing Rules: Extends the payment period for Lotto jackpot winners from twenty to twenty-five years.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, 814 Fourth Avenue, Olympia, WA 98504, on March 27, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson by March 11, 1998, (360) 753-1947.

Submit Written Comments to: Mary Jane Ferguson, Lottery, FAX (360) 586-6586, by March 19, 1998.

Date of Intended Adoption: March 27, 1998.

February 12, 1998
Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-24-076, filed 12/2/97, effective 1/2/98)

WAC 315-34-055 Lotto prize claim and payment methods. The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with WAC 315-30-030(6).

(2) Prize payments shall be made as follows:

(a) **Annuity:** A player who elects their prize to be paid annually shall be paid as follows:

(i) If the player's share of the announced jackpot prize is \$500,000 or more, the player shall be paid in ~~((twenty))~~ twenty-five annual installment payments.

(ii) If the player's share of the announced jackpot prize is less than \$500,000, the director shall have the discretion of paying the winner as follows:

(A) The present cash value of the jackpot prize share based on the cost to purchase a ~~((twenty-year))~~ twenty-five-year annuity: *Provided*, That the present cash value is equal to or greater than fifty percent of their share of the announced jackpot;

(B) If the present cash value of the player's share of the announced jackpot is less than fifty percent of their share of the announced jackpot, then the player shall receive a one-time single cash payment of fifty percent of their share of the announced jackpot; or

(C) The player shall be paid in ~~((twenty))~~ twenty-five annual installment payments.

(b) **Cash option:** A player who elects the cash option shall be paid as follows:

(i) The player shall receive a one-time single cash payment of fifty percent of their share of the announced jackpot; or

(ii) If the director exercises his or her discretion as set forth in (a)(ii)(A) or (B) of this subsection, a player who elects the cash option will receive the same amount as those who have chosen to receive an annuity.

WSR 98-05-073
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 17, 1998, 3:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-20-119.

Title of Rule: Below the hook (rigging), chapter 296-155 WAC, Safety standards for construction work.

Purpose: A special advisory group for WISHA, the Construction Advisory Committee, reviews safety issues, trends, and existing codes in an effort to create safe worksites in the construction industry. This group is made up of representatives from labor, special interest construction network groups, and management representatives from the construction industry. The committee recently reviewed the rigging codes and determined the codes should be amended because they were awkward to use and information was hard to find. This state-initiated proposal is made to consolidate

the various existing codes in one area of the standard to make them easier to use and follow.

New section WAC 296-155-229 Qualified person—Rigging, this state-initiated proposed amendment merely restates the existing definition of a "qualified person" which is currently located at WAC 296-155-24503. Placing the definition at the beginning of the rigging section is convenient for the user. No new requirements are proposed.

Amended section WAC 296-155-330 Rigging equipment for material handling, this state-initiated proposed amendment consolidates existing rigging standards (from WAC 296-155-570 Cranes, 296-155-689 Placing and removal of forms, and 296-155-691 Precast concrete and tilt-up operations) to make the standards easier to use and follow. No new requirements are proposed.

Statutory Authority for Adoption: Chapter 49.17 RCW.
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not place more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-making criteria does not apply when adopting federal statutes or regulations without material change, or when adopting rules to correct information that is housekeeping in nature (typographical errors, address/name changes, or clarification of rule language without changing its effect).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.E., Tumwater, WA, on March 24, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by March 13, 1998, (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on March 31, 1998. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: April 24, 1998.

February 17, 1998

Gary Moore
Director

PROPOSED

NEW SECTION

WAC 296-155-229 Qualified person—Rigging. Qualified person - A person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter.

Also has authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person shall be knowledgeable in the requirements of this part.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-330 Rigging equipment for material handling. (1) General.

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this part and shall comply with ((ANSI B-30.9-1984)) ANSI/ASME B30.9-1996.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) (~~Special custom design grabs, hooks, clamps, or other lifting accessories shall be marked to indicate the safe working loads and shall be proof tested to 125 percent of the rated load prior to use. Such custom devices shall be permanently marked with an identification number and permanent records shall be maintained on the jobsite for each device.~~) Special rigging accessories (i.e., spreader bars, grabs, hooks, clamps, etc.) or other lifting accessories shall be marked with the rated capacity. All components shall be proof-tested to 125 percent of the rated load prior to the first use. Permanent records shall be maintained on the job site for all special rigging accessories.

(2) Alloy steel chains. Chains used for overhead lifting shall be proof tested alloy steel.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts ((⊗)), nails, or cold shuts between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

Note: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) U-Bolt wire rope clips shall be made of drop-forged steel.

Note: See Table F-20 for number of clamps and spacing requirements.

CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS

U-Bolt of all clips on dead end of rope

(h) Slings shall not be shortened with knots or bolts or other makeshift devices.

(i) Thimbles shall be used in cable eyes whenever practicable.

(j) The clamp nuts shall be tightened up frequently during the operation to prevent slipping.

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than 3/4-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed the maximum strength as shown in the following table:

STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE
COMMON LAY THREE STRAND

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683

1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

Note: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic webbing (nylon, polyester, and polypropylene).

(a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
- (ii) Rated capacities for the type of hitch.
- (iii) Type of material.

(b) Rated capacity shall not be exceeded.

(6) Shackles and hooks.

(a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(d) No open hook shall be used to hoist a bucket, cage, spreader, or skip, nor in any circumstances where the dislodgment of the hook could cause a risk of injury to workers. A safety-hook, mousing, or shackle shall be employed in such circumstances.

(e) When shackles are used, shackle pins shall be secured to prevent accidental withdrawal.

(7) Slings.

(a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) Wire rope slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(iv) Wire rope which has been welded or been subject to welding of any kind shall not be used.

(v) The wire rope shall not be burned off with heat. This may weld the ends of the wires and strands together.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

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(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material handling—General.

(a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

(9) Placing and removal of forms.

(a) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(b) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(c) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(10) Precast concrete and tilt-up operations.

(a) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(b) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(c) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(i) These plans shall be at the job site and made available upon request.

(ii) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(iii) The plans or specifications shall contain the following information:

(A) The type, size, and location of all lifting inserts.

(B) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(C) The size of braces or guys to be used.

(D) The compression strength which concrete panels must attain prior to being lifted.

(iv) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(A) Inserts to be installed for lifting sections of tilt-up precast panels shall be designed mechanically to maintain a safety factor of three.

(B) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(C) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(v) Lifting hardware shall be capable of supporting at least five times the maximum intended load applied or transmitted to the lifting hardware.

(vi) Lifting bolts or other lifting devices which have been bent, worn, or are otherwise defective shall be discarded.

(vii) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(viii) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(d) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(e) A qualified rigging person shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The qualified rigging person shall be located in such a position during the pick of the panel that they can observe both the crane operator and the employees working in the immediate area.

(11) Rigging in prestressed and post tensioned.

(a) Stressed members shall be handled at pick points specifically designated on the manufacturer's drawings.

(b) Stressed members shall be lifted with lifting devices recommended by the manufacturer or the engineer in charge.

(c) No one shall be allowed under stressed members during lifting and erection.

WSR 98-05-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 18, 1998, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-120.

Title of Rule: WAC 388-14-385 The division of child support's grievance and dispute resolution method is called a conference board; 388-14-386 How to apply for a conference board; 388-14-387 Explanation of the conference board process; and 388-14-388 Scope of authority of conference board chair defined.

Purpose: In accordance with the governor's and secretary's executive orders on regulatory improvement, the Division of Child Support has reviewed and revised the regulation dealing with conference boards.

Statutory Authority for Adoption: RCW 74.20A.310, 26.23.035, 74.08.090.

Statute Being Implemented: RCW 74.20A.220, 26.23.060, 26.23.050.

Summary: Revises WAC 388-14-385 for clarity and readability, under the principles of regulatory improvement, by dividing the information up into four easy-to-use sections.

Reasons Supporting Proposal: Governor's and secretary's executive orders on regulatory improvement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, Division of Child Support Headquarters, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, (360) 586-3077.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-14-385 has been reviewed and redrafted under the principles of regulatory reform to make it clearer and more readable. What was one confusing and hard-to-use section has been broken up into four easy-to-use sections.

Proposal Changes the Following Existing Rules: Amends WAC 388-14-385.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant legislative rule under RCW 34.05.328. RCW 34.05.328 (5)(b)(iv) exempts rules that clarify language of a rule without changing its effect.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on March 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by March 24, 1998.

Date of Intended Adoption: No sooner than March 25, 1998.

February 17, 1998
Edith M. Rice, Chief
Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

WAC 388-14-385 The division of child support's grievance and dispute resolution method is called a conference board. (1) The division of child support (DCS) provides conference boards for the resolution of complaints and problems regarding DCS cases, and for granting exceptional or extraordinary relief. A conference board ~~((may inquire into, determine facts of, and attempt to resolve matters in which a responsible parent, physical custodian, payee under a court order, or other person feels aggrieved by an action taken by the office under:~~

(a) Chapters 26.23, 74.20, 74.20A RCW; or

(b) Title IV-D of the Social Security Act (Title 42 U.S.C.);

~~(2) The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances.~~

~~(3) The director, or director's designee may assemble a conference board on application of an aggrieved person or on the director's own motion. The conference board shall dissolve upon issuance of a decision on the matter for which it was appointed.~~

~~(4) An applicant for a conference board shall have made a reasonable attempt and have failed to resolve the grievance before a conference board may act to attempt to resolve the issue.~~

~~(5) The conference board's jurisdiction shall include, but shall not be limited to, the following areas:~~

~~(a) A complaint as to the conduct of an individual staff member while acting within the scope of the staff member's duties. The board shall send a copy of the decision to the staff member's first line supervisor for action as appropriate;~~

~~(b) Review of a denial of an application for or termination of nonassistance support enforcement services;~~

~~(c) Review of an allegation of error as to the distribution of support moneys;~~

~~(d) Review of a denial to collect support arrears in nonassistance cases under RCW 74.20.040;~~

~~(e) Resolution of the amount of arrears claimed due and rate of repayment;~~

~~(f) A request to release or refund money taken under RCW 26.23.060 or 74.20A.080 to provide for the reasonable necessities of a responsible parent and minor children in the responsible parent's home;~~

~~(g) A request for deferral of support enforcement action;~~

~~(h) A request for partial or total charge off of support arrears under RCW 74.20A.220;~~

~~(i) A request to waive interest;~~

~~(j) A request to waive or defer the nonassistance support enforcement fee under RCW 74.20.040;~~

~~(k) Review of a determination that a support obligation has been satisfied or is no longer legally enforceable;~~

~~(l) A specific request for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations;~~

~~(m) Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case;~~

~~(n) The IV-D agency's action in reporting a support debt to a consumer reporting agency;~~

~~(o) Review of a total versus total calculation under WAC 388-14-276; and~~

~~(p) A request to release a payroll deduction notice on a claim that:~~

~~(i) The support obligation was not due at the time the payroll deduction notice was issued and the support order did not authorize immediate wage withholding; or~~

~~(ii) The payroll deduction causes extreme hardship or substantial injustice.~~

~~(6) When a person states a grievance or requests a conference board, the IV-D agency shall provide a copy of the conference board information form.~~

~~(7) The effective date of a conference board request is the date the IV-D agency receives the request.~~

~~(8) When a person requests a conference board, the director or the director's designee may take such action, as~~

deemed appropriate, and may exercise any of the authority provided for in this regulation, when the:

- (i) Grievance does not involve a factual dispute; or
- (ii) Disputed fact or facts even if resolved in favor of the person would not provide a basis upon which relief could be granted to the person by a conference board.

(9) When a person requests a conference board and the grievance involves an apparent factual dispute:

(a) The director or director's designee shall assemble a conference board composed of the director or director's designee, who shall serve as chair and two staff members, if deemed necessary;

(b) The chair shall mail a notice of conference board to the applicant, the applicant's representative, and any other person or agency who is a party in interest to the proceeding. The notice of conference board shall state that a conference board has been scheduled and inform the parties of the time and place of the conference board;

(c) Where the department is not providing public assistance to the payee under a court order, and the responsible parent timely requests a conference board to contest the debt stated in a notice of support debt, the conference board shall be scheduled for a date at least thirty days after the notice of conference board is issued, and the notice shall include statements that:

(i) The payee has twenty days (or sixty days under the circumstances described in WAC 388-14-440(4)) from the date the notice of conference board was given to request that the grievance be addressed in a hearing under WAC 388-14-435;

(ii) If the payee does not timely request a hearing, the department will deem that the payee has elected to have the grievance heard in a conference board and the:

(A) Conference board decision will become the final agency position on the debt claimed under the notice of support debt; and

(B) A payee's late application for a hearing shall be denied unless the payee shows good cause for the late application;

(iii) If the payee does not appear at either a conference board or a hearing, the presiding officer's or the board's decision may be adverse to the payee's interest including, but not limited to, a reduction in the support debt stated in the notice of support debt.

(d) If the payee requests a hearing under WAC 388-14-435, the office shall inform the:

(i) Responsible parent that the parent's request for conference board is declined, and the responsible parent must appear at the hearing requested by the payee to raise objections to the notice of support debt; and

(ii) Payee that the conference board previously scheduled has been declined due to the payee's application for a hearing.

(10) The conference board chair may issue subpoenas under RCW 74.04.290 and administer oaths, take testimony, and compel the production of such papers, books, records, and documents deemed relevant to the resolution of the grievance under consideration. The conference board chair may take additional evidence by affidavit or other written submission when necessary or practicable together with written or oral argument. The chair may designate persons

having specific familiarity with the matter at issue or technical expertise with the subject to advise the board.

(11) The conference board chair shall make a written decision stating the facts found, policies applied, and the board's decision.

(a) The board's decision, including a decision to deny a request for a conference board, shall be in accordance with applicable statutes, case law, department rules and regulations, published office manuals, support enforcement policy bulletins, and the exercise of reasonable administrative discretion.

(b) The board shall base a decision under RCW 74-20A.220 to grant partial or total charge off of arrears owed to the department under RCW 74.20A.030, 74.20A.250, 74-20.320, 74.20.330, or 42 U.S.C. 602 (a)(26)(A) on the following considerations:

(i) Error in law or bona fide legal defects that materially diminish chances of collection; or

(ii) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support; or

(iii) Costs of collection action in the future that are greater than the amount to be charged off;

(iv) Settlement from lump sum cash payment that is beneficial to the state considering future costs of collection and likelihood of collection; or

(v) Excessive debt arising from a default administrative order to the extent that an assignment of child support rights covers the arrears period, upon a finding of substantial hardship under subsection (12) or (13) of this section.

(c) If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand the application for issuance of a new decision in compliance with the standards.

(12) In making a determination of substantial hardship under subsection (11) of this section, the board shall measure the net income and all available assets and resources of the responsible parent against the need standard for public assistance for the appropriate family size, as stated in WAC 388-250-1250. The board shall consider the necessity to apportion the responsible parent's income and resources on an equitable basis with the child for whom the arrears accrued. When reviewing a claim of substantial hardship, the board may consider the following information including, but not limited to:

(a) The child on whose behalf support is owed is reunited with the responsible parent because the:

(i) Formerly separated parents have reconciled; or

(ii) Child has returned to the responsible parent from foster care, the care of a relative, or the care of a nonrelative custodian.

(b) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;

(c) The mother of the child is seeking charge off of debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(e);

~~(d) Payment on the arrears obligation interferes with the responsible parent's payment of current support to a child living outside the home;~~

~~(e) The responsible parent has limited earning potential due to:~~

~~(i) Dependence on seasonal employment that is not considered in the child support order;~~

~~(ii) Illiteracy;~~

~~(iii) Limited English proficiency; or~~

~~(iv) Other similar factors limiting employability or earning capacity;~~

~~(f) The responsible parent's past efforts to pay support and the extent of the parent's participation in the child's parenting;~~

~~(g) The size of the responsible parent's debt and the prospects for increased income and resources; and~~

~~(h) The debt arises from a default administrative order and an assignment of child support rights covers the arrears period.~~

~~(13) The board may find that substantial hardship exists for a responsible parent, without finding hardship to a dependent child.~~

~~(a) In making a determination of substantial hardship to an individual without a dependent child, the board shall measure the applicant's income, assets, and resources against the need standard. In combination with the income test, the board may consider the following factors when reviewing a claim of substantial hardship:~~

~~(i) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;~~

~~(ii) The mother of a child is seeking relief from debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(e);~~

~~(iii) The responsible parent has limited earning potential due to:~~

~~(A) Dependence on seasonal employment that is not considered in the child support order;~~

~~(B) Illiteracy;~~

~~(C) Limited English proficiency; or~~

~~(D) Other similar factors limiting employability or earning capacity.~~

~~(iv) The debt arises from a default administrative order and an assignment of child support rights covers the arrears period.~~

~~(b) The board may agree to a reduced payment on the support debt, or a conditional reduced payment on the support debt, when there is substantial hardship to the responsible parent but not a hardship to a dependent child. The other remedies for substantial hardship under this section are not available when there is no showing of hardship to a dependent child.~~

~~(14) The board may:~~

~~(a) Reduce collection on the responsible parent's support debt to an amount that alleviates the hardship without altering the amount of the support to address situations in which substantial hardship exists, but the circumstances creating the hardship are temporary. Temporary hardship situations may include the factors listed under subsection~~

~~(12) or (13) of this section and the applicant's receipt of public assistance on:~~

~~(i) Applicant's behalf; or~~

~~(ii) Behalf of a child in the applicant's home.~~

~~(b) Create incentives to promote payment or family unity by agreeing to a conditional:~~

~~(i) Total or partial charge off, if charge off is available under subsection (11) of this section; or~~

~~(ii) Reduced payment on the support debt.~~

~~(c) Condition reduced payment, or total or partial charge off on:~~

~~(i) Continued payment according to a payment schedule imposed by the board; or~~

~~(ii) Continued reconciliation; or~~

~~(iii) A family remaining off of cash assistance.~~

~~(15) When creating incentives or providing conditional relief under subsection (14) of this section, the board shall:~~

~~(a) Not create a conditional charge off without specifying a period of performance after which the charge off is irrevocable;~~

~~(b) Not create a charge off conditioned on the parties remaining reconciled unless the parties have been reconciled for at least six months at the time of the conference board;~~

~~(c) Consider whether the conditions would create:~~

~~(i) Incentives for abuse or intimidation of the other party to the order;~~

~~(ii) Incentives for fraud; or~~

~~(iii) Unreasonable reluctance to obtain financial or medical assistance necessary for the health and best interests of the children.~~

~~(16) When the responsible parent violates the terms of the conditional charge off or reduced repayment rate imposed by a conference board decision under subsection (14) of this section:~~

~~(a) Any amount charged off by the board under the decision prior to the violation shall remain uncollectible;~~

~~(b) The IV-D agency may collect any further amount that would have been charged off under the decision after the date of violation with no further notice to the responsible parent; and~~

~~(c) The responsible parent may not reinstate terms of the decision by renewed compliance with the terms of the decision, unless the IV-D agency agrees in writing to reinstate the conditional charge off or repayment rate.~~

~~(17) The board shall distribute a copy of the decision to the applicant, the applicant's representative, other parties in interest, the appropriate field office for action consistent with the decision of the board, and the director.~~

~~(18) A conference board is not an adjudicative proceeding subject to review by the superior court and is not a substitute for any constitutionally or statutorily required hearing. An aggrieved party may be represented before the board by a person of the party's choice. The department shall not pay any costs incurred by the aggrieved person in connection with the conference board)) is an informal review of case actions and of the circumstances of the parties and children related to a child support case.~~

(a) The term conference board can mean either of the following, depending on the context:

(i) The process itself, including the review and any meeting convened; or

(ii) The DCS staff who make up the panel which convenes the hearing and makes factual and legal determinations.

(b) A conference board chair is an attorney employed by DCS in the conference board unit. In accordance with new section WAC 388-14-387, the conference board chair reviews a case and:

(i) Issues a decision without a hearing, or

(ii) Sets a hearing to take statements from interested parties before reaching a decision.

(2) A person who disagrees with any DCS action related to establishing, enforcing or modifying a support order may ask for a conference board.

(3) DCS uses the conference board process to:

(a) Help resolve complaints and problems over agency actions;

(b) Determine when hardship in the paying parent's household, as defined in RCW 74.20A.160, justifies the release of collection action or the refund of a support payment;

(c) Set a repayment rate on a support debt; and

(d) Determine when it is appropriate to write off support debts owed to the department based on:

(i) Hardship to the paying parent or that parent's household;

(ii) Settlement by compromise of disputed claims;

(iii) Probable costs of collection in excess of the support debt; or

(iv) An error or legal defect that reduces the possibility of collection.

(4) A conference board is not a formal hearing under the administrative procedure act, chapter 34.05 RCW.

(5) A conference board does not replace any formal hearing right created by chapters 388-11, 388-13 and 388-14 WAC, or by chapters 26.23, 74.20 or 74.20A RCW.

(6) This section and WAC 388-14-386 through 388-14-388 govern the conference board process in DCS cases.

NEW SECTION

WAC 388-14-386 How to apply for a conference board. (1) A person may request a conference board, orally or in writing, at any division of child support (DCS) office.

(2) Oral requests for conference boards are governed by WAC 388-14-500.

(3) DCS may start conference board proceedings in appropriate circumstances.

NEW SECTION

WAC 388-14-387 Explanation of the conference board process. (1) An applicant for a conference board must make reasonable efforts to resolve the dispute with division of child support (DCS) staff before the conference board can act in the case.

(2) A conference board chair reviews each application to determine appropriate action:

(a) If there are questions of both law and fact or if the dispute involves only facts, the chair may schedule a conference board hearing to gather evidence;

(b) If the factual dispute would not provide a basis on which the conference board could grant relief, even if all

facts were resolved in favor of the applicant, the chair may issue a decision without a hearing; or

(c) If the dispute can be resolved as a matter of law without relying upon disputed facts, the conference board chair may issue a decision without scheduling a hearing.

(3) If the conference board chair schedules a hearing, the conference board is made up of the conference board chair and staff from the DCS field office which handles the child support case, if needed.

(a) At the hearing, the conference board makes determinations of relevant disputed facts. Decisions on factual issues are made by a majority of the conference board.

(b) Decisions on issues of law are made by the conference board chair alone.

(c) The DCS worker regularly assigned to a case shall not be part of a conference board dealing with that case.

(4) The conference board chair will prepare a decision, if necessary, and provide that decision to the parties to the conference board, and to the DCS staff responsible for the case.

(5) The director of DCS, or a person designated by the director, may review conference board decisions, and may alter, amend, vacate or remand decisions that are inconsistent with Washington law or DCS policy, or are grossly unfair.

NEW SECTION

WAC 388-14-388 Scope of authority of conference board chair defined. The conference board chair has the authority to:

(1) Subpoena witnesses and documents, administer oaths and take testimony;

(2) Grant relief by setting payment plans, writing off debt owed to the department, or refunding collected money;

(3) Adjust support debts based on evidence gathered during the conference board process;

(4) Direct distribution of collected support; and

(5) Take any action consistent with Washington law and DCS policy to resolve disputes, grant relief or address issues of equity.

WSR 98-05-079
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 18, 1998, 10:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-120.

Title of Rule: WAC 388-14-500 The division of child support will accept oral requests for hearing or conference board.

Purpose: Under the governor's and secretary's executive orders on regulatory improvement, the Division of Child Support has reviewed and revised the regulation dealing with oral requests for hearing and conference board.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090.

Statute Being Implemented: RCW 34.05.220.

Summary: With the exception of two types of petition for relief the Division of Child Support will accept either a written or an oral request for hearing or conference board. This proposal redrafts and revises WAC 388-14-500 for clarity and readability.

Reasons Supporting Proposal: Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, Division of Child Support Headquarters, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, (360) 586-3077.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This is a revision of WAC 388-14-500, dealing with oral requests for hearing or conference board; the rule has been reviewed, revised and redrafted for clarity and readability under the principles of regulatory improvement.

Proposal Changes the Following Existing Rules: Amends WAC 388-14-500.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant legislative rule under RCW 34.05.328. RCW 34.05.328 (5)(b)(iv) exempts rules that clarify language of a rule without changing its effect.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on March 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by March 24, 1998.

Date of Intended Adoption: No sooner than March 25, 1998.

February 17, 1998

Edith M. Rice, Chief
Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

WAC 388-14-500 The division of child support will accept oral requests for hearing or conference board. (1) ~~((Notwithstanding the requirement for a written request for hearing found in))~~ Except for the instances listed in subsection (8), DCS will accept either a written or a oral request for hearing or conference board, even though other sections of chapters 388-11 and 388-14 WAC~~((the IV-D agency shall accept an oral request for hearing from a person who wishes to contest any action taken by the IV-D agency for which a hearing right exists. If a person wishes to petition for modification of an existing administrative support order,~~

~~or to petition for relief under WAC 388-14-376, the request for hearing must be in writing.~~

~~(2) The effective date of an oral hearing request is the date that a complete oral hearing request is communicated to any IV-D agency representative. An oral hearing request is deemed "complete" if it advises the IV-D agency of the following:~~

~~(a) Requestor's name;~~

~~(b) Identifying information such as requestor's social security number, case number, or names of the children and of the physical custodian;~~

~~(c) Requestor's mailing address;~~

~~(d) Requestor's daytime phone number, if available;~~

~~(e) Agency action to which the requestor is objecting;~~
or

~~(f) Other pertinent information that would assist the IV-D agency in identifying the specific case or cases involved in the hearing request.~~

~~(3) An oral request for hearing may be left on the hearing request voice mail box of the automated phone system of each IV-D agency field office.~~

~~(4) The IV-D agency will process incomplete requests when the appellant provides adequate information to identify the appellant's case.~~

~~(5) The IV-D agency will process an oral hearing request in the same manner as a written hearing request. If the IV-D agency determines that an oral hearing request deals with matters that are properly before the conference board under WAC 388-14-385, the agency shall process that request as a request for conference board, absent a specific request for administrative hearing under chapter 34.05 RCW)) provide that objections and hearing requests should be in writing.~~

(2) The subject matter of the objection determines whether the matter is set as a conference board or hearing, unless there is a specific request for administrative hearing under chapter 34.05 RCW.

(3) DCS will process oral and written requests for hearing in the same manner.

(4) An oral request for hearing is complete if it contains sufficient information to identify the person making the request, the DCS action, and the case or cases involved in the hearing request.

(5) The effective date of an oral request for hearing is the date that a complete oral request for hearing is communicated to any DCS representative in person or by leaving a message on the automated voice mail system of any DCS field office.

(6) When making an oral request, you are not required to specify whether you want a hearing under chapter 34.05 RCW or a conference board under WAC 388-11-385.

(7) You can make an oral request for hearing or conference board on behalf of another person, if you have written authorization to act on their behalf. The effective date of an oral request for hearing or conference board made on behalf of another person is the date that DCS receives the written authorization.

(8) There are two types of hearing request which must be in writing:

(a) A petition for prospective modification under WAC 388-11-140; and

(b) A petition for relief under WAC 388-14-376.

WSR 98-05-080
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 18, 1998, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To adopt WAC 232-12-24402 Colville Indian Reservation—Prohibiting the taking of big game and grouse.

Purpose: Adopt new WAC 232-12-24402 Colville Indian Reservation—Prohibiting the taking of big game and grouse.

Statutory Authority for Adoption: RCW 77.12.010, 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule makes it unlawful to hunt for big game or grouse within the Colville Indian Reservation boundaries.

Reasons Supporting Proposal: Adoption of this proposed rule would allow the Department of Fish and Wildlife to maximize public recreation opportunity without impairing the supply of wildlife within and around the Colville Indian Reservation.

In the late 1970s, the state and the Confederated Tribes of the Colville Indian Reservation (Colville Tribes) engaged in protracted litigation over enforcement of state fish and game laws against non-Indians on the Colville Reservation. Several inconsistent rulings during this protracted litigation created an air of legal uncertainty. Rather than continue litigation, however, both sides in 1982 decided to negotiate an agreement. In this agreement, the department and the Colville Tribes recognized that in light of conservation concerns that the population of wild animals within the reservation boundary would support only subsistence hunting by members of the Colville Indian Tribe. The agreement accommodated departmental concerns regarding maximization of recreational opportunity and wise use management of the resource. Based upon the management concerns underlying the agreement, the Wildlife Commission adopted WAC 232-12-24401. Currently, WAC 232-12-24401 prohibits hunting or trapping of wild animals and certain species of grouse within the Colville Indian Reservation boundaries.

Beginning in September 1996, the department conducted a comprehensive formal review of its hunting and fishing regulations and policies regarding the Colville Indian Reservation. As part of this review, the department conducted public meetings, received public comments and had intensive discussions with the Colville Tribes.

The overlapping nature of state and tribal jurisdiction, and responsibilities on and around the Colville Indian Reservation, creates a relationship between the state and the Colville Tribes in which it is essential that the parties work together. Maximization of public recreational opportunities without impairing the supply of wildlife on and around the

Colville Indian Reservation requires cooperation with the Colville Tribes.

Based upon this recognition that maximization of public recreational opportunities without impairing the supply of wildlife on and around the Colville Indian Reservation requires cooperation with the Colville Tribes, the department has developed a proposal for a new agreement with the Colville Tribes. The following proposal which would form the basis of a new agreement with the Colville Tribes is based upon discussions with the Colville Tribes, public meetings, and public comments to date. This tribal agreement proposal includes the following:

1. The department and Colville Tribes would intensify biological cooperation through consultation on season setting and regulation, mutual support of supplemental efforts where transplanting wildlife is appropriate (e.g., turkey, sharptail grouse, sheep), joint surveying of wildlife populations, and joint habitat protection efforts;

2. Hunting opportunity for nonmembers would be expanded to include all upland birds including pheasant with the exception of grouse;

3. Hunting opportunity for nonmembers would be expanded to include all migratory birds including doves;

4. Hunting opportunity for nonmembers would be expanded to include small game animals, such as rabbit;

5. Hunting opportunity for big game animals within the Colville Indian Reservation would continue to be prohibited;

6. The Colville Tribes will commit to working with landowners within the Colville Indian Reservation experiencing damage problems. The commitment will include the option of lethal removal by the landowner of dangerous wildlife;

7. The Colville Tribes will commit to maintaining or enhancing existing nonmember fisheries on the Colville Reservation;

8. The state license will be the permit recognized by both the state and tribe on boundary waters;

9. The cross deputization provision of the 1982 agreement will be eliminated, thereby reducing liability to both the department and the Colville Tribes;

10. Both parties will commit to mule deer conservation in areas of mutual concern (Okanogan and Ferry counties). This conservation effort is dependent upon the needs of mule deer and will vary from year to year. The proposed immediate strategy includes reducing the Colville tribal hunting season by one month; setting no season for mule deer west of the Okanogan River; redirecting tribal harvest to more robust whitetail deer populations; setting a conservation season limited to mule deer bucks with at least three point antlers; and a joint effort to influence habitat issues in favor of mule deer.

At the October 3, 1997, Fish and Wildlife Commission meeting, the department presented its review and the above tribal agreement proposal to the Fish and Wildlife Commission. At this commission meeting, the commission also received public comment regarding hunting and fishing regulation and policies regarding the Colville Indian Reservation. After considering the department's presentation and the substantial public comment, the Fish and Wildlife Commission directed agency staff to commence the rule-making process relative to this topic. The commission also

delegated to the director authority to conclude an agreement consistent with the above proposal.

The new agreement between the department and the Colville Tribe is currently being drafted. The director will decide whether to adopt this agreement at the April 1998 commission meeting. If the department and the Colville Tribes adopt this agreement, the commission will then decide whether to adopt the above proposed rule.

The director will consider the comments on the proposed rule when making his decision regarding the adoption of the proposed agreement.

The proposed rule is a necessary component for effective fish and wildlife management which maximizes public recreational opportunity without impairing the supply of wildlife on and around the Colville Indian Reservation.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

This rule is not required as the result of federal law or federal or state court action. There are, however, potential conflicts regarding the scope of state and tribal jurisdictions and responsibilities regarding fish and wildlife management on and around the Colville Indian Reservation. See *White Apache Tribe v. Arizona Dep't of Game and Fish*, 649 F.2d 1274 (9th Cir. 1980) (Colville Tribes entitled to preliminary injunction preventing the state from enforcing its hunting and fishing license requirements against non-Indians on reservation). The proposed rule is an important component of a management scheme which attempts to maximize public recreational opportunity on and around the Colville Indian Reservation and to retain state jurisdiction over wildlife within the Colville Indian Reservation.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would prohibit hunting and trapping for big game or grouse within the Colville Indian Reservation boundaries. The proposed rule's purpose and anticipated effects are to maximize public recreational opportunities without impairing the supply of wildlife in and around the Colville Indian Reservation for the reasons stated above in the reasons supporting rule proposal section. This proposed rule would replace WAC 232-12-24401. This proposed rule would increase hunting opportunity within the Colville Indian Reservation over the opportunity which currently exists under WAC 232-12-24401.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-12-24402 Colville Indian Reservation - Prohibiting the taking of big game and grouse The taking of big game or grouse within the Colville Indian Reservation boundaries is prohibited.

WSR 98-05-081

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed February 18, 1998, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

Purpose: To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The Pasayten Wilderness is defined by the Pasayten Wilderness boundary. The Chewuch unit extends to the boundary of the Pasayten and the complicated description of that boundary is deleted.

Reasons Supporting Proposal: To simplify game management unit descriptions.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines geographic areas open to hunting seasons. The proposed changes should simplify the boundary descriptions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

PROPOSED

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-35, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties): The Pasayten Wilderness Area. ~~((Beginning at the western boundary of the Pasayten Wilderness and the Washington-Canadian border; near Princess Creek; then east along the Canadian border to the eastern boundary of the Pasayten Wilderness near Goodenough Peak; then south on the Pasayten Wilderness Boundary to Trail 341; then west and south on Trail 341 to its junction with Trail 533 and Trail 343; then west on Trail 343 to Trail 342; then southwest on Trail 342 to the Pasayten Wilderness Boundary; then west on the wilderness boundary to the Hidden Lakes Trail 477; then west on Hidden Lakes Trail to Drake Creek; then southwest along Drake Creek to the Lost River Gorge; then southwest along the Lost River Gorge to the Pasayten Wilderness Boundary; then west on the Pasayten Wilderness Boundary to the Robinson Creek Trail 478; then north on the Robinson Creek Trail to the Ferguson Lake Trail; then west to Silver Lake and west to the West Fork of the Pasayten River; then west to Oregon Basin and the western boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border near Princess Creek and the point of beginning.))~~

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties): Beginning on the eastern shore of Osoyoos Lake and the Washington-Canadian border; then east on the border to the Kettle River near Ferry customs office; then south along the Kettle River to the mouth of Toroda Creek at Toroda; then west along Toroda Creek to the Toroda Creek Road (County Roads 502 and 9495); then west and south on the Toroda Creek Road to State Highway 20 at Wauconda; then east on State Highway 20 to Republic; then south on State Route 21 to the north boundary of the Colville Indian Reservation; then west on the reservation boundary to the Okanogan River; then north along the Okanogan River and the eastern shore of Osoyoos Lake to the point of beginning.

GMU 209-WANNACUT (Okanogan County): Beginning at the Canadian border station near Nighthawk on the Washington-Canadian border; then east on the border to the west shore of Lake Osoyoos; then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket and County Road 7 (9400); then south on County Road 7 to the North Pine Creek-Aeneas Lake Road (9437) then southwest on the Pine Creek-Aeneas Lake Road to the Horse Springs Coulee Road (4371); then north on the Horse Springs Coulee Road to the Loomis-Oroville Highway (9425) near Spectacle Lake; then west on the Loomis-Oroville Highway to Loomis; then north on the Loomis-Oroville Highway past Palmer Lake to Nighthawk and the Allemandi Road; then north on the Allemandi Road to the Similkameen Road; then north on the Similkameen Road to the border station on the Washington-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County): Beginning at the eastern boundary of the Pasayten Wilderness and the Washington-Canadian border; then east on the border to the border station near Nighthawk and the Similkameen Road; then southeast on the Similkameen Road to the Allemandi Road; then south on the Allemandi Road to Nighthawk and the Loomis-Oroville Road (USFS Road 9425); then south on the Loomis-Oroville Road through Loomis to the Horse Springs Coulee Road (USFS Road 4371) near Spectacle Lake; then south on the Horse Springs Coulee Road to the Aeneas Lake-Pine Creek Road (USFS Road 9400); then northeast on the Aeneas Lake-Pine Creek Road to the Okanogan River; then south along the Okanogan River to the town of Riverside and U.S. Highway 97; then north on U.S. Highway 97 to the South Pine Creek-Fish Lake Road (USFS Road 9410); then west on the South Pine Creek-Fish Lake Road along the south shore of Fish Lake to the Conconully-Sinlahekin Road (USFS Road 4015); then southwest on the Conconully-Sinlahekin Road along the north shore of Conconully Lake to Conconully and the Salmon Creek North Fork Road (USFS Roads 2361, 38, and 2820); then north on the Salmon Creek North Fork Road over Lone Frank Pass to USFS Road 39; then north on USFS Road 39 to Long Swamp and the Middle Fork Toats Coulee Road; then east on the Middle Fork Toats Coulee Road (USFS Road 39) to Iron Gate Road (USFS Road 500); then northwest on Iron Gate Road to its end; then north and east on Trails 533 and 341 to the eastern boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County): Beginning at Oregon Basin and Jim Pass on the Pacific Crest Trail; then east ~~((to Silver Lake; then east to the Ferguson Lake Trail and the Middle Fork Trail 478; then south on the Trail 478 to))~~ on the Pasayten Wilderness Boundary ~~((; then east on the wilderness boundary to Lost River; then northeast along Lost River and Drake Creek to Hidden Lake Trail 477; then east on the Hidden Lake Trail 477 to the Pasayten Wilderness Boundary at Eightmile Pass; then northeast on the wilderness boundary to Trail 342 near Hieky Hump; then north on Trail 342 to Trail 343 at Two Bear camp; then east on Trail 343))~~ to ~~((the))~~ Iron Gate Road (USFS Road 500); then south on the Iron Gate Road to the Middle Fork Toats

Coulee Creek (USFS Road 39); then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (USFS Road 37); then southwest on Boulder Creek Road to the East Chewuch River Road (USFS Road 9137); then south on the East Chewuch River Road to Winthrop and State Highway 20; then northwest on State Highway 20 to the Pacific Crest Trail crossing on Highway 20; then north on the Pacific Crest Trail to Jim Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County): Beginning at the North Fork Boulder Creek Road (USFS Road 39) and USFS Road 3820; then south on Road 3820 through Lone Frank Pass to the North Fork Salmon Creek Road (USFS Road 38); then southeast on the North Fork Salmon Creek Road to the County Road 2361; then southeast on County Road 2361 to County Road 2017 at Conconully; then southwest on County Road 2017 to the North Summit Road (USFS Road 42); then southwest on the North Summit Road to State Highway 20 at Loup Loup Summit; then west on State Highway 20 through Twisp to the East Chewuch River Road at Winthrop; then north on the East Chewuch River Road to the Boulder Creek Road (USFS Road 37); then northeast on the Boulder Creek Road to the Middle Fork Boulder Creek Road (USFS Road 39); then northeast on the Middle Fork Boulder Creek Road to USFS Road 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County): Beginning where the Pacific Crest Trail crosses State Highway 20; then south and east on State Highway 20; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; then west on the Twisp River Road to North Fork Twisp River Trail 432; then north on Trail 432 to Trail 426; then north and west on Trail 426 to the Pacific Crest Trail; then north on the Pacific Crest Trail to State Highway 20 and the point of beginning.

GMU 233-POGUE (Okanogan County): Beginning at the town of Conconully; then north on the Sinlahekin Road (USFS Road 4015) to the Fish Lake Road; then east on the Fish Lake Road along the south end of Fish Lake to the South Pine Creek Road (USFS Road 9410); then east on the South Pine Creek Road to U.S. Highway 97; then south on U.S. Highway 97 to the town of Riverside and the Okanogan River; then south along the Okanogan River through Omak to the town of Okanogan and State Highway 20; then west on State Highway 20 near Loup Loup Summit and the North Summit Road (USFS Road 42); then north on the North Summit Road to County Road 2017; then north on County Road 2017 to Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County): Beginning at the intersection of State Highway 153 and State Highway 20 south of the town of Twisp; then east on State Highway 20 past Loup Loup Summit to the town of Okanogan and the Okanogan River; then south along the Okanogan River to the Columbia River and the Okanogan County south boundary; then west along the Columbia River to Pateros and State Highway 153; then north on State Highway 153 to State Highway 20 and the point of beginning.

GMU 242-ALTA (Okanogan County): Beginning at the junction of the (~~Pacific Crest Trail~~) Twisp Pass and Trail

426; then east and south along Trail 426 to Trail 432; then east on Trail 432 to Roads End Campground and the Twisp River Road (County Road 9114 and USFS Road 4440); then east on the Twisp River Road to Twisp and State Highway 153; then south on State Highway 153 to Pateros and the Columbia River; then south along Lake Pateros to Wells Dam and U.S. Highway 97; then south on U.S. Highway 97 to Apple Acres Road (USFS Road 8140); then west on Apple Acres Road to Antoine Creek Road (USFS Road 8140); then northwest on the Antoine Creek Road to USFS Road 8020; then north on the USFS Road 8020 to its junction with the South Navarre Road and the South Fork Gold Creek Road (USFS Road 8200 and 4330); then north on the South Fork Gold Creek Road to the Okanogan-Chelan County line; then northwest on the Okanogan-Chelan County line to the intersection of Trail 426 and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties): Beginning on State Highway 17 at the Chalk Hills Road (Road K N.E.); then north on the Chalk Hills Road (K & L N.E.) for 4 miles to the east line of Range 26 East; then north on the east line of Range 26 to the Columbia River; then east along the Columbia River to Grand Coulee Dam and the Feeder Canal; then southwest along the Feeder Canal to Banks Lake; then south along the west shore of Banks Lake to a point due east from Mold Road (Road 9 N.E.); then west from that point on Mold Road through Mold to State Highway 17; then north along State Highway 17 to Sim's Corner and State Highway 172; then west on State Highway 172 through Mansfield to Mathieson Road (Road B N.E.); then north on the Mathieson Road and the West Foster Creek Road (Bridgeport Hill Road) to State Highway 17; then east on State Highway 17 to the Chalk Hills Road (Road K N.E.) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties): Beginning at Mansfield on State Highway 172; then east on State Highway 172 to Sim's Corner and State Highway 17; then south on State Highway 17 to Buckeye Road (Road 9 N.E.); then east on the Buckeye Road to Mold and the Mold Road; then east on the Mold Road and continuing due east to the west shore of Banks Lake; then south along the west shore of Banks Lake to U.S. Highway 2; then west on U.S. Highway 2 to Farmer and State Highway 172; then north and east on State Highway 172 to Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County): Beginning at Brewster and the Douglas-Okanogan County line; then east on the county line (Columbia River) past Bridgeport to the east line of Range 26 East; then south on the east line of Range 26 East to Road L N.E.; then south on Road L N.E. to the Chalk Hills Road (K & L N.E.); then southwest on the Chalk Hills Road to State Highway 17; then west on State Highway 17 to the Bridgeport Hill Road; then south on the Bridgeport Hill Road to the Dyer Hill Road; then north on the Dyer Hill Road to Dyer and the Bonita Flat Road; then west on the Bonita Flat Road to the Columbia River (opposite the Okanogan-Chelan County line); then north along the river to Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County): Beginning at Dyer and the Dyer Hill Road; then south on the Dyer Hill Road to the Bridgeport Hill Road; then south 3/4 mile on the Bridgeport Hill Road to Road 18 N.E.; then east on Road 18 N.E. to the Mathieson Road (B N.E.); then south on the Mathieson Road to State Highway 172; then west and south on State Highway 172 to Farmer and U.S. Highway 2; then west on U.S. Highway 2 through Waterville to Orondo and the Douglas-Chelan County line; then north on the county line (Columbia River) past the Wells Dam to the Bonita Flat Road (opposite the Okanogan-Chelan County line); then east on the Bonita Flat Road to Dyer and the point of beginning.

GMU 266-BADGER (Douglas County): Beginning at Orondo and U.S. Highway 2; then east on U.S. Highway 2 through Waterville and Douglas to the Westerman Road (K S.W.); then south on the Westerman Road to Alston and the Alston Road; then west on the Alston Road to the Titchenal Canyon Road; then southwest on the Titchenal Canyon Road to the Sheehan Road; then south on the Sheehan Road to the Rock Island Grade Road; then southwest on the Rock Island Grade Road to the Rock Island Dam and the Douglas-Chelan County line (Columbia River); then north on the county line through Wenatchee to Orondo and the point of beginning, (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties): Beginning on U.S. Highway 2 and the Westerman Road (K S.W.); then east on U.S. Highway 2 to the Moses Coulee Road; then south on the Moses Coulee Road to the Grant-Douglas County line and the Sagebrush Flat Road; then south on the Sagebrush Flat Road to J N.W. Road; then south on J N.W. to 20 N.W. Road; then west on 20 N.W. Road to the Overen Road; then southwest on the Overen Road to the Baird Springs Road; then southwest on the Baird Springs Road across State Highway 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Douglas-Kittitas County line (Columbia River); then north on the county line to the Rock Island Dam and the Rock Island Grade Road; then north on Rock Island Grade Road to the Sheehan Road; then north on the Sheehan Road to the Titchenal Canyon Road; then north on the Titchenal Canyon Road to the Alston Road; then east on the Alston Road through Alston to the Westerman Road (K S.W.); then north on the Westerman Road to U.S. Highway 2 and the point of beginning.

GMU 272-BEEZLEY (Grant and Douglas counties): Beginning at the junction of Grant, Lincoln and Okanogan County lines near the town of Grand Coulee; then south on the Grant County line to Interstate 90; then west on Interstate 90 to the Grant-Kittitas County line (Columbia River); then north on the county line to the Crescent Bar Road; then northeast on the Crescent Bar Road to the Baird Springs Road near Trinidad; then northeast on the Baird Springs Road across State Highway 28 to the Overen Road; then northeast on the Overen Road to the 20 N.W. Road; then east on the 20 N.W. Road to the J N.W. Road; then north on the J N.W. Road to the Sagebrush Flats Road; then north on the Sagebrush Flats Road to the Grant-Douglas County line and the Moses Coulee Road; then north on the Moses Coulee Road to U.S. Highway 2; then east on U.S. Highway

2 to the west shore of Banks Lake; then north along the west shore of Banks Lake to the feeder canal and to Grand Coulee Dam; then up river to the Grant-Lincoln County line and the point of beginning, EXCEPT Private Lands Wildlife Management Area 201, Wilson Creek.

GMU 278-WAHLUKE (Grant and Adams counties): Beginning at the Vantage Bridge on Interstate 90 and the Grant-Kittitas County line (Columbia River); then northeast and east on Interstate 90 to Road R SW (Beverly-Burke Road) then south along Road R SW to Road 7 SW (Frenchman Hills Road); then east along Road 7 SW to State Highway 262 (O'Sullivan Dam Road); then east along State Highway 262 to State Highway 17; then north on State Highway 17 to Interstate 90; then east on Interstate 90 to the Grant-Adams County line; then south and east on Grant-Adams County line to State Highway 17; then south on State Highway 17 to State Highway 26; then west on State Highway 26 to State Highway 24; then south and west on State Highway 24 to the Vernita Bridge and the Columbia River (Grant County line); then west and north along the Columbia River to the Vantage Bridge on Interstate 90 and the point of beginning.

GMU 281-RINGOLD (Franklin, Adams and Grant counties): Beginning at the Vernita Bridge on the west shore of the Columbia River and State Highway 24; then north and east on State Highway 24 to State Highway 26 at Othello; then east on State Highway 26 to State Highway 17; then south on State Highway 17 to U.S. Highway 395; then south on U.S. Highway 395 through Pasco and the west shore of the Columbia River (Franklin-Benton County line); then north along the Columbia River (including all islands) to the Vernita Bridge and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.

GMU 284-KAHLLOTUS (Adams and Franklin counties): Beginning on State Highway 17 and the Adams-Grant County line (12 S.E. Road); then east on the county line (12 S.E. Road) and north (X S.E. Road); then east on the Adams-Lincoln County line (Davis Road) to the Whitman County line; then south on the Adams-Whitman County line (Palouse River); then south on the Franklin-Whitman County line (Palouse River) to the Franklin-Columbia-Walla Walla County line (Snake River); then west on the Franklin-Walla Walla County line (Snake River) to the Walla Walla-Benton County line (Columbia River); then northwest on the county line to the U.S. Highway 395 bridge between Pasco and Kennewick; then north on U.S. Highway 395 to State Highway 17; then north on State Highway 17 to the Adams-Grant County line (12 S.E. Road) and the point of beginning.

GMU 290-Desert (Grant County): Beginning at the town of George on Interstate 90; then east along Interstate 90 to State Highway 17; then south along State Highway 17 to State Highway 262 (O'Sullivan Dam Road); then west along State Highway 262 to Road 7 SW (Frenchman Hills Road); then west along Road 7 SW to Road R SW (Beverly-Burke Road); then north along Road R SW to Interstate 90; then east along Interstate 90 to the point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

February 18, 1998
Evan Jacoby
Rules Coordinator

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

WSR 98-05-082
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

Purpose: To amend WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The only amendment of this rule is in GMU 101 (Sherman) to correct a boundary description direction. The direction northeast is replaced with the direction northwest on Highway 20.

Reasons Supporting Proposal: To correct an error in the boundary description.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To accurately describe hunting areas in Region One.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

AMENDATORY SECTION [(Amending Order 97-34, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River, Kipuna Road and the Canadian border near the Customs Office; then east on the border to the Kettle River near Laurier; then south along the Kettle River and the Ferry County line to the mouth of the Kettle River and Lake Roosevelt; then south on the Ferry County line in Lake Roosevelt to the northern boundary of the Colville Indian Reservation; then west on the reservation boundary to State Highway 21; then north on Highway 21 to Republic and Highway 20; then (~~northeast~~) northwest on Highway 20 to Wauconda and the Toroda Creek Road; then northeast on the Toroda Creek Road to Toroda and the mouth of Toroda Creek on the Kettle River; then north on the Kettle River to the Canadian border and point of beginning.

GMU 105-KELLYHILL (Stevens County): Beginning at the Kettle River and the Canadian border near Laurier; then east on the border to Lake Roosevelt (Columbia River); then south along Lake Roosevelt to the mouth of the Kettle River; then north along the Kettle River and the Ferry County line to the Canadian border near Laurier and the point of beginning.

GMU 109-THREEFORKS (Stevens and Pend Oreille counties): Beginning at Colville, then northwest on Highway 395 and State Highway 20 to the bridge over Lake Roosevelt; then north up Lake Roosevelt and the Columbia River to the Canadian border; then east along the Canadian border to the Pend Oreille River; then south along the Pend Oreille River near Tiger; then west and south on State Highway 20 to Colville and the point of beginning.

GMU 113-SELKIRK (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; east on the border to the Idaho State line; then south on the Idaho-Washington State line to the Pend Oreille River near Newport; then northwest along the Pend Oreille River to the Canadian border and the point of beginning.

GMU 117-49 Degrees North (Stevens and Pend Oreille counties): Beginning at Colville and State Highway 20; then east on State Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the Idaho State line; then south along the state line to U.S. Highway 2 in Newport; then southwest on U.S. Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and U.S. Highway 395; then northwest on U.S. Highway 395 to Loon Lake and State Highway 292; then west on State Highway 292 to Springdale and State Highway 231; then north on State Highway 231 through Valley to U.S. Highway 395; then north on U.S. Highway 395 to Colville and the point of beginning.

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GMU 121-HUCKLEBERRY (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls on U.S. Highway 395; then south on U.S. Highway 395 through Colville and Chewelah to State Highway 231; then south on State Highway 231 to the northeast corner of the Spokane Indian Reservation; then west on the north boundary of the reservation to Lake Roosevelt and the Stevens County line; then north along Lake Roosevelt (on the Stevens County line) to the bridge over Lake Roosevelt near Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties): Beginning at Springdale on State Highway 292; then east on State Highway 292 to Loon Lake and U.S. Highway 395; then south on U.S. Highway 395 to Deer Park; then east on the Deer Park-Milan Road to U.S. Highway 2; then north on U.S. Highway 2 to Newport and the Idaho-Washington State line; then south on the state line to the Spokane River; then west along the Spokane River to the Spokane Indian Reservation; then north on the east boundary of the Indian reservation (Chamokane Creek) to State Highway 231; then north on State Highway 231 to Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County): Beginning at Spokane and following the Spokane River east to the Idaho-Washington border; then south on the border to the Spokane-Whitman County line (Whitman Road); then west on the county line to U.S. Highway 195; then north on U.S. Highway 195 to Spokane and the point of beginning.

GMU 130-CHENEY (Spokane and Lincoln counties): Beginning on the Spokane—Lincoln County line at the Spokane River and State Highway 231; then east along the Spokane River to Spokane and U.S. Highway 195; then south on U.S. Highway 195 to the Spokane-Whitman County line; then west on the north boundary of Whitman and Adams counties to U.S. Highway 395; then northeast along U.S. Highway 395 to Sprague and State Highway 231; then north on State Highway 231 to U.S. Highway 2; then east on U.S. Highway 2 to Reardan and State Highway 231; then north along State Highway 231 to the Spokane River and the point of beginning.

GMU 133-ROOSEVELT (Lincoln County): Beginning at Coulee Dam; then east along Lake Roosevelt and the Lincoln County line to State Highway 231; then south on State Highway 231 to Reardan and U.S. Highway 2; then west on U.S. Highway 2 to Wilbur and State Highway 174; then northwest on State Highway 174 to Coulee Dam and the point of beginning.

GMU 136-HARRINGTON (Lincoln County): Beginning at the town of Grand Coulee; then southeast on State Highway 174 to U.S. Highway 2 at Wilbur; then east on U.S. Highway 2 to U.S. Highway 231; then south on Highway 231 to U.S. Highway 395 at Sprague; then southwest on U.S. Highway 395 to the Adams County line at Sprague Lake; then west on the Lincoln-Adams County line (Davis Road) to the Grant County line; then north on the Lincoln-Grant County line (X NE, W.7 NE Roads) to the town of Grand Coulee and the point of beginning.

GMU 139-STEPTOE (Whitman County): Beginning at the northwest corner of Whitman County near Fourth of July Lake; then east on the north Whitman County line to the Washington-Idaho border; then south on the Washington-Idaho border to State Highway 270 near Moscow, Idaho; then west on State Highway 270 through Pullman to U.S. Highway 195; then northwest on U.S. Highway 195 to Colfax; then southwest on State Highway 26 to the Palouse River and the west Whitman County line; then north on the Whitman-Adams County line to the north Whitman County line and the point of beginning.

GMU 142-ALMOTA (Whitman County): Beginning at Colfax and U.S. Highway 195; then southeast on U.S. Highway 195 to State Highway 270; then east on State Highway 270 through Pullman to the Washington-Idaho State border near Moscow Idaho; then south along the state line to the Snake River (Whitman County line) near Clarkston; then west along the Snake River (Whitman County line) to the mouth of the Palouse River (Whitman County line); then north on the Whitman County line to State Highway 26 (Washtucna-LaCrosse Highway); then east on State Highway 26 to Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties): Beginning at the mouth of Deadman Creek on the Snake River (Garfield County line) at Central Ferry; then east along the Snake River to the mouth of Alpowa Creek and U.S. Highway 12; then west on U.S. Highway 12 to State Highway 127; then north on State Highway 127 (Central Ferry Highway) to the Snake River and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties): Beginning on the Columbia River at the mouth of the Snake River (Walla Walla County line); then northeast and east along the Snake River to Central Ferry; then south on State Highway 127 (Central Ferry Highway) to Dodge Junction; then southwest on U.S. Highway 12 through Dayton and Waitsburg; then southwest on Highway 12 to Walla Walla and State Highway 125; then south on State Highway 125 to the Washington-Oregon State line; then west on the state line to the Columbia River (Walla Walla County line); then north along the Columbia River to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties): Beginning at Waitsburg on U.S. Highway 12; then northeast on U.S. Highway 12 to the Payne Hollow Road at Long Station; then south on the Payne Hollow Road-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south on the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail (3211); then southwest on the trail to the Washington-Oregon State line; then west on the state line to State Highway 125; then north on State Highway 125 to Walla Walla; then northeast on Highway 12 to Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties): Beginning at the Mill Creek Watershed Intake Trail (3211) on the Washington-Oregon State line; then northeast on the Intake Trail (3211) to the Skyline Drive Road (USFS Road 64); then south on the Skyline Drive Road to the Washington-Oregon State line;

then west on the state line to the Mill Creek Watershed Intake Trail (3211) and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties): Beginning at Dayton and the Patit Creek Road; then east on the Patit Creek Road to the Hartsock-Maloney Mountain Road; then south and west on the Maloney Mountain Road (USFS Road 4625) to the Skyline Drive Road (USFS Road 46); then south on the Skyline Drive Road to the Mill Creek Watershed Intake Trail (3211); then west on the Intake Trail to the Lewis Peak Trail; then north on the Lewis Peak Trail to the Mt. Pleasant Road; then north on the Mt. Pleasant Road to the Jasper Mountain Road; then north on the Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then northeast on U.S. Highway 12 to Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties): Beginning at Dayton and U.S. Highway 12; then north on U.S. Highway 12 to the Linville Gulch Road at Zumwalt; then south on the Linville Gulch Road to the Blind Grade Road; then southwest on the Blind Grade Road to the Tucannon Road; then north on the Tucannon Road to the Hartsock Grade Road; then south on the Hartsock Grade Road to the Patit Road; then west on the main Patit Road to Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties): Beginning at the intersection of the Hartsock Grade Road and the Tucannon River Road; then southeast on the Tucannon River Road to the elk drift fence; then southeast along the elk drift fence and the U.S. Forest Boundary to the Mountain Road (USFS Road 40); then south on the Mountain Road to the Diamond Peak Road (USFS Road 4030); then west on the Diamond Peak Road past Diamond Peak to the Diamond Peak-Oregon Butte-Bullfrog Springs-Teepee Trail; then west along the trail to Teepee Camp and the Teepee Road (USFS Road 4608); then west on the Teepee Road to the Skyline Drive Road (USFS Road 46); then north on the Skyline Drive Road to the Maloney Mountain Road (USFS Road 4625); then north on the Maloney Mountain Road to the Hartsock Grade Road; then north on the Hartsock Grade Road to the point of beginning at the Tucannon River Road.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties): Beginning on the Washington-Oregon State line at the Skyline Drive Road; then north on the Skyline Drive Road to Godman Springs and the Teepee Road (USFS Road 4608); then east on the Teepee Road to Teepee Camp; then east on the Teepee-Oregon Butte-Bullfrog Springs-Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (USFS Road 4030) to the Mountain Road (USFS Road 40); then south along the Mountain Road to the South Boundary Road (USFS Road 4039); then west along the South Boundary Road to the Three Forks Trail (USFS Road 3133); then northwest on the trail to Crooked Creek; then south along Crooked Creek to the Washington-Oregon State line; then due west on the state line to the Skyline Road and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties): Beginning on the Washington-Oregon State line at Crooked Creek; then north along Crooked Creek to Three

Forks Trail (3133); then southeast on the trail to the South Boundary Road (USFS Road 4039) then northeast on the South Boundary Road to the Mountain Road (USFS Road 40); then north on the Mountain Road to Misery Springs and the Mt. Misery-Big Butte Road (USFS Roads 44, 43, 4304); then east on the Mt. Misery-Big Butte Road to the West Mountain Road (1290); then northeast on the West Mountain Road to the Bennett Ridge Road-Mill Road; then north and east on the Bennett Ridge Road-Mill Road to Anatone and State Highway 129; then southwest on State Highway 129 to the Washington-Oregon State line; then due west on the state line to Crooked Creek and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties): Beginning at the intersection of the Mountain Road (USFS 40) and the elk drift fence; then east along the elk drift fence to its end at the east section line of Section 2, T9N, R43E; then due south along said section line to Charley Creek, and east along Charley Creek to Asotin Creek; then south along Asotin Creek to the South Fork Asotin Creek Road; then south along South Fork of Asotin Creek Road to Campbell Grade Road; then east on the Campbell Grade Road to the Cloverland Road; then south on Cloverland Road to its junction with the U.S. Forest Boundary fence; then east and south on the U.S. Forest Boundary fence past Big Butte to the Big Butte-Mt. Misery Road (USFS 4304, 43, 44) then west on the Big Butte-Mt. Misery Road to the Mountain Road (USFS 40); then northwest on the Mountain Road to the National Forest Boundary, and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties): Beginning at Zumwalt on U.S. Highway 12; then east on U.S. Highway 12 to the mouth of Alpowa Creek on the Snake River; then east and south along the Snake River to the mouth of Asotin Creek; then west along Asotin Creek to Charley Creek; then west along Charley Creek to the unit boundary marker at the east section line of Section 2, T9N, R43E; then north on said section line to the end of the elk drift fence; then west along the elk drift fence to the Tucannon River Road; then north on the Tucannon River Road to Blind Grade; then up Blind Grade to the Linville Gulch Road; then north on the Linville Gulch Road to Highway 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County): Beginning at Asotin and the mouth of Asotin Creek on the Snake River; then south along the Snake River (Washington-Idaho State line) to the Grande Ronde River; then west along the Grande Ronde River to State Highway 129; then northwest on State Highway 129 to Anatone; then west and south on the Mill Road-Bennett Ridge Road-West Mountain Road (1290) to the National Forest Boundary at Big Butte; then north along the U.S. Forest Boundary fence to the Cloverland Road; then northeast on the Cloverland Road to the Campbell Grade Road; then west on the Campbell Grade Road to the South Fork Asotin Creek Road; then northeast on the South Fork Asotin Creek Road to Asotin Creek; then northeast along Asotin Creek to the Snake River at Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County): Beginning on the Washington-Oregon State line and State Highway 129; then north on State Highway 129 to the Grande

Ronde River; then east along the Grande Ronde River to the Snake River (Washington-Idaho state line) then south along the Snake River to the Washington-Oregon state line; then west on the state line to Highway 129 and the point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998
Evan Jacoby
Rules Coordinator

WSR 98-05-083
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

Purpose: To amend WAC 232-28-271 1998-99 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: At the request of the PLWMA 201 manager it is proposed to increase the landowner access permits from 30 to 50 and change the special restrictions from Buck Only to Any Deer.

Reasons Supporting Proposal: This will give more hunting opportunity to the public and also provide for better flexibility for harvest management of the deer herd as requested by the private lands manager.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will amend the special access permit by increasing from 30 to 50 and change the special restriction from Buck Only to Any Deer for PLWMA 201 Wilson Creek.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

AMENDATORY SECTION [(Amending Order 97-248, filed 12/23/97, effective 1/23/98)]

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions

**DEER GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS**

Champion (PLWMA 401) Kapowsin Tree Farm			
Hunting Method	1998 Dates	1999 Dates	Special Restrictions
Archery	August 28-Sept. 10	August 27-Sept. 9	Any Deer
	October 1-9	October 1-9	Any Deer
Modern Firearm	October 10-25	October 9-24	2 Pt. Min.
Muzzleloader	November 23-Dec. 7	November 23-Dec. 7	Antlerless Only

Merrill and Ring (PLWMA 600) Pysht Tree Farm			
Hunting Method	1998 Dates	1999 Dates	Special Restrictions
Archery	September 15-30	September 15-30	Antlerless Only North Unit; Either Sex South Unit
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Antlerless Only North Unit; Either Sex South Unit
Modern Firearm	Oct. 17-31	Oct. 16-31	Buck Only South Unit
	Nov. 19-22	Nov. 18-21	Buck Only South Unit
Muzzleloader	Oct. 1-9	Oct. 1-9	Antlerless Only North Unit; Buck Only South Unit

**ELK GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS**

Champion (PLWMA 401) Kapowsin Tree Farm				
Hunting Method	Elk Tag	1998 Dates	1999 Dates	Special Restrictions
Archery	WA	Aug. 28-Sept. 10	Aug. 27-Sept. 9	Antlerless Only - Harvest Quota of 3
Modern Firearm	WG, WP	Closed	Closed	
Muzzleloader	WM	Nov. 23-Dec. 7	Nov. 23-Dec. 7	Antlerless Only - Harvest Quota of 3

PROPOSED

1998 DEER PERMIT SEASONS ON
PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

Wilson Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Wilson draw hunts.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Wilson A	1	Oct. 1-Dec. 31	Buck Only, Youth Hunters Only*	PLWMA 201
Wilson B	29	Oct. 1-Dec. 31	Antlerless Only, Youth Hunters Only*	PLWMA 201
Wilson C	29	Oct. 1-Dec. 31	Antlerless Only, Persons of Disability Only	PLWMA 201
Wilson D	29	Oct. 1-Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201
Wilson E	1	Oct. 1-Dec. 31	Buck Only, Persons of Disability Only	PLWMA 201
Wilson F	1	Oct. 1-Dec. 31	Buck Only, AHE Only	PLWMA 201

*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

Access for these hunts are for one day, scheduled by the manager. There are no access fees for these hunts. All hunters shall have a valid hunting license, deer tag, and written authorization from the manager to participate in these hunts. All other hunting regulations apply.

PROPOSED

PROPOSED

1998
Champion's Kapowsin Tree Farm -
Champion Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. 11-15	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401 North
Kapowsin Central	100	Dec. 11-15	Antlerless Only	PLWMA 401 Central
Kapowsin South	100	Dec. 12, 13 19, 20	Antlerless Only, Youth or Persons of Disability Only	PLWMA 401 South

**ACCESS QUOTAS AND RAFFLE SEASONS
ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

1998
Wilson Creek Area - Access Quotas and Seasons - Buck Deer
Only hunters possessing appropriate deer tags (modern firearm or archery) are eligible for access authorizations on PLWMA 201. You may contact the manager, Dave Stevens, at (509) 345-0121 for information on these hunts.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Wilson	((30)) 50	Oct. 1-Dec. 31	((Buck Only)) Any Deer (Access Fee) Modern Firearm Deer Tag	PLWMA 201
Wilson	2	Sept. 1-30	Buck Only (Access Fee) Archery Deer Tag	PLWMA 201

PROPOSED

1998

Champion's Kapowsin Tree Farm -- Raffle Quotas and Seasons

Hunter must contact Champion for auction/raffle permit opportunity.

Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Champion buck permits. Persons interested in these deer permits should contact Champion Pacific Timberlands, Inc., 31716 Camp 1 Road, Orting, WA 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 North
Kapowsin Central/Buck	29	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 Central
Kapowsin South/Buck	14	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 South

1998

Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons

An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. Pysht North A is archery only, all other hunts are open to any legal weapon hunters. The following hunts are raffle hunts offered by Merrill and Ring. Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Merrill and Ring hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at (360) 963-2378.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht North A	15	Sept. 15-30	Raffle, Archery, Antlerless Only	PLWMA 600 North
Pysht North B	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 North
Pysht North C	30	Nov. 10-24	Raffle, 3 Pt. Min. or Antlerless	PLWMA 600 North
Pysht South A	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 South

ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PROPOSED

1998
Champion (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons
 Only hunters possessing a valid elk tag (any 1998 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. Hunter must contact Champion for auction/raffle permit opportunity. Champion Pacific Timberland Inc., 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 North
Kapowsin Bull Central	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 Central
Kapowsin Bull South	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401C South

1998
Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season
 Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at (360) 963-2378 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht	2	Sept. 1-14	Raffle Any Bull, Any Tag	PLWMA 600

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; north 1/2 of Section 3, Section 4 except southeast 1/4 of southeast 1/4 and north 1/2 of northwest 1/4; Section 5; Section 6 north of State Highway 28; Sections 8 and 9. T23N, R29E, Sections 5, 6, 7, and 8; Sections 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Section 31; Section 32 south 1/2 of northwest 1/4 and north 1/2 of southwest 1/4; Sections 33, 34, and 35. T23N, R28E, Sections 1 and 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section

5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except south 1/2; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; north 1/2 of Section 12; Section 15 except that part within Stratford Game Reserve; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; Sections 26, 27, 28, 29, 30, and 33; north 1/2 and north 1/2 of south 1/2 of Section 34; Section 35 except that part in game reserve. T23N, R27E, Section 11, south 1/2 of southwest 1/4 and west 1/4 of southeast 1/4 of Section 12; Sections 13 and 14; Section 22 except west 1/2 of southwest 1/4; Sections 23, 24, 25, 26, and 27. T24N, R28E, Section 35. T24N, R29E, Section 31; west 1/2 of Section 32. Public lands with the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.)

and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and west along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the BPA Transmission Line; then south and west along the powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

PLWMA 600 - Merrill and Ring (Clallam County): Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, then south along Deep Creek to the township line between Townships 30 and 31, then west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4, NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4, SW 1/4 NE 1/4 Section 19, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4, SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 24, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 98-05-084
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.

Purpose: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished, by adding two species to the state's list of threatened species.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Adds the sage grouse and the sharp-tailed grouse to protected wildlife designated as threatened species in Washington.

Reasons Supporting Proposal: Sage grouse and sharp-tailed grouse populations have declined throughout all or a significant portion of their range in Washington due to loss of habitat and now number fewer than 1,000 individuals each. Two small populations of sage grouse remain in the state and are threatened by potential catastrophic fire, impacts of military training, and the instability of the federal Conservation Reserve Program. Eight fragmented populations of sharp-tailed grouse remain in the state; four are under immediate threat of extirpation, with less than twenty-five birds each. Sharp-tailed grouse in Washington are at risk due to isolation of small subpopulations in degraded habitats, continued population decline, severe habitat alteration and fragmentation, and the lack of management plans and agreements that would ensure long-term maintenance of habitat.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-12-011, identifies species of wild animals to be managed by the Department of Fish and Wildlife as protected species in one of three categories: Threatened, sensitive, and other protected wildlife. This amendment adds sage grouse and sharp-tailed grouse as threatened species. Threatened species are in need of special management consideration to recover populations to healthy levels and to keep them from becoming endangered. Land managing agencies and local, state and federal governments may use these lists to consider the needs of species of special concern in land management decisions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North,

Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-167, filed 8/25/97, effective 9/25/97)]

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
<u>sage grouse</u>	<u><i>Centrocercus urophasianus</i></u>
<u>sharp-tailed grouse</u>	<u><i>Phasianus columbianus</i></u>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>

PROPOSED

Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
fisher	<i>Martes pennanti</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>

all birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 98-05-085
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To adopt WAC 232-28-280 1998-99 and 1999-2000 Deer general seasons and special permits.

Purpose: To adopt WAC 232-28-280 1998-99 and 1999-2000 Deer general seasons and special permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The 1998 and 1999 deer general and special permit seasons are proposed to provide hunting opportunity within the biological constraints of the resource. The 1998 and 1999 hunting seasons are rewritten from the 1997-1999 hunting seasons previously adopted and amended to be consistent with hunting pamphlet verbiage. Special hunting seasons and permit quotas are included in this WAC to simplify hunting rules.

Reasons Supporting Proposal: The proposed deer hunting seasons will slightly modify the hunting pamphlet and maintain most hunting opportunities adopted in the 1997-1999 hunting season rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will describe deer hunting opportunities in Washington state. The purpose is to provide hunting recreation and help prevent damage to agricultural and horticultural crops. The anticipated effect will be to maintain hunting opportunity and provide a more understandable hunting pamphlet.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-280 1998-99 and 1999-2000 Deer general seasons and special permits

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 437, 478, 558, 574, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: All Mule Deer in eastern Washington (see definition of eastern Washington); Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, 203, and 231.

Permit Only Units: The following GMUs are closed during general seasons: 242 (Alta), 290 (Desert), 329 (Quilomene), 330 (West Bar), 342 (Umtanum), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed) and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found in western Washington.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found in eastern Washington.

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking a deer.

Modern Firearm Deer Seasons

License Required: Hunting license.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

PROPOSED

Hunt Season	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS				
	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON HUNTS				
Western Washington Blacktail Deer	Oct. 17-31	Oct. 16-31	407, 418, 426, 448 through 466, 484, 490, 501 through 520, 524 through 556, 560, 568, 572, 601 through 673, 684	Any buck
			410, 564	Any deer
			437, 478, 558, 574, 578, 582, 588, 636, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 17-30	Oct. 16-29	101 through 124	Any whitetail buck
	Oct. 17-25	Oct. 16-24	127 through 154, 162 through 186, 231, and Pasayten Wilderness	Whitetail, 3 pt. min.
	Oct. 26-30	Oct. 16-29	127 through 142	Whitetail, 3 pt. min.
	Oct. 17-25	Oct. 16-24	204 through 224, 233, 239	Any whitetail buck
Mule Deer	Oct. 17-25	Oct. 16-24	All of eastern Washington except closed in GMUs 157, 242, 290, 329, 330, 342, 371, and PLWMA 201	3 pt. min.
LATE BUCK HUNTS				
Western Washington Blacktail Deer	Nov. 19-22	Nov. 18-21	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 460, 485, 522	Any buck except 2 pt. min. in GMUs 478, 558, 636, 681 and either sex in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 9-22	Nov. 8-21	105 through 121	Any whitetail buck
			127 through 142	Whitetail-3 pt. min.
DISABLED, SENIOR, OR YOUTH HUNTS				
	Oct. 17-30	Oct. 16-29	101 through 124	Any whitetail deer
			127 through 142	Whitetail-3 pt. min. or antlerless

Archery Deer Seasons

License Required: Hunting license.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

PROPOSED

Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons				
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	407 through 426, 448, 454 through 466, 484, 490, 501 through 520, 524 through 556, 560 through 572, 601 through 673, 684 and Long Island. Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt call Tom Jones at (360) 396-5097. Special Restrictions: Must be a U.S. Citizen and hunting is open on weekends only.	Any Deer
			437, 478, 558, 574, 578, 582, 588, 636, 681	2 pt. min. or antlerless
			Alpine Lakes, Glacier Peak, and Olympic Wilderness Areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-15	Sept. 1-15	101 through 127, 181 through 239, 260, 262, 278, 281, 300, 301, 302, 304, 306, 308, 314, 316, 328, 334 through 340, 346 through 368, 372	3 pt. min.
	Sept. 1-5	Sept. 1-5	130 through 149, 163, 178, 248, 254, 266, 269, 272, 284	3 pt. min.
	Sept. 6-15	Sept. 6-15	130 through 149, 163, 178, 248, 254, 266, 269, 272, 284	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Sept. 1-5	Sept. 1-5	101 through 124, 204 through 224, 233, 239, 300	Any whitetail buck
			127 through 154, 162 through 186, 203, 231	Whitetail 3 pt. min.
	Sept. 6-30	Sept. 6-30	101 through 124, 204 through 224, 233, 239, 300	Any whitetail deer
			127 through 154, 162 through 186, 231 and Pasayten Wilderness	Whitetail 3 pt. min. or antlerless
Late Archery Deer Seasons				
Western Washington Blacktail Deer	Nov. 25-Dec. 8	Nov. 24-Dec. 8	588	2 pt. min. or antlerless
	Nov. 25-Dec. 15	Nov. 24-Dec. 15	558, 636, 681	2 pt. min. or antlerless
			460, 466, 510, 513, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 673 and Long Island	Any deer
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	407, 410, 454, 484, 505, 506, 564, 568, 603, 624, 627, 642, 660, 663, 666, 667, 672	Any deer
			437	2 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	127, 130, 133, 145, 178	3 pt. min. or antlerless
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	209, 215, 233, 300, 316, 346, 352, 368 and 360 north of Carmack Canyon & Bethel Ridge Rd, 364	3 pt. min.
			272	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any Whitetail
	Nov. 25-Dec. 15	Nov. 24-Dec. 15	105, 117, 121, 124	Any Whitetail
			127, 130, 133, 145, 178	3 pt. min. or antlerless
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	209, 215, 233	Any Whitetail

Muzzleloader Deer Seasons

License Required: Hunting license.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
Early Muzzleloader Deer Seasons				
Western Washington Blacktail Deer	Oct. 10-16	Oct. 9-15	407, 410, 520, 530, 568, 603, 612, 672	Any buck
			454, 484, 564, 666	Any deer
Eastern Washington Whitetail Deer	Oct. 10-16	Oct. 9-15	109, 117, 209, 300	Whitetail, any buck
Eastern Washington Mule Deer	Oct. 10-16	Oct. 9-15	109, 117, 209, 300, 304, 316, 336, 352, 360	Mule deer, 3 pt. min.
Late Muzzleloader Deer Seasons				
Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	410, 501, 504, 564, 666, 684, and Muzzleloader Area 926	Any deer
			478	2 pt. min.
			550, 602, 633, 651	Any buck
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	578, 582	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	113	Whitetail, any buck
			139	Whitetail, 3 pt. min.
			130, 136, 172-181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	130, 136	Mule deer, 3 pt. min. or antlerless
	Dec. 1-31	Dec. 1-31	Muzzleloader Area 925	Mule deer, antlerless only

Firearm Restricted Deer Hunts Open To All Deer Hunters

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

PROPOSED

PROPOSED

Firearm Restricted Hunts Open To All Deer Hunters				
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Hunter Orange required. Archery, Shotgun or Muzzleloader Only.				
Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 17-31	Oct. 16-31	410	Any deer
	Oct. 17-31	Oct. 16-31	Vashon and Maury Islands	Any deer
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Indian Island. Restricted Access*	Any deer

*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at (360) 396-5353.

Special Deer Permit Hunting Seasons

(Open to Permit Holders Only)

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application.

Hunt Name	Permit Season	Special Restrictions	Boundary Description	1998 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm and muzzleloader deer tag holders may apply)				
Sherman	Oct. 17-30	Whitetail, Antlerless Only	GMU 101	50
Kelly Hill	Oct. 17-30	Whitetail, Antlerless Only	GMU 105	100
Threeforks	Oct. 17-30	Whitetail, Antlerless Only	GMU 109	250
Selkirk	Oct. 17-30	Whitetail, Antlerless Only	GMU 113	30
49 Degrees North	Oct. 17-30	Whitetail, Antlerless Only	GMU 117	150
Huckleberry	Oct. 17-30	Whitetail, Antlerless Only	GMU 121	300
Mt. Spokane	Oct. 17-30	Whitetail, Antlerless Only	GMU 124	600
Mica Peak	Oct. 17-30	Whitetail, Antlerless Only	GMU 127	160
Cheney	Oct. 17-30	Antlerless Only	GMU 130	150
Roosevelt	Oct. 17-30	Antlerless Only	GMU 133	375
Harrington	Oct. 17-30	Antlerless Only	GMU 136	125
Steptoe	Oct. 17-30	Antlerless Only	GMU 139	200
Almota	Oct. 17-30	Antlerless Only	GMU 142	225
Mayview	Oct. 17-30	Antlerless Only	GMU 145	250
Prescott A	Nov. 9-17	Antlerless Only	GMU 149	250
Blue Creek	Nov. 9-17	Whitetail, Antlerless Only	GMU 154	150
Dayton	Nov. 9-17	Whitetail, Antlerless Only	GMU 162	100
Marengo A	Nov. 9-17	Whitetail, Antlerless Only	GMU 163	125
Marengo B	Nov. 9-17	Antlerless Only	GMU 163	150
Peola	Nov. 9-17	Antlerless Only	GMU 178	50
Blue Mtns.Foothills A	Nov. 9-23	Whitetail, 3 Pt. Min. or Antlerless	GMUs 149, 154, 162-166	100
Blue Mtns.Foothills B	Nov. 9-23	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172-181	75
East Okanogan	Nov. 1-15	Any Whitetail	GMU 204	150
West Okanogan	Nov. 1-15	Any Whitetail	GMUs 209, 218-239	200
Sinlahekin	Nov. 1-15	Any Whitetail	GMU 215	50
Alta	Nov. 7-22	3 Pt. Min.	GMU 242	46
Desert A	Nov. 7-22	3 Pt. Min.	GMU 290	9
Quilomene A	Nov. 7-22	3 Pt. Min.	GMU 329, 330	55
Umtanum A	Nov. 7-22	3 Pt. Min.	GMU 342	59
Alkali	Nov. 7-22	3-Pt. Min.	GMU 371	59

Green River A	Oct. 10-16	Any Buck	GMU 485	15
Green River B	Oct. 10-16	Antlerless Only	GMU 485	15
Lincoln	Oct. 17-30	Any Deer	GMU 501	175
Stella	Oct. 17-30	Any Deer	GMU 504*	75
Mossyrock	Oct. 17-30	Any Deer	GMU 505	150
Willapa Hills	Oct. 17-30	Any Deer	GMU 506	85
Stormking	Oct. 17-30	Any Deer	GMU 510	75
South Rainier	Oct. 17-30	Any Deer	GMU 513	75
Packwood	Oct. 17-30	Any Deer	GMU 516	100
Winston	Oct. 17-30	Any Deer	GMU 520	100
Ryderwood	Oct. 17-30	Any Deer	GMU 530	85
Coweeman	Oct. 17-30	Any Deer	GMU 550	175
Yale	Oct. 17-30	Any Deer	GMU 554*	50
Marble	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 558	75
Lewis River	Oct. 17-30	Any Deer	GMU 560	100
Washougal	Oct. 17-30	Any Deer	GMU 568	35
Siouxon	Oct. 17-30	Any Deer	GMU 572	100
West Klickitat	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 578	25
East Klickitat	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 582	25
Grayback	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 588	25
Pysht	Oct. 17-30	Any Deer	GMU 603	30
Olympic	Oct. 17-30	Any Deer	GMU 621	40
Coyle	Oct. 17-30	Any Deer	GMU 624	40
Kitsap	Oct. 17-30	Any Deer	GMU 627	20
Mason Lake	Oct. 17-30	Any Deer	GMU 633	60
Skokomish	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee	Oct. 17-30	Any Deer	GMU 648	75
Satsop	Oct. 17-30	Any Deer	GMU 651	150
North River	Oct. 17-30	Any Deer	GMU 658	40
Minot Peak	Oct. 17-30	Any Deer	GMU 660	100
Capitol Peak	Oct. 17-30	Any Deer	GMU 663	100
Fall River	Oct. 17-30	Any Deer	GMU 672	90
Williams Creek	Oct. 17-30	Any Deer	GMU 673	50
Deschutes	Oct. 17-30	Any Deer	GMU 666	80
Skookumchuck A	Oct. 17-30	Any Deer	GMU 667	100

*Firearm Restriction Areas - Muzzleloader or archery equipment only.

Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)

Colville	Oct. 10-16	Antlerless Only	GMUs 109, 117	50
Alta B	Oct. 10-16	3 Pt. Min.	GMU 242	50
Moses Coulee	Dec. 1-31	Antlerless Only	GMU 269	25
Desert B	Oct. 10-16	3 Pt. Min.	GMU 290	2
Quilomene B	Oct. 1-10	3 Pt. Min.	GMUs 329, 330	21
Umtanum B	Oct. 1-10	3 Pt. Min.	GMU 342	21
Alkali	Oct. 1-10	3-Pt. Min.	GMU 371	39
Satsop	Oct. 1-10	Any Deer	GMU 651	50

Archery Only Buck Permit Hunts (Only archery deer tag holders may apply.)

Alta C	Sept. 1-30	3 Pt. Min.	GMU 242	32
Desert C	Sept. 1-15	3 Pt. Min.	GMU 290	13
Quilomene C	Sept. 1-15	3 Pt. Min.	GMUs 329, 330	86
Umtanum C	Sept. 1-15	3 Pt. Min.	GMU 342	86
Alkali C	Sept. 1-15	3-Pt. Min.	GMU 371	155

Advanced Hunter Education (AHE) Graduate Special Deer Permit Hunts (Only AHE graduates may apply.)

Cheney/Roosevelt	Dec. 1-7	Antlerless Only	GMUs 130, 133	75
Mt. Adams	Oct. 1-10	2-Pt. Min. or Antlerless	Elk Area 059, GMU 560	10
Skookumchuck	Oct. 17-30	Any Deer	GMU 667	10

Persons of Disability Special Deer Permit Hunts (Only Persons of Disability may apply.)

Blue Mtns. Foothills C	Nov. 9-24	Whitetail, 3-Pt. Min. or	GMUs 149,	
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PROPOSED

Green River C	Oct. 11-17	Antlerless	154, 162-166	10
Margaret	Oct. 17-Nov. 1	Antlerless Only	GMU 485	5
Trout Creek Hill	Oct. 17-31	Antlerless Only	GMU 524	25
Gobbler's Knob	Oct. 17-31	Any Deer	GMU 572	3
Eleven Mile Ridge	Oct. 17-31	2-Pt. Min. or Antlerless	GMU 574	2
Red Mountain	Oct. 17-31	Any Deer	GMU 572	2
Paradise Ridge	Oct. 17-31	Any Deer	GMU 572	2
Proverbial Creek	Oct. 17-31	Any Deer	GMU 572	2
Lone Butte	Oct. 17-31	Any Deer	GMU 560	3
Skookumchuck B	Oct. 17-Nov. 1	Any Deer	GMU 667	15
Bear River	Oct. 17-Nov. 1	2-Pt. Min. or Antlerless	GMU 681	20

Senior Special Deer Permit Hunts (Must be 65 or older on opening day of the permit season to apply.)

Walla Walla	Oct. 17-25	3-Pt. Min or Antlerless	GMUs 149-163	75
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Youth Special Deer Permit Hunts (Must be 16 or younger on opening day of permit season & accompanied by adult during the hunt.)

Blue Mtns. Foothills D	Oct. 17-25	3-Pt. Min. or Antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills E	Oct. 17-25	3-Pt. Min. or Antlerless	GMUs 145, 172-181	75
Big Bend C	Oct. 17-25	3-Pt. Min. or Antlerless	GMU 248	25
Toutle	Oct. 17-Nov. 1	Any Deer	GMU 556	100
Wind River	Oct. 17-Nov. 1	2-Pt. Min. or Antlerless	GMU 574	75
Satsop	Oct. 11-Nov. 1	Any Deer	GMU 651	10
Skookumchuck C	Oct. 11-Nov. 1	Any Deer	GMU 667	60

**WSR 98-05-086
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To repeal WAC 232-28-240, 232-28-242, 232-28-249, 232-28-252, 232-28-253, 232-28-254, 232-28-265, 232-28-267, 232-28-268, 232-28-02210, 232-28-02230, 232-28-02250, 232-28-02260, 232-28-02270, and 232-12-24401.

Purpose: To repeal the following sections: WAC 232-28-240 1997-98, 1998-99, 1999-2000 Deer and bear hunting seasons and regulations; 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations; 232-28-249 1997-98 Special species hunting seasons and regulations; 232-28-252 1997 Moose permit quotas; 232-28-253 1997 Mountain sheep (bighorn) permit quotas; 232-28-254 1997 Mountain goat permit quotas; 232-28-265 1997-98 Deer and elk permit hunting seasons; 232-28-267 1997 Deer permit quotas; 232-28-268 1997-1998 Elk permit quotas; 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions; 232-28-02230 Game management units (GMUs)—Special game areas—Boundary descriptions—Bow and arrow area descriptions; 232-28-02250 Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units; 232-28-02260 Game management units (GMUs)—Special game areas—Boundary descriptions—Moose units; 232-28-02270 Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units; and

232-12-24401 Closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: To repeal obsolete rules or rules that have been rewritten.

Reasons Supporting Proposal: To eliminate obsolete or conflicting language.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These are all repealed rules.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998
Evan Jacoby
Rules Coordinator

**WSR 98-05-087
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

Purpose: To amend WAC 232-28-264 1997, 1998, 1999 Official hunting hours and small game seasons. To set time, place and manner for hunting seasons. Small game seasons are set to provide hunting recreation opportunity.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: To inform the public of when hunting is permitted and to provide small game hunting recreation.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets time, place and manner of hunting. The purpose is to manage hunting seasons. We anticipate approximately 60,000 small game hunters will participate in these seasons.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

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Date of Intended Adoption: April 3, 1998.

February 18, 1998
Evan Jacoby
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- | | |
|------------------|---|
| WAC 232-28-240 | 1997-98, 1998-99, 1999-2000 Deer and bear hunting seasons and regulations. |
| WAC 232-28-242 | 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations. |
| WAC 232-28-249 | 1997-98 Special species hunting seasons and regulations. |
| WAC 232-28-252 | 1997 Moose permit quotas |
| WAC 232-28-253 | 1997 Mountain sheep (bighorn) permit quotas |
| WAC 232-28-254 | 1997 Mountain goat permit quotas |
| WAC 232-28-265 | 1997-98 Deer and elk permit hunting seasons |
| WAC 232-28-267 | 1997 Deer permit quotas |
| WAC 232-28-268 | 1997-1998 Elk permit quotas |
| WAC 232-28-02210 | Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions. |
| WAC 232-28-02230 | Game management units (GMUs)—Special game areas—Boundary descriptions—Bow and arrow area descriptions. |
| WAC 232-28-02250 | Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units. |
| WAC 232-28-02260 | Game management units (GMUs)—Special game areas—Boundary descriptions—Moose units. |
| WAC 232-28-02270 | Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units. |
| WAC 232-12-24401 | Closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves. |

AMENDATORY SECTION [(Amending Order 97-166, filed 8/25/97, effective 9/25/97)]

WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

1997-98 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

September 1, 1997 to January 31, 1998

Dates (Inclusive)				Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.
Daylight Savings Time							
Mon.	Sept. 1	-	Sun.	6:00	7:45	5:50	7:30
Mon.	Sept. 8	-	Sun.	6:10	7:30	6:00	7:20
Mon.	Sept. 15	-	Sun.	6:20	7:15	6:10	7:05
Mon.	Sept. 22	-	Sun.	6:30	7:00	6:15	6:50
Mon.	Sept. 29	-	Sun.	6:40	6:45	6:30	6:35
Mon.	Oct. 6	-	Fri.	6:45	6:30	6:35	6:25
	Oct. 11(**)		Sat.	6:50(**)	6:30	6:40(**)	6:15
	Oct. 12		Sun.	6:50	6:30	6:40	6:15
Mon.	Oct. 13	-	Sun.	7:00	6:20	6:50	6:10
Mon.	Oct. 20	-	Sat.	7:10	6:10	7:00	5:55
Pacific Standard Time							
			Sun.	6:15	5:00	6:00	4:50
Mon.	Oct. 27	-	Sun.	6:20	4:55	6:15	4:45
Mon.	Nov. 3	-	Sun.	6:30	4:45	6:20	4:30
Mon.	Nov. 10	-	Sun.	6:40	4:35	6:30	4:25
Mon.	Nov. 17	-	Sun.	6:50	4:30	6:40	4:15
Mon.	Nov. 24	-	Sun.	7:00	4:20	6:50	4:10
Mon.	Dec. 1	-	Sun.	7:10	4:20	7:00	4:10
Mon.	Dec. 8	-	Sun.	7:15	4:20	7:05	4:05
Mon.	Dec. 15	-	Sun.	7:20	4:20	7:10	4:10
Mon.	Dec. 22	-	Sun.	7:25	4:25	7:15	4:10
Mon.	Dec. 29	-	Sun.	7:25	4:30	7:15	4:15
Mon.	Jan. 5	-	Sun.	7:25	4:35	7:15	4:25
Mon.	Jan. 12	-	Sun.	7:25	4:45	7:10	4:35
Mon.	Jan. 19	-	Sun.	7:20	4:55	7:05	4:45
Mon.	Jan. 26	-	Sat.	7:10	5:00	7:00	4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

(~~**Pheasant/quail opening day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant and quail seasons open at noon.~~)

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1998-99 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1998 to January 31, 1999

PROPOSED

Dates (Inclusive)				Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.
Daylight Savings Time							
Tues. Sept. 1	-	Sun. Sept. 6		6:00	7:45	5:50	7:35
Mon. Sept. 7	-	Sun. Sept. 13		6:10	7:35	6:00	7:20
Mon. Sept. 14	-	Sun. Sept. 20		6:20	7:20	6:05	7:05
Mon. Sept. 21	-	Sun. Sept. 27		6:30	7:05	6:15	6:50
Mon. Sept. 28	-	Sun. Oct. 4		6:40	6:50	6:25	6:35
Mon. Oct. 5	-	Sun. Oct. 11		6:45	6:35	6:25	6:25
Mon. Oct. 12	-	((Fri.)) Sun. Oct. ((16)) 18		6:55	6:20	6:45	6:10
((Opening	Oct. 17**	Sat.		8:00	6:20	Noon	6:05
Weekend**	Oct. 18	Sun.		6:55	6:20	6:45	6:05))
Mon. Oct. 19	-	Sat. Oct. 24		7:05	6:10	6:55	6:00
Pacific Standard Time							
		Sun. Oct. 25		6:10	5:00	6:00	4:50
Mon. Oct. 26	-	Sun. Nov. 1		6:20	4:55	6:05	4:45
Mon. Nov. 2	-	Sun. Nov. 8		6:30	4:45	6:15	4:35
Mon. Nov. 9	-	Sun. Nov. 15		6:40	4:35	6:30	4:25
Mon. Nov. 16	-	Sun. Nov. 22		6:50	4:30	6:40	4:15
Mon. Nov. 23	-	Sun. Nov. 29		7:00	4:25	6:50	4:10
Mon. Nov. 30	-	Sun. Dec. 6		7:10	4:20	6:55	4:10
Mon. Dec. 7	-	Sun. Dec. 13		7:15	4:20	7:05	4:05
Mon. Dec. 14	-	Sun. Dec. 20		7:20	4:20	7:10	4:10
Mon. Dec. 21	-	Sun. Dec. 27		7:25	4:20	7:15	4:10
Mon. Dec. 28	-	Sun. Jan. 3		7:25	4:30	7:15	4:15
Mon. Jan. 4	-	Sun. Jan. 10		7:25	4:35	7:15	4:25
Mon. Jan. 11	-	Sun. Jan. 17		7:25	4:45	7:10	4:30
Mon. Jan. 18	-	Sun. Jan. 24		7:20	4:55	7:05	4:40
Mon. Jan. 25	-	Sat. Jan. 31		7:10	5:00	7:00	4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons. ~~((**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))~~

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1999 to January 31, 2000

Dates (Inclusive)			Daylight Savings Time	Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.
Wed. Sept. 1	-	Sun. Sept. 5		6:00	7:45	5:45	7:35
Mon. Sept. 6	-	Sun. Sept. 12		6:05	7:35	5:50	7:20
Mon. Sept. 13	-	Sun. Sept. 19		6:15	7:20	6:05	7:10
Mon. Sept. 20	-	Sun. Sept. 26		6:25	7:10	6:15	6:50
Mon. Sept. 27	-	Sun. Oct. 3		6:35	6:50	6:25	6:40
Mon. Oct. 4	-	Sun. Oct. 10		6:45	6:40	6:35	6:25
Mon. Oct. 11	-	((Fri)) Oct. ((45)) 17		6:50	6:25	6:45	6:15
		Sun.					
((Opening Weekend**	Oct. 16**	Sat.		8:00	6:25	Noon	6:15
Weekend**	Oct. 17	Sun.		6:50	6:25	6:45	6:15
Mon. Oct. 18	-	Sun. Oct. 24		7:05	6:15	6:55	6:00
Mon. Oct. 25	-	Sat. Oct. 30		7:15	6:00	7:05	5:45
			Pacific Standard Time				
Sun. Oct. 31	-	Sun. Nov. 7		6:25	4:45	6:15	4:35
Mon. Nov. 8	-	Sun. Nov. 14		6:35	4:40	6:25	4:25
Mon. Nov. 15	-	Sun. Nov. 21		6:50	4:30	6:35	4:20
Mon. Nov. 22	-	Sun. Nov. 28		7:00	4:25	6:45	4:10
Mon. Nov. 29	-	Sun. Dec. 5		7:05	4:20	6:50	4:10
Mon. Dec. 6	-	Sun. Dec. 12		7:10	4:20	7:00	4:05
Mon. Dec. 13	-	Sun. Dec. 19		7:20	4:20	7:05	4:05
Mon. Dec. 20	-	Sun. Dec. 26		7:25	4:25	7:10	4:10
Mon. Dec. 27	-	Sun. Jan. 2		7:30	4:25	7:15	4:15
Mon. Jan. 3	-	Sun. Jan. 9		7:30	4:35	7:15	4:20
Mon. Jan. 10	-	Sun. Jan. 16		7:25	4:40	7:10	4:30
Mon. Jan. 17	-	Sun. Jan. 23		7:20	4:50	7:05	4:45
Mon. Jan. 24	-	Mon. Jan. 31		7:15	5:00	7:00	4:50

*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons. (**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.)

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1997-1998 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1997 to January 31, 1998

Dates (Inclusive)			Daylight Savings Time	Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.
Mon. Sept. 1	-	Sun. Sept. 7		6:00	8:15	5:50	8:00
Mon. Sept. 8	-	Sun. Sept. 14		6:10	8:00	6:00	7:50

PROPOSED

Mon.	Sept. 15	- Sun.	Sept. 21	6:20	7:45	6:10	7:35
Mon.	Sept. 22	- Sun.	Sept. 28	6:30	7:30	6:15	7:20
Mon.	Sept. 29	- Sun.	Oct. 5	6:40	7:15	6:30	7:05
Mon.	Oct. 6	- Fri.	Oct. 10	6:45	7:00	6:35	6:55
	Oct. 11((**))	Sat.		6:50((**))	7:00	6:40((**))	6:45
	Oct. 12	Sun.		6:50	7:00	6:40	6:45
Mon.	Oct. 13	- Sun.	Oct. 19	7:00	6:50	6:50	6:40
Mon.	Oct. 20	- Sat.	Oct. 25	7:10	6:40	7:00	6:25
Pacific Standard Time							
		Sun.	Oct. 26	6:15	5:30	6:00	5:20
Mon.	Oct. 27	- Sun.	Nov. 2	6:20	5:25	6:15	5:15
Mon.	Nov. 3	- Sun.	Nov. 9	6:30	5:15	6:20	5:00
Mon.	Nov. 10	- Sun.	Nov. 16	6:40	5:05	6:30	4:55
Mon.	Nov. 17	- Sun.	Nov. 23	6:50	5:00	6:40	4:45
Mon.	Nov. 24	- Sun.	Nov. 30	7:00	4:50	6:50	4:40
Mon.	Dec. 1	- Sun.	Dec. 7	7:10	4:50	7:00	4:40
Mon.	Dec. 8	- Sun.	Dec. 14	7:15	4:50	7:05	4:35
Mon.	Dec. 15	- Sun.	Dec. 21	7:20	4:50	7:10	4:40
Mon.	Dec. 22	- Sun.	Dec. 28	7:25	4:55	7:15	4:40
Mon.	Dec. 29	- Sun.	Jan. 4	7:25	5:00	7:15	4:45
Mon.	Jan. 5	- Sun.	Jan. 11	7:25	5:05	7:15	4:55
Mon.	Jan. 12	- Sun.	Jan. 18	7:25	5:15	7:10	5:05
Mon.	Jan. 19	- Sun.	Jan. 25	7:20	5:25	7:05	5:15
Mon.	Jan. 26	- Sat.	Jan. 31	7:10	5:30	7:00	5:20

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and migratory game birds (except duck, goose, coot, snipe, mourning dove, and band-tailed pigeon pheasant, quail, partridge, and turkey) during established seasons.

~~((**Pheasant/quail opening day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) In Eastern Washington, pheasant and quail seasons open at noon.))~~

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1998-1999 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1998 to January 31, 1999

Dates (Inclusive)			Western Washington from			Eastern Washington from		
			A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time								
Tues.	Sept. 1	- Sun.	Sept. 6	6:00	8:15	5:50	8:05	
Mon.	Sept. 7	- Sun.	Sept. 13	6:10	8:05	6:00	7:50	
Mon.	Sept. 14	- Sun.	Sept. 20	6:20	7:50	6:05	7:35	
Mon.	Sept. 21	- Sun.	Sept. 27	6:30	7:35	6:15	7:20	
Mon.	Sept. 28	- Sun.	Oct. 4	6:40	7:20	6:25	7:05	
Mon.	Oct. 5	- Sun.	Oct. 11	6:45	7:05	6:25	6:55	
Mon.	Oct. 12	- ((Fri-)) Sun.	Oct. ((46)) 18	6:55	6:50	6:45	6:40	

PROPOSED

((Opening	Oct. 17**	Sat.		6:55**	6:50	6:45**	6:35
Weekend**	Oct. 18	Sun.		6:55	6:50	6:45	6:35))
Mon.	Oct. 19	- Sat.	Oct. 24	7:05	6:40	6:55	6:30
Pacific Standard Time							
		Sun.	Oct. 25	6:10	5:30	6:00	5:20
Mon.	Oct. 26	- Sun.	Nov. 1	6:20	5:25	6:05	5:15
Mon.	Nov. 2	- Sun.	Nov. 8	6:30	5:15	6:15	5:05
Mon.	Nov. 9	- Sun.	Nov. 15	6:40	5:05	6:30	4:55
Mon.	Nov. 16	- Sun.	Nov. 22	6:50	5:00	6:40	4:45
Mon.	Nov. 23	- Sun.	Nov. 29	7:00	4:55	6:50	4:40
Mon.	Nov. 30	- Sun.	Dec. 6	7:10	4:50	6:55	4:40
Mon.	Dec. 7	- Sun.	Dec. 13	7:15	4:50	7:05	4:35
Mon.	Dec. 14	- Sun.	Dec. 20	7:20	4:50	7:10	4:40
Mon.	Dec. 21	- Sun.	Dec. 27	7:25	4:50	7:15	4:40
Mon.	Dec. 28	- Sun.	Jan. 3	7:25	5:00	7:15	4:45
Mon.	Jan. 4	- Sun.	Jan. 10	7:25	5:05	7:15	4:55
Mon.	Jan. 11	- Sun.	Jan. 17	7:25	5:15	7:10	5:00
Mon.	Jan. 18	- Sun.	Jan. 24	7:20	5:25	7:05	5:10
Mon.	Jan. 25	- Sat.	Jan. 31	7:10	5:30	7:00	5:20

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

~~((**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))~~

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
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- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1999 to January 31, 2000

Dates (Inclusive)			Daylight Savings Time		Western Washington from		Eastern Washington from	
			A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
Wed.	Sept. 1	- Sun.	Sept. 5	6:00	8:15	5:45	8:05	
Mon.	Sept. 6	- Sun.	Sept. 12	6:05	8:05	5:50	7:50	
Mon.	Sept. 13	- Sun.	Sept. 19	6:15	7:50	6:05	7:40	
Mon.	Sept. 20	- Sun.	Sept. 26	6:25	7:40	6:15	7:20	
Mon.	Sept. 27	- Sun.	Oct. 3	6:35	7:20	6:25	7:10	
Mon.	Oct. 4	- Sun.	Oct. 10	6:45	7:10	6:35	6:55	
Mon.	Oct. 11	- ((Fri-))	Oct. ((15)) 17	6:50	6:55	6:45	6:45	
		<u>Sun.</u>						
((Opening	Oct. 16**	Sat.		6:50**	6:55	6:45**	6:45	
Weekend**	Oct. 17	Sun.		6:50	6:55	6:45	6:45))	
Mon.	Oct. 18	- Sun.	Oct. 24	7:05	6:45	6:55	6:30	
Mon.	Oct. 25	- Sat.	Oct. 30	7:15	6:30	7:05	6:15	
Pacific Standard Time								
Sun.	Oct. 31	- Sun.	Nov. 7	6:25	5:15	6:15	5:05	
Mon.	Nov. 8	- Sun.	Nov. 14	6:35	5:10	6:25	4:55	

PROPOSED

Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	5:00	6:35	4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:55	6:45	4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:50	6:50	4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:50	7:00	4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:50	7:05	4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:55	7:10	4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:55	7:15	4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	5:05	7:15	4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10	5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:05	5:15
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:30	7:00	5:20

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

~~((**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))~~

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar, and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge and in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407, 410, and 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED in GMU 522 and CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1997, 1998, and 1999; except CLOSED in GMU 522.

PTARMIGAN

Season closed statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Juvenile Season: Sept. 27 & 28, 1997; (~~Oct. 3 & 4, 1998; Oct. 2 & 3, 1999~~) open only to juvenile hunters age 15 and under. Juvenile hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: (~~Noon~~) Oct. 11-Dec. 31, 1997; (~~Noon~~) Oct. 17-Dec. 31, 1998; (~~Noon~~) Oct. 16-Dec. 31, 1999.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Mountain Quail

Season closed throughout eastern Washington

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Juvenile Season: Sept. 27 & 28, 1997; (~~Oct. 3 & 4, 1998; Oct. 2 & 3, 1999~~) open only to juvenile hunters age 15 and under. Juvenile hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: (~~Noon~~) Oct. 11, 1997-Jan. 11, 1998; (~~Noon~~) Oct. 17, 1998-Jan. 10, 1999; (~~Noon~~) Oct. 16, 1999-Jan. 9, 2000.

Yakama Indian Reservation: The 1997-98, 1998-99, 1999-2000 Upland Bird Seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day (~~on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites~~), with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 20-26, 1997; Sept. 26-Oct. 2, 1998; and Sept. 25-Oct. 1, 1999 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 11, 1997; Oct. 17, 1998; Oct. 16, 1999; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only

must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1997, 1998, 1999 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited. (~~Hunters may only possess one valid permit at a time.~~)

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Non-toxic shot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and must indicate their choice on the western Washington upland bird permit by choosing "odd" or "even."

It is unlawful to purchase an additional permit until the ten pheasant allowed on the current permit are taken. (~~Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) Skookumchuck and Scatter Creek wildlife areas. Only hunters with Western Washington Upland Bird Permits marked "odd" may hunt these sites from 8:00 a.m. until 10:00 a.m. on odd-numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 10:00 a.m. on even-numbered weekend days.~~) Hunters that select the two day option, senior hunters 65 years of age or older, and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999; (--) except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1997; April 15-May 15, 1998; and April 15-May 15, 1999.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1997, 1998 and 1999; Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

SAGE AND SHARP-TAILED GROUSE

Season Closed Statewide.

BIRD DOG TRAINING SEASON

Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and Oct. 2-Nov. 30, 1999,

dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Six - Scatter Creek Wildlife Area.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: September 8-14, 1998; September 7-13, 1999.

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess evidence of compliance with this requirement when hunting migratory game birds.

BAND-TAILED PIGEON

Closed Season Statewide.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 1997; Sept. 1-15, 1998; and Sept. 1-15, 1999; except CLOSED in GMU 522.

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess evidence of compliance with this requirement when hunting migratory game birds.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jackrabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522.

CROWS

Bag and possession limits: No limits

Statewide: Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999; Oct. 1, 1999-Jan. 31, 2000.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and Sept. 1-15 and Oct. 1-Dec. 31, 1999.

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess evidence of compliance with this requirement when hunting migratory game birds.

Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 98-05-088
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed February 18, 1998, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To adopt WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and special permits.

Purpose: To adopt WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and special permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: A number of changes are proposed that will reduce the complexity of hunting regulations. The permit applicant elk tag for modern firearm hunters is proposed to be deleted. This change will allow all modern firearm tag hunters to apply for special permits and hunt starting with opening day of the modern firearm hunting season. Another change is to make all of western Washington a 3 point antler restriction. This will eliminate the spike only restrictions in western Washington. The format of the WAC is changed to make it easier to read and be consistent with the hunting pamphlet. The PLWMA rules were adopted in December so are not included in the proposed WAC. The White River Unit was permit only for spike bull and 3 point minimum bull. All permits for White River are proposed to be deleted and a general 3 point minimum season is recommended for

all user groups. Permit levels for all hunts are adjusted to reflect population abundance and allocation among user groups according to the Resource Allocation Task Group.

Reasons Supporting Proposal: The general hunting seasons and permit levels are combined into one WAC. Public opinion is strongly in favor of 3 point antler restrictions so we are recommending that change. Public opinion also favors dropping the two day wait for modern firearm permit applicants so we are recommending that change.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will adopt 1998 and 1999 elk hunting seasons and rules. The purpose is to adopt rules consistent with conservation of the resource while providing recreation opportunity. The effect will be to maintain hunting seasons for elk similar to past years.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and special permits

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the five elk hunting areas (Blue Mountains, Northeastern Washington, Yakima, Colockum, or Western Washington) to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal). Spike bull only or 3-point minimum restrictions apply in most game management units.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 302, 314-329, and 335-371

3 Point Restriction GMUs: Bull elk taken in these GMUs must have 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of western Washington except for GMUs 564, 568, 574, 578, 582, 588 and permit only GMUs 157, 485, 524, 556, 602, and 621.

GMUs Closed to Elk Hunting: 418 (Nooksack), 437 (Sauk) except for Elk Area 041, 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tags identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking an elk.

Elk Tag Areas

Blue Mountains: GMUs 145-186, with GMU 157 limited by permit to all hunters.

- BA - Blue Mountains Archery Tag
- BG - Blue Mountains Modern General Bull Tag
- BM - Blue Mountains Muzzleloader Tag

Northeastern: GMUs 101-142; GMUs 127 and 130 are permit.

- NA - Northeastern Archery Tag
- NG - Northeastern Modern General Bull Tag
- NM - Northeastern Muzzleloader Tag

Colockum: GMUs 300, 302, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

- CA - Colockum Archery Tag
- CG - Colockum Modern General Bull Tag
- CM - Colockum Muzzleloader Tag

Yakima: The portion of GMU 334 south of I-90 (Modern Firearm restrictions in GMU 334), and GMUs 302, 335, 336, 340, 342, 346, 352, 356, 360, 364, 368, 371, and 372.

- YA - Yakima Archery Tag
- YG - Yakima Modern General Bull Tag
- YM - Yakima Muzzleloader Tag

Western Washington: All 400, 500 and 600 GMUs except closed in GMU 418, 437, 522, and modern firearm restrictions in portions of GMU 660. GMUs 418 (Nooksack), 437 (Sauk) except for Elk Area 041, and 636 (Skokomish) are closed to all elk hunting as Conservation Closures. GMU 554 is open only for early archery and muzzleloader permit seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Permit only in GMUs 485, 524, 556, 602, 621, and PLWMA 600 (Pysht).

- WA - Western Washington Archery Tag
- WG - Western Washington Modern General Bull Tag
- WM - Western Washington Muzzleloader Tag

Permit Only Units: The following GMUs are closed during general seasons: GMUs 127 (Mica Peak) and 130 (Cheney) closed during modern firearm seasons; 157 (Mill Creek Watershed), 330 (West Bar), 485 (Green River), 524 (Margaret), 554 (Yale), 556 (Toutle), 602 (Dickey), 621 (Olympic), and PLWMA 401 (Champion) and 600 (Merrill and Ring).

Modern Firearm Elk Seasons

License Required: Hunting license.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Northeast	General (NG)	101 through 142	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any bull
		127, 130			Permit only
Blue Mountains	General (BG)	145 through 154, 162 through 186	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
		157			Permit Only

Colockum	General (CG)	300, 304, 306, 308	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any bull
		302, 314, 316 south of Hwy 2, 328, 329	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
		330			Permit Only
Yakima	General (YG)	302, 335 through 371	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
	Any Yakima Tag	372	Oct. 5-13	Oct. 5-13	Antlerless Only
			Oct. 31-Nov. 8	Oct. 31-Nov. 8	Antlerless Only
			Dec. 9-13	Dec. 9-13	Antlerless Only
Western Washington	General (WG)	407, 448, 460, 466, 472, 484, 490, 504, 505, 506, 510, 513, 516, 520, 530, 550, 558, 560, 572, 601, 618, 638 through 681 Except AHE hunters only in Elk Area 064 in GMU 638	Nov. 7-15	Nov. 6-14	3 pt. min.
		501	Nov. 7-15	Nov. 6-14	3 pt. min. or antlerless
		564, 568, 574, 578, 582, 588	Nov. 7-15	Nov. 6-14	Any elk
		454, Elk Area 041	Nov. 7-15	Nov. 8-14	Any bull
		485, 524, 556, 602, 621 & PLWMA 600			Permit Only

Archery Elk Seasons

License Required: Hunting license.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

PROPOSED

PROPOSED

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Early Archery Elk Seasons					
Northeast	NA	101 through 142	Sept. 1-14	Sept. 1-14	Any elk
Blue Mountains	BA	145 through 154, 162 through 169, 175, 178, 181, 186	Sept. 1-14	Sept. 1-14	Spike bull only
Colockum	CA	300, 306, 308, 334 (N of I-90)	Sept. 1-14	Sept. 1-14	Any elk
		328, 329, 330	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
Yakima	YA	334 (south of I-90)	Sept. 1-14	Sept. 1-14	Any elk
		335, 336, 340, 352, 356, 364, 371, 372	Sept. 1-14	Sept. 1-14	Spike bull or antlerless

Western Washington	WA	454, 564, 568, 574, 578, 582, 588	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 460, 466, 472, 490, 501, 504, 505, 510, 513, 516, 520, 530, 550, 554, 558, 560, 568, 572, 660, 663, 667, 672, 673, 681, 684 and Long Island	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		478, 484, 601, 603, 612, 615, 618, 624, 627, 633, 638, 642, 648, 651. AHE hunters only in Elk Area 064 in GMU 638. Permit Only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	3 pt. min.
		Elk Area 041	Sept. 1-14	Sept. 1-14	Antlerless only

Late Archery Elk Seasons

Northeast	NA	101, 105, 117, 121, 124, 127, 130	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
Blue Mountains	BA	Private lands within GMU 162 east of the North Touchet Road. GMU 178	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
Colockum	CA	328	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
Yakima	YA	336, 346, 352, 360 North of Carmack Canyon & Bethel Ridge Road, 368	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
Western Washington	WA	407, 454, 505, 520, 672 and Long Island.	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
		564, 588	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
		484, 603, 612, 615, 638, 648 except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638.	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min.
		506, 530, 681 In GMU 681 closed between U S Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallcut River.	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
		Elk Area 041	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Antlerless only

Muzzleloader Elk Seasons

License Required: Hunting license.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Early Muzzleloader Elk Seasons					
Northeast	NM	109	Oct. 10-16	Oct. 9-15	Any bull
Blue Mountains	BM	172, 178, 181	Oct. 10-16	Oct. 9-15	Spike bull only
Colockum	CM	308, 316 S of Hwy 2	Oct. 10-16	Oct. 9-15	Any bull
		314*, 316 *The portion of GMU 314 bordered by the Colockum Pass Road (Road 10) Naneum Ridge Road (Road 9) and Ingersol Road (Road 1) is closed. See Naneum Green Dot Map.	Oct. 10-16	Oct. 9-15	Spike bull only
Yakima	YM	342, 356, 368	Oct. 10-16	Oct. 9-15	Spike bull only
		ML 910	Aug. 15-Sept. 14	Aug. 15-Sept. 14	Any elk
Western Washington	WM	484, 564, 684	Oct. 10-16	Oct. 9-15	Any elk
		437, 454, 460, 478, 513, 530, 603, 607, 660	Oct. 10-16	Oct. 9-15	3 pt. min.
		501	Oct. 10-16	Oct. 9-15	3 pt. min. or antlerless
		Elk Area 041	Oct. 10-16	Oct. 10-16	Antlerless only
Late Muzzleloader Elk Seasons					
Northeast	NM	127, 130, 133, 136, 139 (All units are primarily private lands and access is a problem.)	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
Yakima	YM	346	Nov. 14-18	Nov. 14-18	Spike bull or antlerless
		Muzzleloader Area 944	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
Western Washington	WM	501, 505	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
		574, 578	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Any elk
		484, 504, 550, 601	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min.
		Elk Area 041	Nov. 25-Jan. 31, 1999	Nov. 24-Jan. 31, 2000	Any elk

Special Elk Hunts Open to Specified Tag Holders

License Required: Hunting License

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

PROPOSED

Hunt Area	Elk Tag	Game Management Units	Legal Elk	Season Dates	
				1998	1999
Western Washington	WG	568, 574, 578, 588	Any Elk	Nov. 7-15	Nov. 6-14

	WA, WG, WM	564, Archery and muzzleloader equipment. Modern Firearm elk tag holders may hunt, but must use archery or muzzleloader equipment.	Any Elk	Nov. 7-15	Nov. 6-14
Northeast	NG	101, 105, 121, 124 west of SR 395, 133, 136, 139	Any Elk	Oct. 31-Nov. 8	Oct. 30-Nov. 7
	NA, NM	127, 130 Advanced Hunter Education Hunters Only	Any Elk	Oct. 20-Dec. 31	Oct. 20- Dec. 31
Central Washington	Any Elk Tag	Grant, Adams, Douglas and Okanogan cos. and Chelan County N of Hwy 2 within 1/2 mile of Columbia River in Douglas & Grant cos.	Any Elk	Nov. 1-15	Nov. 1-15

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt).

Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1998 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 154	4
Watershed A*	Oct. 31-Nov. 8	3 Pt. Bull or Antlerless	BA, BG, BM	GMU 157	50
Dayton A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 162	4
Tucannon A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 166	3
Wenaha A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 169	6
Mountain View A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 172	5
Peola A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 178	2
Couse	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 181	1
Grande Ronde A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 186	1
Naneum A	Oct. 25-Nov. 8	3 Pt. Min.	CG	GMU 328	19
Quilomene A	Oct. 25-Nov. 8	3 Pt. Min.	CG	GMU 329	10
Peaches Ridge A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 336, 346	88
Observatory A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 340, 342	52
Goose Prairie A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 352, 356	41
Bethel A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 360	20
Rimrock A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 364	63
Cowiche A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 368	11
Alkali	Oct. 31-Nov. 8	3 Pt. Min.	YG	GMU 372	60
Winston A	Nov. 2-15	3 Pt. Min.	WG	GMU 520	10
Margaret A	Nov. 2-15	3 Pt. Min.	WG	GMU 524	21
Coweeman A	Nov. 2-15	3 Pt. Min.	WG	GMU 550	8
Toutle A	Nov. 2-15	3 Pt. Min.	WG	GMU 556	117
Lewis River A	Nov. 2-15	3 Pt. Min.	WG	GMU 560	16
Dickey A	Nov. 2-15	3 Pt. Min.	WG	GMU 602	7
Olympic A	Nov. 2-15	3 Pt. Min.	WG	GMU 621	16

*Permit season is open for archery and muzzleloader but hunt is the same as modern firearm and all hunters must wear hunter orange.

PROPOSED

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Northeast	Nov. 2-8	Antlerless Only	NG or NM	GMUs 109, 113, 117, 124 (E. of SR 395)	80
Mica, Cheney	Oct. 17-Nov. 8	Antlerless Only	NG or NM	GMUs 127, 130	250
Wenaha B	Oct. 1-10	3-Pt. Min.	BG or BM	GMU 169	3
Peola B	Nov. 4-8	Antlerless	BG or BM	GMU 178	25
Wenatchee Mtns.	Oct. 1-10	3-Pt. Min.	CG, CM, YP, or YM	GMU 302, 335	18
Shushuskin A	Dec. 1-31	Antlerless	YG or YM	Elk Area 031	50
Malaga A	Sept. 1-Oct. 3	Any Elk	CG or CM	Elk Area 032	75
Malaga B	Oct. 11-31	Any Elk	CG or CM	Elk Area 032	75
Malaga C	Nov. 10-Dec. 31	Any Elk	CG or CM	Elk Area 033	75
Peshastin A	Sept. 1-Oct. 3	Antlerless	CG or CM	Elk Area 033	25
Peshastin B	Nov. 10-Dec. 31	Any Elk	CG or CM	Elk Area 033	25
Taneum	Nov. 4-8	Antlerless	YG or YM	GMU 336	150
Manastash A	Nov. 4-8	Antlerless	YG or YM	GMU 340	300
Umtanum	Nov. 4-8	Antlerless	YG or YM	GMU 342	350
Little Naches A	Nov. 4-8	Antlerless	YG or YM	GMU 346	250
Little Naches B	Oct. 1-10	3-Pt. Min.	YG or YM	GMU 346	19
Nile	Nov. 4-8	Antlerless	YG or YM	GMU 352	75
Bumping	Nov. 4-8	Antlerless	YG or YM	GMU 356	300
Bethel B	Nov. 4-8	Antlerless	YG or YM	GMU 360	100
Rimrock B	Nov. 4-8	Antlerless	YG or YM	GMU 364	350
Cowiche B	Nov. 4-8	Antlerless	YG or YM	GMU 368	200
Willapa Hills	Nov. 11-15	Antlerless	WG or WM	GMU 506	100
Packwood	Nov. 11-15	Antlerless	WG or WM	GMU 516	25
Winston B	Nov. 11-15	Antlerless	WG or WM	GMU 520	30
Margaret B	Nov. 11-15	Antlerless	WG or WM	GMU 524	30
Ryderwood	Nov. 11-15	Antlerless	WG or WM	GMU 530	75
Coweeman B	Nov. 11-15	Antlerless	WG or WM	GMU 550	50
Toutle B	Nov. 11-15	Antlerless	WG or WM	GMU 556	50
Marble	Nov. 11-15	Antlerless	WG or WM	GMU 558	60
Carlton	Oct 1-10	3-Pt. Min.	WG or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WG or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WG or WM	Elk Area 059	5
Lewis River B	Nov. 11-15	Antlerless	WG or WM	GMU 560	75
Siouxon	Nov. 11-15	Antlerless	WG or WM	GMU 572	50
Minot Peak	Nov. 11-15	Antlerless	WG or WM	GMU 660	10
Williams Creek	Nov. 11-15	Antlerless	WG or WM	GMU 673	50
Curtis	Dec. 20-31	Antlerless	WG or WM	Elk Area 050	50
Boisfort A	Jan. 1-15, 1999	Antlerless Only	WG or WM	Elk Area 054	50
East Valley	Jan. 1-15, 1999	Antlerless Only	WG or WM	Elk Area 055	25

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek B	Oct. 1-10	3 Pt. Min.	BM	GMU 154	1
Dayton B	Oct. 1-10	3 Pt. Min.	BM	GMU 162	1
Tucannon B	Oct. 1-10	3 Pt. Min.	BM	GMU 166	1
Wenaha C	Oct. 1-10	3 Pt. Min.	BM	GMU 169	2
Mountain View B	Oct. 1-10	3 Pt. Min.	BM	GMU 172	1
Peola C	Oct. 1-10	3 Pt. Min.	BM	GMU 178	1
Couse B	Oct. 1-10	3 Pt. Min.	BM	GMU 181	1
Grande Ronde B	Oct. 1-10	3 Pt. Min.	BM	GMU 186	1
Naneum C	Oct. 1-10	3 Pt. Min.	CM	GMU 328	2
Quilomene C	Oct. 1-10	3 Pt. Min.	CM	GMU 329, 330	4
Peaches Ridge B	Oct. 1-10	3 Pt. Min.	YM	GMUs 336, 346	20
Observatory B	Oct. 1-10	3 Pt. Min.	YM	GMUs 340, 342	19
Goose Prairie B	Oct. 1-10	3 Pt. Min.	YM	GMUs 352, 356	5
Bethel C	Oct. 1-10	3 Pt. Min.	YM	GMU 360	3
Rimrock C	Oct. 1-10	3 Pt. Min.	YM	GMU 364	15
Cowiche C	Oct. 1-10	3 Pt. Min.	YM	GMU 368	50
Winston C	Oct. 1-10	3 Pt. Min.	WM	GMU 520	16

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Margaret C	Oct. 1-10	3 Pt. Min.	WM	GMU 524	5
Coweeman C	Oct. 1-10	3 Pt. Min.	WM	GMU 550	3
Toutle C	Oct. 1-10	3 Pt. Min.	WM	GMU 556	22
Lewis River C	Oct. 1-10	3 Pt. Min.	WM	GMU 560	2
Dickey B	Oct. 1-10	3 Pt. Min.	WM	GMU 602	1
Olympic B	Oct. 1-10	3 Pt. Min.	WM	GMU 621	3

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C	12/1/98-1/31/99	Antlerless Only	BM	GMU 154	50
Peola D	Oct. 10-16	Spike or Antlerless	BM	GMU 178	50
Couse C	Oct. 10-16	Spike or Antlerless	BM	GMU 181	50
Couse D	Dec. 1-31	Antlerless Only	BM	GMU 181	50
Couse E	Jan. 1-31, 1999	Antlerless Only	BM	GMU 181	50
Stella	Nov. 26-Dec. 15	3 Pt. or Antlerless	WM	GMU 504	100
Boisfort B	Jan. 16-31, 1999	Antlerless Only	WM	Elk Area 054	50
Yale	Nov. 26-Dec. 15	Any Elk	WM	GMU 554	75
Toledo	Jan. 2-16, 1999	Antlerless Only	WM	Elk Area 029	75
North River	Nov. 26-Dec. 15	Antlerless Only	WM	GMU 658	20

Archery Bull Permit Hunts (Only archery elk tag holders may apply.)

Blue Creek D	Sept. 1-14	3 Pt. Min.	BA	GMU 154	1
Dayton C	Sept. 1-14	3 Pt. Min.	BA	GMU 162	3
Tucannon C	Sept. 1-14	3 Pt. Min.	BA	GMU 166	1
Wenaha D	Sept. 1-14	3 Pt. Min.	BA	GMU 169	8
Mountain View C	Sept. 1-14	3 Pt. Min.	BA	GMU 172	4
Peola D	Sept. 1-14	3 Pt. Min.	BA	GMU 178	1
Couse F	Sept. 1-14	3 Pt. Min.	BA	GMU 181	1
Grande Ronde C	Sept. 1-14	3 Pt. Min.	BA	GMU 186	1
Naneum D	Sept. 1-14	3 Pt. Min.	CA	GMU 328	77
Quilomene D	Sept. 1-14	3 Pt. Min.	CA	GMU 329, 330	23
Peaches Ridge C	Sept. 1-14	3 Pt. Min.	YA	GMUs 336, 346	50
Observatory C	Sept. 1-14	3 Pt. Min.	YA	GMUs 340, 342	26
Goose Prairie C	Sept. 1-14	3 Pt. Min.	YA	GMUs 352, 356	26
Bethel D	Sept. 1-14	3 Pt. Min.	YA	GMU 360	48
Rimrock D	Sept. 1-14	3 Pt. Min.	YA	GMU 364	82
Cowiche D	Sept. 1-14	3 Pt. Min.	YA	GMU 368	5
Winston D	Sept. 1-14	3 Pt. Min.	WA	GMU 520	8
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	9
Coweeman D	Sept. 1-14	3 Pt. Min.	WA	GMU 550	49
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	89
Lewis River D	Sept. 1-14	3 Pt. Min.	WA	GMU 560	5
Dickey C	Sept. 1-14	3 Pt. Min.	WA	GMU 602	23
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621	68

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (Only AHE graduates may apply.)

Margaret E	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 524	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
South Bank A	Jan. 1-15, 1999	Antlerless Only	Any Elk Tag	Elk Area 062	5
South Bank B	Jan. 16-31, 1999	Antlerless Only	Any Elk Tag	Elk Area 062	5
Skookumchuck	Oct. 1-10	3-Pt. Min. or Antlerless	Any Elk Tag	GMU 667	2
Cle Elum	Nov. 25-Dec. 8	Antlerless Only	YM, CM	ML 910	50

Persons of Disability Only - Special Elk Permit Hunts

Quilomene E	Nov. 1-7	3 Pt. Min. or Antlerless	CG or CM	GMU 329	5
Manastash B	Nov. 1-7	3 Pt. Min. or Antlerless	YG or YM	GMU 340	5
Little Naches C	Oct. 1-10	3 Pt. Min. or Antlerless	YG or YM	GMU 346	5
Trout Creek Hill	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Eleven Mile Ridge	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Red Mountain	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Paradise Ridge	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Proverbial Creek	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1

Lone Butte	Nov. 9-15	Any Elk	Any Elk Tag	GMU 560	1
Centralia Mine A	Oct. 31-Nov. 1	Antlerless Only	Any Elk Tag	Portion of GMU 667	4
Centralia Mine B	Nov. 7-8	Antlerless Only	Any Elk Tag	Portion of GMU 667	4
South Bank C	Dec. 10-20	Antlerless Only	Any Elk Tag	Elk Area 062	3

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

**WSR 98-05-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To adopt WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Purpose: To adopt WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The WAC specifies hunting season dates, permit quotas and unit descriptions for all special species for the 1998 hunting season.

Reasons Supporting Proposal: Consolidation and establishment of special species hunting seasons and regulations into one WAC.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes limited entry moose, bighorn sheep, and mountain goat seasons and regulations to provide

recreational opportunity while conserving special species resources of Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998
Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas

1998 Moose Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license; EXCEPT those who drew a moose permit previously in Washington State. Only one moose permit will be issued during an individual's lifetime. (Waived for Mt. Spokane youth hunt)

Bag Limit: One moose of either sex, EXCEPT antlerless only for Mt. Spokane Youth Hunt.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	12
Mt. Spokane	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	10
Mt. Spokane Youth Only	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	4
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Legal Weapon	13
Three Forks	Oct. 1-Nov. 30	GMU 109	Any Legal Weapon	3
Hangman	Oct. 1-Nov. 30	GMU 127, 130	Any Legal Weapon	1

1998 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license; EXCEPT those who drew a bighorn permit previously in Washington State. Only one bighorn sheep permit will be issued during an individual's lifetime.

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Vulcan Mountain	Sept. 15-Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Tucanion River	Sept. 15-Oct. 10	Sheep Unit 3	Any Legal Weapon	1

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Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	2
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	2
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	2
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River: Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: That part of Yakima County north of Wenas Creek, east of USFS Road 1701, Manastash Lake and drainage, west of Yakima River and that part of Kittitas County south of Manastash Creek and west of the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329 and 330.

1998 Mountain Goat Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license.

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Mount Chopaka	Sept. 13-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 13-Oct. 31	Goat Unit 2-2	Any Legal Weapon	5
Naches Pass	Sept. 13-Oct. 31	Goat Unit 3-6	Any Legal Weapon	3
Bumping River	Sept. 13-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Tieton River	Sept. 13-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
Blazed Ridge	Sept. 13-Oct. 31	Goat Unit 3-10	Any Legal Weapon	6
Kachess Ridge	Sept. 13-Oct. 31	Goat Unit 3-11	Any Legal Weapon	1
East Ross Lake	Sept. 13-Oct. 31	Goat Unit 4-8	Any Legal Weapon	5
Jack Mountain	Sept. 13-Oct. 31	Goat Unit 4-9	Any Legal Weapon	2
Foss River	Sept. 13-Oct. 31	Goat Unit 4-32	Any Legal Weapon	5
Pratt River	Sept. 13-Oct. 31	Goat Unit 4-34	Any Legal Weapon	5
Corral Pass	Sept. 13-Oct. 31	Goat Unit 4-38	Any Legal Weapon	4
Tatoosh	Sept. 13-Oct. 31	Goat Unit 5-2	Any Legal Weapon	5
Smith Creek	Sept. 13-Oct. 31	Goat Unit 5-3	Any Legal Weapon	3
Goat Rocks	Sept. 13-Oct. 31	Goat Unit 5-4	Any Legal Weapon	7

Mountain Goat Units:

Goat Unit 2-1 Mount Chopaka: Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down the Similkameen River and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up Toats Coulee Creek and north up the North Fork Toats Coulee Creek; then up Snowshoe Creek to Snowshoe Mountain; then north to the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; **EXCEPT CLOSED** in T39N, R25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary:

PROPOSED

Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-8 East Ross Lake: Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-32 Foss River: Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail 1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail 1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River: Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the

Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

**WSR 98-05-090
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Purpose: To amend WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Muzzleloader areas are primarily areas adopted for damage control. Several of the units are proposed to be deleted because they are no longer needed.

Reasons Supporting Proposal: To delete unnecessary boundary descriptions.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes will delete unnecessary boundary descriptions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-43, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

~~((Muzzleloader Area No. 908 Acme (Whatecom County); Same as Bow Area No. 808.))~~

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to Big Creek; then west and south on the Big Creek Trail to its junction with USFS Road 4517; then east on USFS Road 4517 to its junction with Spur Road 117 (at the powerlines); then to Granite Creek Trail 1326; then south on Granite Creek Trail 1326 to the top of South Cle Elum Ridge; then east along the ridge on Granite Creek Trail 1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with U.S. Highway 97; then north on U.S. Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then south on Look Road to Brick Mill Road; then east on Brick Mill Road to Venture Road to Lyons Road; then east on Lyons Road to Fox Road; then south on Fox Road to Christensen Road; then east on Christensen Road to Parke Creek Road; then east and north on Parke Creek Road to the BPA powerlines (Section 22, T18N, R20E) north of Parke Creek Group Home; then northwest along BPA Powerlines to Colockum Pass Road; then north on the Colockum Pass Road to upper powerlines (Section 16, T19N, R20E); then west along BPA powerlines to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35; then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718 (Cougar Gulch Road); then southwest on USFS Road 9718 through the town of Liberty to U.S. Highway 97; then north on U.S. Highway 97 to USFS Road 9738, Blue Creek; then west on USFS Road 9738 to USFS Road 9702 Dickey Creek; then west on USFS Road 9702 to the North

Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning.

~~((Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D-2100 line to its junction with the D line; then northwest along the D line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line; then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning.))~~

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the Town of Ritzville; then south along S.R. 261 to S.R. 26; then east on S.R. 26 to the Whitman County line; then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; then north along the Adams, Lincoln County line to Interstate 90; then west along Interstate 90 to point of beginning.

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

~~((Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hanson Creek; then south down Hanson Creek to State Highway 20 to Childs Creek and point of beginning.))~~

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); then north to USFS Road 1712; then east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning.

~~((Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the South Fork Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 Road; then northeast on the 440 Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning.))~~

~~**Muzzleloader Area No. 961 Hoko River (Clallam County):** Within one mile of the Hoko County Road between~~

~~Highway 112 and the Olympic National Park Boundary near Lake Ozette.~~

~~**Muzzleloader Area No. 962 Elwha (Clallam County):** Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park Boundary; then along Olympic National Park Boundary to the section line between Sections 32 and 33 of T30N, R7 W.W.M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning.))~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 98-05-091
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Purpose: To amend WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: We are proposing to delete many of the elk areas because they are no longer needed. The Toledo Unit is proposed to be amended to reduce the size of the hunt area and a new area along the Skagit River is added to address damage problems.

Reasons Supporting Proposal: To describe geographic areas for damage control hunts.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will describe geographic areas for hunting. The purpose is to control damage in problem areas. The effect will be to reduce damage complaints.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-41, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

~~((Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams and Franklin counties): All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Section 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning.~~

~~Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reeceer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colocum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate 90; then west along Interstate 90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning.~~

~~Elk Area No. 003 Kingsbury (Chelan and Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road.~~

~~Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt~~

~~Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road.~~

~~Elk Area No. 010 South Spokane (Spokane County) the following portion of game management units 127 and 130: Beginning at Tyler near the junction of Tyler Road (State Highway 904) and I-90; then northeast along I-90 to the Idaho state line; then south along the Washington-Idaho line to Elder Road; then west along Elder Road to Hangman Creek; then north along Hangman Creek to State Highway 195 at Hatch Road; then south along State Highway 195 to the Cheney Spangle Road; then west along the Cheney Spangle Road to Cheney; then west along Tyler Road (State Highway 904) to the point of beginning.~~

~~Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Section 1, T13N, R9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M.; across the Cowlitz River to the Gifford Pinchot National Forest Boundary in the N.E. corner of Section 1, T13N, R9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Section 9, T13N, R9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway 12 and the point of beginning.)~~

~~Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River ((Interstate 5)) and State Highway 505 junction; then east along State Highway 505 to Eden Road, then east along Eden Road ((through the City of Toledo to the Layton Road; then north along the Layton Road)) to the Evans Road; then east along the Evans Road to the Weyerhaeuser 1800 (line) Road; then south along Weyerhaeuser 1800 Road to the Weyerhaeuser 1900 Rd, then south along the Weyerhaeuser 1900 Road to the North Fork Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; then west along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork Toutle River to State Highway 504; then east on Highway 504 to State Highway 505; then north along Highway 505 to the Weyerhaeuser 1500 Road to Salmon Creek; then west along Salmon Creek to the Cowlitz River; then north along the Cowlitz River to the junction of State Highway 505 ((1890 line to State Highway 504; then west along State Highway 504 to the Tower Road; then west on Tower Road to the junction of Tower Road and State Highway 504; then west on State Highway 504 to Interstate 5; then north on Interstate 5 to the junction with State Highway 505)) and point of beginning.~~

~~((Elk Area No. 030 Reeceer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reeceer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the~~

Highline Canal; then west along the Highline Canal to the point of beginning.))

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; then west along Umtanum Road to Manastash Road; then west on Manastash Road to Cove Road; then south and west on Cove Road to Hanson Road and Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jump Off Road; then south and west on Jump Off Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning.

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); then west on USFS 7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS 7104 Road (Sand Creek); then west on USFS 7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; then north along USFS 7200 Road to U.S. Highway 97; then north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); then north on the USFS 7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning.

~~((Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on~~

the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning.))

~~((Elk Area No. 035 Brushy (Kittitas County): Beginning at the mouth of Brushy Creek on the Columbia River; west up Brushy Creek to Road 14 to the top of the hill in Section 13, T19N, R21E; west on the old Brushy Road (Rd. 13.25) to the junction of the Crossover Road (Rd. 13); northeast on the Crossover Road to the Brewton Road (Rd. 11); east on the Brewton Road to Road 14; east on Road 14 to Road 14.14; east on Road 14.14 to the stock fence; northeast along the stock fence to the Cape Horn Cliffs; southeast along the cliffs to Road 14.14; to Road 14.17; to Road 14; to Tekison Creek down Tekison Creek to the Columbia River and down the Columbia River to the point of beginning.))~~

~~((Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone).))~~

Elk Area No. 041 Skagit (Skagit Co.): Begin at the intersection of CP Rd 132 Rd (Section 28, T36N, R SE); then E along the CP Rd to the CP 130 Rd; E and S along CP 130 Rd to CP 110 Rd, W, S and E along CP 110 Rd to Childs Creek; S down Childs Creek to SR 20; E on SR 20 to Grandy Creek; S down Grandy Creek to the Skagit River; S on a line to S Skagit Hwy; W on S Skagit Hwy to SR 9; N on SR 9 to SR 20; E on SR 20 to Helmick Rd; N on Helmick Rd to CP 190 Rd to CP 132 Rd and the point of beginning. (WA Atlas & Gazetteer & Mr. Baker-Snoqualmie National Forest Map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; then west to the Mauerman Road; then west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; then south and east on the Pe Ell/McDonald Road to the Lost Valley Road; then south and southeast on the Lost Valley Road to the Boistfort Road; then east and north along the Boistfort Road to State Highway 6 and point of beginning.

~~((Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the Town of Adna; then west on Highway 6 to Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; east on Garrard Creek Road to Manners Road; then south on Manners Road to Lincoln Creek Road; then east along Lincoln Creek Road to Ingalls Road; then south and east on Ingalls and Bunker Creek Roads to the Town of Adna and point of beginning.))~~

~~((Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning.~~

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the Town of Randle; then east along Highway 12 to the Bennett Road

~~approximately one mile east of Cora Bridge; then west on Bennett and Cline Roads to the Cispus Road; then north on said road to the Town of Randle and the point of beginning.))~~

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the Town of Vader and the point of beginning.

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

~~((Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning.))~~

Elk Area No. 063 South Elma (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the

Chehalis River to the South Bank Road; then southeast on the South Bank Road to Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; then north to the shoreline of Lake Quinault; then north along Lake Quinault to the Olympic National Park (ONP) boundary; then east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; then west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

~~((Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the easternmost junction of Elk Prairie Road and State Highway 6.))~~

~~((Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam-Wishkah Cutoff Road in Section 21, T19N, R9 W.W.M.; then east on the East Hoquiam-Wishkah Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah Wynoochee Crossover Road in Section 35, T19N, R9 W.W.M.; then east on the Wishkah Wynoochee Crossover Road to its junction with the Donovan Corkery A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between T20N and R19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen; then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning.))~~

~~**Elk Area No. 067 South Willapa (Pacific County):** Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C line; then south on the Skidmore Slough C line to its junction with the B line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B line to its junction with the A line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, T13N, R8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C line and the point of beginning.~~

~~**Elk Area No. 069 Chinook (Pacific County):** Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road~~

~~to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallacut River; then north along the Wallacut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning:))~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 98-05-092
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To adopt WAC 232-28-274 1999 Big game auction permits and raffles.

Purpose: To adopt WAC 232-28-274 1999 Big game auction permits and raffles.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The WAC specifies 1999 hunting season dates, hunt areas and bag limits for elk, bighorn sheep and moose auction hunts. The WAC also establishes 1999 hunting season dates, hunt areas and bag limits for deer, elk, bighorn sheep and moose raffle hunts.

Reasons Supporting Proposal: Consolidation and establishment of raffle hunts and auction hunts into one WAC.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes auction hunts for bighorn sheep, moose, and elk, and provides raffle hunt opportunity for deer, elk, bighorn sheep and moose. These hunts provide recreational opportunity and species specific management funds for conservation of these wildlife resources in Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-274 1999 Big game auction permits and raffles.

BIG GAME AUCTION PERMITS

The Director will select a conservation organization(s) to conduct the 1999 auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name of and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - ONE ELK PERMIT

Hunting Season Dates: September 15-30, 1999

Hunt Area: Statewide in any open area EXCEPT all Private Lands Wildlife Management Areas and GMUs 157 and 485 are closed.

Bag Limit: One bull elk

AUCTION HUNT PERMITTEE RULES

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, 1999

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Bag Limit: One bighorn ram

AUCTION HUNT PERMITTEE RULES

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

PROPOSED

- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.
- (5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

SPECIES - ONE MOOSE PERMIT

Hunting Season Dates: October 1-November 30, 1999
 Hunt Area: Any open moose unit
 Bag Limit: One moose of either sex

AUCTION HUNT PERMITTEE RULES

- (1) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (2) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

BIG GAME RAFFLE PERMITS

The following raffle permits will be issued to individuals selected through a drawing:

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer.
 Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs), and GMUs 157 and 485 are closed.
 Open season: The deer raffle permit holder may hunt in any 1999 general or permit archery, muzzleloader, or modern firearm season.
 Weapon: The raffle hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50 cent vendor fee.

ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk.
 Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.
 Open season: The elk raffle permit holder may hunt in any 1999 general or permit archery, muzzleloader, or modern firearm season.
 Weapon: The raffle permit hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.
 Number of permits: 1
 Raffle tickets cost: \$5.00 including a 50 cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram
 Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).
 Open season: September 1-October 31, 1999.
 Weapon: Hunter may use any legal weapon.
 Number of permits: 1
 Raffle tickets cost: \$10.00 including a 50 cent vendor fee.
 (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
 (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
 (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
 (4) If requested by the department, the permittee is required to accompany Department officials to the site of the kill.
 (5) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex
 Open area: Hunter may hunt in any open moose unit.
 Open season: October 1-November 30, 1999.
 Weapon: Hunter may use any legal weapon.
 Number of permits: 1
 Raffle ticket: cost \$5.00 including a 50 cent vendor fee.
 (1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area.
 (2) If requested by the department, the permittee is required to accompany department officials to the site of the kill.

WSR 98-05-093
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 18, 1998, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-248 1997-1998 Special closures and firearm restriction areas.

Purpose: To amend WAC 232-28-248 1997-1998 Special closures and firearms restriction areas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Several closures listed in this WAC previously are proposed to be deleted because they are covered by some other rule or are no longer needed. Corrected road names are edited for the Little Pend Oreille closure; and the Loo-wit closure is a new listing, but only a clarification of existing rules. Horse restrictions and upland bird closures are no longer needed in this WAC. Revolver type handguns are proposed to be legal in firearm restricted areas. The

Wahkiakum closure is deleted because it is already listed as a big game closure.

Reasons Supporting Proposal: To eliminate rules no longer needed and correct inaccuracies in previous rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules will simplify some of the hunting season rules, and allow use of revolver handguns in firearm restriction areas.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION ((Amending Order 97-32, filed 2/27/97, effective 3/30/97))

WAC 232-28-248 ((1997-1998)) 1998-1999 Special closures, ~~((and))~~ firearm restriction areas, and definitions.

~~((SPECIAL CLOSURES))~~ RESTRICTED AND PROHIBITED HUNTING AREAS

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

~~((HUNTING PROHIBITED AREAS))~~

IT IS ~~((UNLAWFUL))~~ ILLEGAL TO HUNT ~~((WILD ANIMALS (INCLUDING WILD BIRDS)))~~ EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31. This closure is south of a boundary begin-

ning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
 3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
 4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
 5. McNeil Island: McNeil Island (part of GMU 484) is closed to the hunting of all wild animals (including wild birds) year around.
- ~~((6. As posted on Bailey Youth Ranch, Franklin County, hunting is closed on Mondays, Tuesdays, Thursdays, and Fridays.~~
- ~~7. As posted, hunting is closed on Department owned land on the Sunnyside Wildlife Area in Yakima County.~~
- ~~8. Oak Creek Wildlife Area: That portion of GMU 360 beginning at U.S. Highway 12 and Forest Road 1400 (Oak Creek Road), then east along U.S. Highway 12 to the Naches River, then south and west up river to the mouth of Cougar Canyon, then west and south along the posted boundary to Highway 12 and Forest Road 1400. This area is designated a "CLOSED AREA" to the hunting of wild birds and animals and unofficial entry during modern firearm elk seasons.))~~
6. Loo-wit (GMU 522): Hunting is closed within GMU 522 (Loo-wit).

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
 2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, except by permit, to protect the Columbian Whitetail Deer.
 3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.
 4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry shall be allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
- ~~((5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, October 20 - November 2.))~~
- ~~((6.))~~ 5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
- ~~((7.))~~ 6. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

~~((UPLAND BIRD CLOSURES~~

~~It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:~~

- ~~1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)~~
- ~~2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County, upstream to the posted marker~~

~~200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.~~

- ~~3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.))~~

~~((HORSE RESTRICTIONS~~

~~Colockum horse restrictions: GMU 330 (West Bar) It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene) It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from October 20 - November 2.))~~

~~((HUNTING)) FIREARM RESTRICTION AREAS~~

~~The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rim fire rifles are not legal for hunting in these areas.~~

~~In firearm restriction areas, hunters may hunt only during the season allowed by their tag ((handguns, centerfire and rimfire rifles are not legal for hunting except as provided below.)) Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.~~

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Log-

PROPOSED

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ging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

The South Elma restriction applies only during elk seasons:

(South Bank) - That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

That portion of GMU 410 (Island) located on Camano and Whidbey islands.

Indian and Marrowstone islands.

The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.

The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.

Kitsap

(This restriction includes high power rifles and muzzleloaders.)

East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.

Kittitas

GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.

Mason

GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

Pacific

GMU 684 (Long Beach) west of Sand Ridge Road.

Pierce

GMU 484 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting.

See GMU 484 restriction area outlined for King County.

GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.

Snohomish

West of Highway 9.

Skagit

Guemes Island and March Point north of State Highway 20.

Thurston

GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.

Whatcom

Area west of I-5 and north of Bellingham city limits including Point Roberts.

~~((Wahkiakum~~

~~That portion of GMU 506 (Willapa Hills) in the Cathlamet Big Game Closure. This restriction applies only during elk seasons.))~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Island

Jefferson

King

**WSR 98-05-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-12-047 Unlawful firearms for hunting.

Purpose: To amend WAC 232-12-047 Unlawful firearms for hunting.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment will allow the use of .22 caliber centerfire rifles, using mushrooming or expanding bullets greater than 50 grains in weight, for cougar hunting.

Reasons Supporting Proposal: Increased opportunity for coyote, bobcat, and fox hunters to take cougar while using small caliber centerfire rifles.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Small mammal hunters commonly use predator calls to bring coyote, bobcat, and fox into the open. Cougar can also be attracted to these distress calls. Allowing the use of .22 caliber centerfire rifles for hunting cougar will provide the opportunity for predator hunters using these firearms to take a cougar incidental to their other hunting activity (with a valid cougar transport tag). Such increased cougar harvest opportunity is desirable, given the passing of Initiative 655 and the resultant decrease in total cougar harvest.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION [(Amending Order 449, filed 7/5/90, effective 8/5/90)]

WAC 232-12-047 Unlawful firearms for hunting. It is unlawful to hunt any big game with:

(1) A fully automatic firearm.

(2) A handgun that does not meet the following criteria:

(a) For deer, bear, or cougar

(i) Be a minimum of .24 caliber;

(ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and

(iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 500 foot-pounds of energy at 100 yards.

(b) For all other big game species:

(i) Be a minimum of .24 caliber;

(ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and

(iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 750 foot-pounds of energy at 100 yards.

(3) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches, except that cougar may be hunted with a .22 caliber centerfire rifle.

(4) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds, except that cougar may be hunted with a rifle cartridge with a mushrooming or expanding type bullet weighing greater than 50 grains.

(5) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(6) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear.

(7) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.

It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.

It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

It is unlawful to hunt wildlife with a crossbow.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 98-05-095
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed February 18, 1998, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

PROPOSED

Title of Rule: To adopt WAC 232-28-272 1998-99, 1999-2000 Black bear and cougar hunting seasons and regulations.

Purpose: To adopt WAC 232-28-272 Black bear and cougar hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The WAC specifies legal season dates, bag limits, and open areas for the 1998 and 1999 black bear and cougar seasons.

Reasons Supporting Proposal: Consolidation and establishment of black bear and cougar hunting seasons and regulations into one WAC.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes black bear and cougar seasons and regulations to provide recreational opportunity, to control nuisance black bear and cougar damage, to respond to public safety concerns, and to conserve black bear and cougar resources of Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-272 1998-99 and 1999-2000 Black bear and cougar hunting seasons and regulations

Black Bear Seasons:

(1) **General Season in Eastern Washington:** August 1-November 8, 1998 and August 1-November 7, 1999, except September 8-November 8, 1998 and September 7-November 7, 1999 in that part of GMU 113 north of the line beginning at the mouth of Mill Creek on the

Pend Oreille River; E along Mill Creek to Le Clerc Creek Rd.; N on Le Clerc Creek Rd. to USFS Rd. 1200; E on USFS Rd. 1200 to Pyramid Pass (Colville NF/ID Panhandle NF boundary); E on USFS Rd. 312 to USFS Rd. 658; N on USFS Rd. 658 to USFS Rd. 219; E on USFS Rd. 219 to the state line.

(2) **General Season in Western Washington:** August 1-November 15, 1998 and August 1-November 14, 1999, except on Long Island where the seasons are September 1-November 15, 1998 and September 1-November 14, 1999.

License and Tag(s) Required: A valid hunting license and valid species tag(s) are required to hunt black bear.

Bag Limit: Two (2) black bear per annual hunting season.

Tag Information: To take one (1) bear a hunter must purchase either a damage bear tag or a general bear tag. To take two (2) bears a hunter must purchase both a damage bear tag and a general bear tag. A damage bear tag is valid only in western Washington, and in GMUs, 304, 306, 308, and 316 in eastern Washington. A general bear tag is valid statewide.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

GMUs Closed to Bear Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

Harvest Report Cards: All hunters that purchase black bear transport tag(s) are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season: August 1, 1998-March 15, 1999 and August 1, 1999-March 15, 2000.

License and Tag(s) Required: A valid hunting license and valid species tag are required to hunt cougar.

Bag Limit: One (1) cougar may be taken during the annual hunting season. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar, except that cougar may be hunted with a .22 caliber centerfire rifle with a mushrooming or expanding type bullet weighing greater than 50 grains. The use of hounds to hunt cougar is prohibited statewide.

GMUs Closed to Cougar Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

Harvest Report Cards: All hunters that purchase a cougar transport tag are required to fill out and return their cougar harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

WSR 98-05-096
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed February 18, 1998, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

Purpose: To amend WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The boundary between units 636 (Skokomish) and 638 (Quinault Ridge) is amended to follow the hydrologic boundary. The boundary between 666 (Deschutes) and 667 (Skookumchuck) is amended to add the area between Centralia and Tenino to the Skookumchuck unit.

Reasons Supporting Proposal: To make the boundary between Skokomish and Quinault Ridge easier to find on the ground and to manage the area between Centralia and Tenino with the Skookumchuck unit.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines geographic areas open to hunting. The proposed change for the Skokomish and Quinault Ridge boundary should be easier to find on the ground. The proposed change in the Deschutes and Skookumchuck

boundary will be to manage the deer with the Skookumchuck unit.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-39, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

GMU 601-HOKO (Clallam County): Beginning on the Makah Indian Reservation Boundary and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; then south along the Hoko River to State Highway 112; then southeast on State Highway 112 to the Hoko-Ozette Road; then southwest on the Hoko-Ozette Road to the Olympic National Park Boundary near Ozette; then north on the Olympic National Park Boundary to the Makah Indian Reservation Boundary; then east and north on the Makah Indian Reservation Boundary to the Strait of Juan de Fuca and the point of beginning.

GMU 602-DICKEY (Clallam County): Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; then south along the Clallam River to State Highway 112; then south on State Highway 112 to the Burnt Mountain Road; then south on the Burnt Mountain Road to Sappho and U.S. Highway 101; then southwest on U.S. Highway 101 to the LaPush Road; then southwest on the LaPush Road to the Olympic National Park Boundary; then north on the Olympic National Park Boundary to the Hoko-Ozette Road; then northeast on the Hoko-Ozette Road to the Strait of Juan de Fuca and the point of beginning.

GMU 603-PYSHT (Clallam County): Beginning at the mouth of the Clallam River and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; then south along the Elwha River to the Olympic National Park Boundary; then west on the

Olympic National Park Boundary to one mile west of Lake Crescent; then south on the Olympic National Park Boundary to U.S. Highway 101; then west on U.S. Highway 101 to the Burnt Mountain Road; then north on the Burnt Mountain Road to State Highway 112; then north on State Highway 112 to the Clallam River; then north along the Clallam River to its mouth and the point of beginning, EXCEPT that part of the lower Elwha Indian Reservation within this boundary and EXCEPT Private Lands Wildlife Management Area 600, Merrill and Ring.

GMU 607-SOL DUC (Clallam County): Beginning at Sappho and U.S. Highway 101; then east on U.S. Highway 101 to the Olympic National Park Boundary; then south and west on the Olympic National Park Boundary to the Bogachiel River; then west along the Bogachiel River to U.S. Highway 101; then north on U.S. Highway 101 through Forks to Sappho and the point of beginning.

GMU 612-GOODMAN (Jefferson and Clallam counties): Beginning two miles east of LaPush on the Olympic National Park Boundary and the LaPush Road; then northeast on the LaPush Road to U.S. Highway 101 at Forks; then south on U.S. Highway 101 across the Hoh River and west to Olympic National Park Boundary; then north on the Olympic National Park Boundary to the LaPush Road and the point of beginning.

GMU 615-CLEARWATER (Jefferson County): Beginning on U.S. Highway 101 and the Bogachiel River; then east along the Bogachiel River to the Olympic National Park Boundary; then southeast and west on the Olympic National Park Boundary to the Quinault Indian Reservation Boundary; then west on the Quinault Indian Reservation Boundary to the Olympic National Park Boundary; then north along the Olympic National Park Boundary to U.S. Highway 101; then east, north, and west on U.S. Highway 101 to the Bogachiel River and the point of beginning.

GMU 618-MATHENY (Jefferson and Grays Harbor counties): Beginning at the boundary junction of Olympic National Park and the Quinault Indian Reservation near the Queets River Road; then north, east, south, and west along the Olympic National Park Boundary to the Park and Reservation boundary junction just west of Lake Quinault; then northwest along the Quinault Indian Reservation boundary to its junction with the boundary of Olympic National Park near the Queets River Road, and the point of beginning.

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties): Beginning at the Olympic National Park Boundary and the Elwha River; then north along the Elwha River to U.S. Highway 101; then east on U.S. Highway 101 through Port Angeles, and Sequim to Quilcene and the Chimacum Center Road; then north on the Chimacum Center Road to the East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the shore of Quilcene Bay to Dabob Bay; then south along the shore of Dabob Bay to Hood Canal; then southwest along the shore of Hood Canal to U.S. Highway 101 at Hoodspport; then west across U.S. Highway 101 to the Lake Cushman Road; then northwest on the Power Dam Road; then west on Power Dam Road to Upper Cushman Dam and the shore of

Lake Cushman; then northwest on the west shore of Lake Cushman to the North Fork Skokomish River; then north along the North Fork Skokomish River to the Olympic National Park Boundary; then north and west on the Olympic National Park Boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; then east along the shore including islands and spits to Admiralty Inlet and Puget Sound; then south along the shore of Admiralty Inlet and Puget Sound to Hood Canal; (including Marrowstone Island and Indian Island) then southwest along the shore of Hood Canal to Dabob Bay; then north along the shore of Dabob Bay and Quilcene Bay to East Quilcene Road; then west on the East Quilcene Road to the Chimacum Center Road; then south on the Chimacum Center Road to U.S. Highway 101; then north and west on U.S. Highway 101 through Sequim and Port Angeles to the Elwha River; then north along the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties): Beginning at the Hood Canal Bridge; then north along the shore of Hood Canal to Admiralty Inlet, and Puget Sound; then south along the shore of Puget Sound, including Bainbridge Island, Blake Island, through Clovis Passage to The Narrows; then south along the shore of Carr Inlet; including Fox Island; through Pitt Passage and Drayton Passage to Nisqually Reach (Pierce-Thurston County line); then northwest along the Nisqually Reach and the Pierce County line to North Bay; then along the east shore of North Bay to the town of Allyn and State Highway 3; then north on State Highway 3 to Belfair; then north on the Old Belfair Highway to the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to the Dewatto Road West; then north along the Dewatto Road to its intersection with the Albert Pfundt Road; then north on the Albert Pfundt Road to the easternmost point of Anderson Cove; then north from Anderson Cove along the east shore of Hood Canal to the Hood Canal Bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties): Beginning at the easternmost point of Anderson Cove and south on the Albert Pfundt Road to the West Dewatto Road; then south on the West Dewatto Road to the Bear Creek-Dewatto Road; then east along the Bear Creek-Dewatto Road to the Old Belfair Highway; then south on the Old Belfair Highway to Belfair; then south on State Highway 3 to Allyn and North Bay; then south along the west shore of North Bay including Reach and Stretch Islands, to Case Inlet (includes Hartstene Island) and the Mason-Pierce-Thurston County line intersection; then west through Dana Passage to Squaxin Passage; then northwest through Squaxin Passage including Hope and Squaxin Islands following the Mason County line; then southwest through Totten Inlet to Oyster Bay and U.S. Highway 101; then north on U.S. Highway 101 to Hoodspport; then east across Hood Canal to Cougar Spit; then north along the east shore of Hood Canal to the point of beginning.

GMU 636-SKOKOMISH (Grays Harbor and Mason counties): Beginning on the Olympic Park Boundary and the North Fork Skokomish River; then south along the North Fork Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam and the Power Dam Road; then east on the Power Dam Road to Lake Cushman Road; then southeast on Lake Cushman Road to U.S. Highway 101 at Hoodspout; then south on U.S. Highway 101 to Shelton and the Shelton-Matlock Road (County Road 9010); then west on to the Shelton-Matlock Road to Matlock and the Deckerville Road; then west on the Deckerville Road to the Middle Satsop Road; then west and south on the Middle Satsop Road to the Kelly Road; then north on the Kelly Road to USFS Road 2153 (old 600 line); then west on USFS Road 2153 to Wynoochee Road (USFS 22 Road); then northwest (~~and southwest~~) on USFS 22 Road to USFS Road 2294 near Big Creek; then northwest on USFS Road 2294 to junction with USFS Road 2281; then west on USFS Road 2281 to the watershed divide between the Humptulips River Watershed and the Wynoochee River Watershed; then north on the hydrologic boundary between the Humptulips and Wynoochee River drainages to ((up Big Creek and the east fork of Big Creek to the range line separating R8W and R7W; then north on that range line to Olympic National Park Boundary; then east on the)) Olympic National Park Boundary to the point of beginning.

GMU 638-QUINAULT RIDGE (Grays Harbor and Jefferson counties): Beginning on the Olympic National Park Boundary at the northwest corner of Lake Quinault; then northeast on the Olympic National Park Boundary along the Quinault River; then south and northeast on the Olympic National Park Boundary to the hydrologic boundary between the Wynoochee and Humptulips Watershed drainages; then south along the watershed divide between the Humptulips River Watershed and the Wynoochee River Watershed to its intersection with USFS Road 2281; then east along USFS Road 2281 to USFS Road 2294; then southeast on USFS Road 2294 ((range line separating R7W and R8W near Spur Road 2204-200 and USFS 2204 Road (DeLorme Road 2302); then south on this range line on the East Fork of Big Creek; then down Big Creek)) to USFS 22 Road (Donkey Creek Road); then west on the Donkey Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to the Quinault Indian Reservation Boundary; then northeast on the reservation boundary to Lake Quinault; then northeast along the south shore of Lake Quinault to the Olympic National Park Boundary and the point of beginning.

GMU 642-COPALIS (Grays Harbor County): Beginning at the Quinault Indian Reservation and U.S. Highway 101; then south on U.S. Highway 101 to the Hoquiam River; then south along the Hoquiam River to the City of Hoquiam and Grays Harbor; then west along the north shore of Grays Harbor to the Pacific Ocean; then north along the shore of the Pacific Ocean to the Quinault Indian Reservation Boundary; then east and northeast along the Quinault Indian Reservation to U.S. Highway 101 and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (USFS Road 22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (USFS Road 22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (USFS Road 22) to USFS Road 2153 (old 600 line); then east on USFS 2153 to Kelly Road; then south on Kelly Road to Middle Satsop Road; then south on Middle Satsop Road to Cougar Smith Road; then west on Cougar Smith Road to the West Fork of the Satsop River; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road (USFS Road 22) and the point of beginning.

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 bridge on the Satsop River; then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop River to the Cougar Smith Road; then east on the Cougar Smith Road to the Middle Satsop Road; then north and east on the Middle Satsop and Matlock-Deckerville Roads to the Town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route 8; then west on State Route 8 to its junction with U.S. Highway 12; then west along U.S. Highway 12 to the Satsop River and the point of beginning.

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties): Beginning at the Pacific Ocean and the south shore of Grays Harbor; then east along the south shore of Grays Harbor to Aberdeen and the mouth of the Chehalis River including Rennie Island; then east along the Chehalis River to the U.S. Highway 101 bridge and U.S. Highway 101; then south on U.S. Highway 101 to Raymond and the Willapa River; then west along the Willapa River to Willapa Bay; then west along Willapa Bay to the Pacific Ocean; then north along the Pacific Ocean to the south shore of Grays Harbor and the point of beginning.

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties): Beginning at Aberdeen on U.S. Highway 12; then east and south on U.S. Highway 12 to Oakville and the Chehalis Indian Reservation Road; then south on the Reservation Road to the South Bank Road; then southeast on the South Bank Road to the Garrard Creek Road; then southwest on the Garrard Creek Road to the Oakville Brook Road; then west on the Oakville Brook Road to the North River Valley Road; then west on the North River Valley Road to the Smith Creek Road; then west on the Smith Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to Aberdeen and U.S. Highway 12 and the point of beginning.

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties): Beginning at Elma on State Highway 8; then east on State Highway 8 to U.S. Highway 101; then east on U.S. Highway 101 to the Delphi Road S.W.; then

south on the Delphi Road S.W. to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to U.S. Highway 12; then northwest on U.S. Highway 12 to Elma and State Highway 8 and the point of beginning.

GMU 666-DESCHUTES (Thurston County): Beginning on U.S. Highway 101 at the Mason-Thurston County line near Oyster Bay; then following the Thurston County line through Totten Inlet and Puget Sound to the mouth of the Nisqually River; then southeast on the Nisqually River to Highway 507; then ~~((west and south))~~ southwest on Highway 507 to ~~((Cherry Street; then west on Cherry, Alder, and Mellen streets to Interstate 5; then north on Interstate 5 to))~~ Tenino; southwest on Old Highway 99 to Interstate 5; then west on Highway 12 to Littlerock Road; then north on the Littlerock Road to 110th Avenue; then ~~((east))~~ west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on U.S. Highway 101 to the Mason-Thurston County line at Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties): Beginning at the Highway 507 Bridge on the Nisqually River; then southeast along the Nisqually River to Alder Lake; then southeast along the north shore of Alder Lake to Elbe and State Highway 7; then south on State Highway 7 to Morton and State Highway 508; then ~~((west on State Highway 508 to the Centralia Alpha Road; then west on the Centralia Alpha Road to Pearl Street; then north on Pearl Street to State Highway 507; then east on State Highway 507 to the Nisqually River Bridge and the point of beginning))~~ west and north on the Centralia-Alpha Road to Salzer Valley Road; west on Salzer Valley Road to Summa Street and Kresky Road; north on Kresky Road to Tower Street to State Highway 507; then west on State Highway 507, Cherry, Alder and Mellen Streets to Interstate 5; north on I-5 to Old Highway 99 (Pacific Highway Southwest); northeast on Old Highway 99 to Highway 507; northeast on Highway 507; to the Nisqually River Bridge and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County): Beginning at Willapa Bay and the mouth of the Willapa River; then southeast along the Willapa River to Raymond and State Highway 6; then southeast on State Highway 6 to the Bonneville Powerline Road; then southwest and south on the Powerline Road to the Salmon Creek Road; then southwest on the Salmon Creek Road to State Highway 4; then west on State Highway 4 to U.S. Highway 101 at Johnson's Landing; then west on U.S. Highway 101 to the Naselle River Bridge and the Naselle River; then west along the Naselle River to Willapa Bay; then north along the east shore of Willapa Bay to the mouth of the Willapa River and the point of beginning.

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties): Beginning at Raymond and U.S. Highway 101; then north on U.S. Highway 101 to Smith Creek Road; then northeast on the Smith Creek Road to the North River Valley Road; then east on the North River Valley Road to the Oakville-Brook Road; then east on the Oakville-Brook Road to the Garrard Creek Road; then south

on the Garrard Creek Road to the 720 Road; then southwest on the 720 Road to the 7800 Road; then west on the 7800 Road to the 7000 Road; then south on the 7000 Road to the Elk Creek Road; then east on the Elk Creek Road to the Stevens Road (Doty Road); then east on the Stevens Road to State Highway 6; then south, west and northwest on State Highway 6 to Raymond, U.S. Highway 101 and the point of beginning.

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties): Beginning at Willapa Bay and the mouth of the Naselle River; then southeast along the Naselle River to U.S. Highway 101 Bridge; then east on U.S. Highway 101 to State Highway 4; then southeast on State Highway 4 to Deep River Bridge; then south along the Deep River to the Columbia River; then west along the shore of the Columbia River to the mouth of the Wallacut River; then north along the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway 101 to alternative U.S. Highway 101; then north and west on alternative U.S. Highway 101 to Bear River; then west along Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and the point of beginning.

GMU 684-LONG BEACH (Pacific County): All of the Long Beach Peninsula west of the mouth of Bear River; then south along Bear River to U.S. Highway 101; then southwest on U.S. Highway 101 to Alternate U.S. Highway 101; then south and west on U.S. Highway 101 to the Wallacut River; then south along the Wallacut River to the Columbia River.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 98-05-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

Purpose: To amend WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Minor edits are proposed in the 500 series game management unit descriptions. At the end of the Loo-wit description the sentence "the Loo-wit unit is closed to

hunting and trapping" is added. In GMU 550 (Coweeman), and GMU 556 (Toutle), the boundary descriptions are corrected for proper road names and numbers.

Reasons Supporting Proposal: To correct errors in boundary descriptions.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines geographic areas open to hunting and corrects road name and number errors.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-38, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6; then west on State Highway 6 to the Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12; then east on U.S. Highway 12 to Interstate 5; then south on Interstate 5 to State Highway 6 and point of beginning.

GMU 504-STELLA (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River; then west down the Columbia to the mouth of Germany Creek; then

north up Germany Creek to State Highway 4; then east on Highway 4 to Germany Creek Road; then north on Germany Creek Road to International Paper 1000 Road; then north on International Paper 1000 to the International Paper 1050 Road; then east on International Paper 1050 Road to the 2200 Road; then east and south to the 2000 Road; then south on the 2000 Road to the Delameter Road (Woodside Road); then east on Delameter Road to State Highway 411; then north on Highway 411 to PH 10 Road (Four Corners); then east to Cowlitz River; then south down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County): Beginning on Interstate 5 and the Cowlitz River; then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge; then east on U.S. Highway 12 to Winston Creek Road; then south and east to Longbell Road and Perkins Road; then northeast on Perkins Road to Swofford Road; then north on Swofford Road to Ajlune Road; then east on Ajlune Road to Riffe Lake; then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge; then south and east to the C Line Road; then east to the Bennet Road; then east to U.S. Highway 12; then west on Highway 12 to State Highway 7 (Morton); then north on State Highway 7 to State Highway 508; then west on Highway 508 to Centralia/Alpha Road; then west and north on Centralia/Alpha Road to Salzer Valley Road; then west to Summa Street and Kresky Road; then north on Kresky Road to Tower Street; then on Tower Street to State Highway 507; then west on Highway 507 Cherry, Alder and Mellen Streets to Interstate 5; then south on Interstate 5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties): Beginning at Pe Ell and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407 (Elochoman Valley Road); then south on the Elochoman Valley Road (old SR 407) to the Elochoman River; then downstream along the Elochoman River to the Foster Road; then north on Foster Road to Risk Road; then west and north along Risk Road to SR 4; then west on SR 4 to Skamokawa Creek; then downstream along Skamokawa Creek to the confluence with the Columbia River; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the Town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then northwest on the USFS 85 Road to Catt Creek; then north on Catt Creek to the Nisqually River; then west down the Nisqually

River to State Highway 7; then south on Highway 7 to U.S. Highway 12 (Morton); then east on U.S. Highway 12 to Silver Creek and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then north on USFS 85 Road to Catt Creek; then northwest down Catt Creek to the Nisqually River; then east up the Nisqually River to the southern boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to U.S. Highway 12; then west on U.S. Highway 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties): Beginning at the mouth of Cispus River; then east up the Cispus River to the USFS 56 Road (Midway G.S. Road); then east on the USFS 56 Road to the USFS 5603 Road; then east on the USFS 5603 Road to the Yakima Indian Reservation Boundary and the Cascade Crest; then north along the reservation boundary to Cispus Pass and the Pacific Crest Trail; then north along the Pacific Crest Trail to the U.S. Highway 12 (White Pass); then northwest and southwest on U.S. Highway 12 to USFS 1270 Road (Section 31, T14N, R10E); then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the mouth of Smith Creek; then south up Smith Creek to U.S. Highway 12; then southwest down U.S. Highway 12 to Bennet Road; then west on the Bennet Road to the C Line Road; then west to the USFS 23 Road (Cispus Road); then west and north to the Cowlitz River; then west down the Cowlitz River to the mouth of the Cispus River and point of beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River; then south down the Cowlitz River to the Toutle River; then east up the Toutle River to the North Fork Toutle River; then up the North Fork Toutle River to the Green River; then east up the Green River to USFS 2612 Road; then east on USFS 2612 Road to USFS 26 Road (Ryan Lake Road); then north on USFS 26 Road to the Cispus River; then west down the Cispus to the Cowlitz River; then west down the Cowlitz River to Riffe Lake; then west along the south shore to Ajlune Road; then west to Swofford Road; then south on Swofford Road to Perkins Road; then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road; then northwest on Winston Creek Road to U.S. Highway 12; then west on U.S. Highway 12 to the Mayfield Lake bridge; then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Road; then southeast along the 3001, 3000, and 3090 Roads to the headwaters of the

South Fork Castle Creek; then due south to the South Fork Toutle River; then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon; then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then north along USFS 99 Road to USFS 26 Road; then north to Strawberry Lake Creek; then west down Strawberry Lake Creek to the Green River; then across the Green River to Grizzly Creek; then up Grizzly Creek to Grizzly Lake; then west up the western inlet to its headwaters; then west to the headwaters of Coldwater Creek; then west down Coldwater Creek to Coldwater Lake; then southwest along the northwest shore to the old Weyerhaeuser 3500 Road; then west along the 3500, 3530, 3540, 3130, and 3120 Roads to the intersection with Hoffstadt Creek; then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. The Loo-wit unit is closed to hunting and trapping.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River; then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek; then up Hoffstadt Creek to the 3120 Road; then east along the 3120, 3130, 3540, 3530 and 3500 Roads to Coldwater Lake; then northeast along the northwest shoreline to Coldwater Creek; then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake; then east down the west inlet creek to Grizzly Lake; then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek; then up Strawberry Lake Creek to the USFS 26 Road (Ryan Lake Road); then north on the USFS 26 Road to the USFS 2612 Road; then west on USFS 2612 Road to the Green River; then down the Green River to its mouth and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties): Beginning south of the Town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the International Paper 1050 Road; then west on the International Paper 1050 Road to the International Paper 1000 Road; then south on the International Paper 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the International Paper 1000 Road; then north on the International Paper 1000 Road to the Muller Road; then north on

Muller Road to Pe Ell and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County): Beginning at the mouth of the Cowlitz River; then north to the Toutle River; then east along the Toutle River to the South Fork Toutle River; then up the South Fork Toutle to the 4950 Road; then south and east on the 4950 Road to the 235 Road; then south on the 235, 200, 245, 134, 133, 130 and 1680 Roads to the 1600 Road; then southeast along the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south along the 1420 Road to the ~~((1425))~~ 1426 Road; then southwest along the ~~((1425))~~ 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road; southwest along 1429 Road to 6400 Road; then southwest down the 6400 Road to the 6000 Road; then east to the 6450 Road; then southeast approximately one mile on the 6450 Road to the 6452 ((Arnold-Creek)) Road; then southeast on 6452 ((Arnold-Creek)) Road to Dubois Road; then to State Highway 503; then west on State Highway 503 to Cape Horn Creek; then down Cape Horn Creek to Merwin Reservoir and the Lewis River; then down the Lewis River to the Columbia River; then down the Columbia River to the mouth of the Cowlitz River and point of beginning.

GMU 554-YALE (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek; then east on State Highway 503 to 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to Dog Creek; then down Dog Creek to Yale Reservoir; then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek; then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-TOUTLE (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road (Merril Lake Road) intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Section 1, T8N, R4E); then north along Loo-wit Boundary to end of the ~~((to the headwaters of South Fork Castle Creek; then down South Fork Castle Creek to))~~ Weyerhaeuser 3092 Road; then west on the 3092 Road to 3090 Road; then northwest on the 3090, 3000 and 3001 Roads to the North Fork Toutle River; then down the North Fork Toutle River to the South Fork Toutle River; then southeast up the South Fork Toutle River to the 4950 Road; then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 Roads to the 1600 Road; then southeast on the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south on the 1420 Road to the ~~((1425))~~ 1426 Road; then southwest along the ~~((1425))~~ 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road to 6400 Road; then southwest on the 6400 Road to the 6000 Road; then east up the 6000 Road to the 6450 Road; then southwest on the 6450 Road approximately one mile to

the ~~((Arnold-Creek))~~ 6452 Road; then southeast on 6452 Road to ((Arnold-Creek and)) Dubois Road to State Highway 503; then east on State Highway 503 to the 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to the West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to USFS 81 Road and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon; then east down Ape Canyon Creek to USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then northeast on USFS 99 Road to USFS 25 Road; then south on USFS 25 Road to the Muddy River; then south down the Muddy River to the North Fork Lewis River; then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek; then north up Dog Creek to State Highway 503; then southwest to USFS 81 Road and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Road; then north to USFS 17 Road (Mt. Adams Recreational Road); then northeast to USFS 82 Road; then northeast on the USFS 82 Road to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then north along reservation boundary (Cascade Crest) to USFS 5603 Road; then west to the USFS 56 Road; then west to the Cispus River; then northwest down the Cispus River to the USFS 26 Road (Ryan Lake Road); then west and south on the USFS 26 Road to USFS 99 Road; then northeast to the USFS 25 Road; then south to Muddy River; then south down the Muddy River to the North Fork Lewis River; then west to the USFS 90 Road bridge (Eagle Cliff); then east on USFS 90 Road to USFS 51 Road; then southeast to USFS 30 Road; then northeast on the USFS 30 Road to USFS 24 Road; then southeast to the State Highway 141; then northeast on State Highway 141 to Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to N.E. Grinnel Road; N.E. Grinnel Road to N.E. Pup Creek Road; N.E. Pup Creek Road to N.E. Cedar Creek Road to Amboy; then south on N.E. 221st Avenue to N.E. Amboy Road; then south on N.E. Amboy Road to N.E. Yacolt Road; then east on Yacolt Road to Railroad Avenue; southeast to Sunset Falls Road; east to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412th Avenue; then south on N.E. 412th

Avenue to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest Boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Avenue; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to Sunset Falls Road; then northwest to Railroad Avenue through Yaocolt; then northwest on N.E. Cedar Creek Road through Amboy to N.E. Pup Creek Road; Pup Creek Road to N.E. Grinnel Road to the transmission lines; then north on the transmission lines to Merwin Dam on the Lewis River and the point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 Road (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek;

then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to Old State Road; then east on Old State Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to USFS Road 60; then northeast on USFS Road 60 to State Highway 141; continue east on State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties): Beginning on the Columbia River at the mouth of the Little White Salmon River; then up the Little White Salmon River to Willard; then north on USFS 18 Road (Oklahoma Road) to USFS 1840 Road; then north on USFS 1840 Road; to USFS Road 86; north on USFS Road 86 to State Highway 141; then northeast on State Highway 141 to Trout Lake and Mt. Adams Recreational Area Road; then north on Mt. Adams Recreational Area Road to USFS 82 Road; then northeast on USFS 82 Road to the Yakama Indian Reservation Boundary (Section 16, T7N, R11E); then south along the reservation boundary to King Mountain and the southwest corner of the reservation (Section 27, T7N, R11E); then east along reservation boundary (approximately one mile) to the end of King Mountain Road; then north along the reservation boundary to Section 2 T7N, R11E; then east along the reservation boundary to the northeastern corner of Section 4, T7N, R12E; then southeast along the reservation boundary to Summit Creek Boundary Road; then south to the Glenwood/Goldendale Road; then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road; then south on the Gravel Pit Road to Fisher Hill Road (P-2000); then south on Fisher Hill Road to the Fisher Hill Bridge; then south down the Klickitat River to the Columbia River; then west down the Columbia River to the mouth of the Little White Salmon River and point of beginning.

GMU 582-EAST KLICKITAT (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill); then north on U.S. Highway 97 to Satus Pass and the Yakama Indian Reservation; then east along south reservation boundary to the Yakima County line; then east on the Yakima/Klickitat County line to Alderdale Road; then southeast and south on Alderdale Road to Alderdale and the Columbia River; then west down the Columbia River to U.S. Highway 97 Bridge and the point of beginning.

GMU 588-GRAYBACK (Klickitat County): Beginning at U.S. Highway 97 bridge across Columbia River (Maryhill); then west down the Columbia River to Lyle and the mouth of the Klickitat River; then up the Klickitat River to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Lakeside Road; then north on the Lakeside Road to the Gravel Pit Road; then northwest to the Glenwood/Goldendale Road; then east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road; then northeast to the Yakima Indian Reservation Boundary; then east along the southern boundary of the reservation to U.S. Highway 97 (Satus Pass Highway); then south on U.S. Highway 97 to Maryhill and point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

**WSR 98-05-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 18, 1998, 10:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

Purpose: To amend WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Minor edits are proposed to correct boundary descriptions in GMUs 460 and 466. GMU 490 (Cedar River) is amended by dropping the complicated legal description and replacing it with, "the area within the posted boundary of the city of Seattle Cedar River Watershed."

Reasons Supporting Proposal: To simplify game management unit descriptions.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines geographic areas open to hunting.

The proposed changes should simplify the boundary descriptions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-37, filing 2/27/97, effective 3/30/97)]

WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties): Beginning at the northwest corner of Whatcom County and the Canadian border; then east on the Canadian border to the Silver Lake Road; then south on the Silver Lake Road to the Mount Baker Highway 542; then southwest on the Mount Baker Highway 542 to the Mosquito Lake Road; then south on the Mosquito Lake Road to Valley Highway 9; then south on Valley Highway 9 through Sedro Woolley to the town of Arlington; then northeast on State Highway 530 to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest on the transmission line to the Jordan Road in Section 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls and the Menzel Lake Road; then south on the Menzel Lake Road past Lake Roesiger to the Woods Creek Road; then south on the Woods Creek Road to Monroe and Highway 203; then south on Highway 203 to the Snoqualmie River at Duvall; then north along the Snoqualmie River to the Snohomish River; then west along the Snohomish River to Puget Sound; then north along the shore of Puget Sound to Juniper Beach and through West Pass; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay near Edison; then north along the shoreline to the Whatcom County line; then north on the county line to the Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties): Beginning at the north corner of San Juan-Whatcom County line; then southeast on the county line to the Skagit-

Whatcom County line; then east on the county line to the shore of Samish Bay; then south on the shoreline near Edison; then west through Samish Bay and south through Bellingham Channel to the Skagit-San Juan County line; then south through Rosario Strait on the San Juan-Skagit County line to the Island County line; then east on the Skagit-Island County line through Deception Pass and south through Skagit Bay; then southeast on the Island—Snohomish County line through Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap County line; then northwest on the Island-Kitsap-Jefferson County line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; then west on the San Juan-Jefferson-Clallam County lines to the Canadian border; then north on the Canadian border through Middle Bank, Haro Strait, and Boundary Pass to the north corner of San Juan-Whatcom County line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties): Beginning at the Silver Lake Road and the Canadian border; then east on the Canadian border to the North Cascades National Park Boundary; then south on the North Cascades National Park Boundary to the range line between Range 9 and 10 East; then south on this range line to Jackman Creek; then south along Jackman Creek to Highway 20 (at Concrete); then west along Highway 20 to Highway 9 (at Sedro Woolley); then north along Highway 9 to Mosquito Lake Road; then north on the Mosquito Lake Road to Mount Baker Highway 542; then north on Mount Baker Highway 542 to the Silver Lake Road; then north on the Silver Lake Road to the Canadian border to the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties): Beginning at the Canadian border and the west boundary of the Ross Lake National Recreation Area; then south, on the Ross Lake National Recreation Boundary across the Skagit River and the North Cascades Highway; then north on the Ross Lake National Recreation Boundary to two miles east of Panther Creek; then south on the North Cascades National Park Boundary to Fisher ((Point) Peak); then east on the Skagit-Chelan County line across State Highway 20 to the Pacific Crest Trail; then north on the Pacific Crest Trail to Jims Pass, Oregon Basin and the Mt. Baker-Snoqualmie National Forest; then west on the Mt. Baker-Snoqualmie National Forest Boundary to the Ross Lake National Recreation Boundary; then north on the east boundary of the Ross Lake National Recreation Area to the Canadian border; then west on the Canadian border to the west boundary of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties): Beginning at the intersection of State Highway 9 and Highway 20; then east along Highway 20 to Jackman Creek east of Concrete; then northeast along Jackman Creek to the range line between Range 9 and 10 East; then north on the range line to the boundary of the North Cascades National Park; then north and east on the North Cascades National Park Boundary to the Ross Lake National Recreation Area Boundary; then south on the Ross Lake National Recreation Area Boundary across the North Cascade Highway 20 and the Skagit River and east along the Ross Lake National

Recreation Area to the North Cascades National Park Boundary near Big Devil Peak; then southeast on the North Cascades National Park Boundary to the north boundary of Glacier Peak Wilderness Area; then west and south on Glacier Peak Wilderness Area Boundary to the Suiattle River; then west along the Suiattle River to State Highway 530 (Sauk Valley Road); then south on State Highway 530 to Darrington; then west on State Highway 530 to Highway 9 at Arlington; then north on State Highway 9 to Highway 20 and the point of beginning.

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties): Beginning at Trafton on the Highway 530 (Arlington-Darrington Highway); then northeast on Highway 530 to Darrington; then north on Highway 530 (Sauk Valley Road - Bennets Store Road) to the Suiattle River; then east along the Suiattle River to the Glacier Peak Wilderness Area Boundary; then south on the Glacier Peak Wilderness Area Boundary to June Mountain and USFS Trail 650; then west on the USFS Trail 650 on the crest between Sloan Creek and the North Fork Skykomish River Drainages to Curry Gap and the Quartz Creek Trail 1050; then south on the Quartz Creek Trail 1050 and 1054 to West Cady Creek; then south along West Cady Creek through Section 36, T28N, R12E to Meadow Creek; then south along Meadow Creek to Rapid River; then east along Rapid River to Lake Janus and the Pacific Crest Trail; then south on the Pacific Crest Trail to Stevens Pass and Highway 2; then west on Highway 2 to Monroe and the Woods Creek Road; then north on the Woods Creek Road past Lake Roesiger to the Menzel Lake Road; then north on the Menzel Lake Road to Granite Falls and the Jordan Road; then northwest on the Jordan Road through Jordan to the City of Seattle power transmission lines; then northeast on the transmission lines to the Jim Creek-Trafton Road (242nd St. N.E.); then west on the Jim Creek-Trafton Road to Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties): Beginning on the Glacier Peak Wilderness Boundary one mile north of Jordan Lakes on the township line between T34 & 35N; then east on the Wilderness Boundary to USFS Road 1590 (USFS Road 1590); then north on USFS Road 1590 to the Cascade River Road; then north on Cascade River Road to the North Cascades National Park Boundary; then east on the North Cascades National Park Boundary to the Pacific Crest Trail Boundary; then south on the Pacific Crest Trail to Lake Janus and the Rapid River; then northwest along the Rapid River to Meadow Creek; then north along Meadow Creek to West Cady Creek; then northwest along West Cady Creek near Excelsior Mountain and USFS Trail 1054; then north on USFS Trail 1054 and the Quartz Creek Trail (USFS 1050) to Curry Gap and USFS Trail 650; then east on USFS Trail 650 to June Mountain and the Glacier Peak Wilderness Boundary; then north on the Glacier Peak Wilderness Boundary across the Suiattle River to Jordan Lakes on township line between T34 & 35N and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast along the Snohomish River to the Snoqualmie River; then southeast along the Snoqualmie

River to Duvall and State Highway 203; then south on State Highway 203 to Fall City; then southwest on Preston-Fall City Road to Preston and Interstate Highway 90; then east on Interstate Highway 90 to State Highway 18; then south on State Highway 18 to the Raging River; then southeast along the Raging River to the City of Seattle Cedar River Watershed; then west, south and east on the Cedar River Watershed to the City of Tacoma Green River Watershed; then south on the Green River Watershed to USFS Road 7110 near Lynn Lake; then southwest on USFS Road 7110 to U.S. Highway 410; then west on U.S. Highway 410 to Enumclaw and State Highway 164; then west on State Highway 164 to Auburn and State Highway 18; then west on State Highway 18 to U.S. Highway 99; then north on U.S. Highway 99 to Buenna and Redondo Beach; then due west to Puget Sound; then west along East Passage and north along Colvos Passage (including Vashon and Maury Islands) to Puget Sound; then north to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties): Beginning at Monroe on State Highway 203 and U.S. Highway 2; then east on U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south on the Pacific Crest Trail to the City of Seattle Cedar River Watershed; then west on the Cedar River Watershed to the Raging River; then west and north along the Raging River to State Highway 18; then north on State Highway 18 to Interstate Highway 90; then west on Interstate Highway 90 to the Preston-Fall City Road; then north on the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to Monroe and the point of beginning.

GMU 466-STAMPEDE (King County): Beginning on the Pacific Crest Trail (USFS Trail 2000) and the east boundary of the City of Seattle Cedar River Watershed; then south on the Pacific Crest Trail past Blowout Mountain to USFS Road 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak, ((at Windy Gap)) then northwest on USFS Roads 7038, 7036, 7030, and 7032 ((7036 and 7030)) to USFS Trail 1172; then ((northwest)) west on USFS Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the ((the Champion Creek Road (USFS Road 7012); north on Champion Creek Road to the)) City of Tacoma Green River Watershed Boundary; then north on the Green River Watershed Boundary to the City of Seattle Cedar River Watershed Boundary and along this boundary to Pacific Crest Trail and the point of beginning.

GMU 472-WHITE RIVER (King and Pierce counties): Beginning at the lookout at Grass Mountain mainline (USFS Road 7110) and the City of Tacoma Green River Watershed Boundary; then east on the Green River Watershed Boundary and USFS Trail 1172 to USFS Road 7032; then east along USFS Road 7032 to USFS Road 7030; then southeast along USFS Road 7030 and USFS Road 7036 to the Pacific Crest Trail north of Pyramid Peak; then south on the Pacific Crest Trail to the Mount Rainier National Park Boundary at Chinook Pass; then north and west on the park boundary to the Carbon River; then northwest along the Carbon River to Bonneville Power Transmission Line; then northeast along the transmission line to South Prairie Creek; then north along

South Prairie Creek to intersection with Champion ownership line (Section 14, T19N, R6E); then east and north along Champion ownership line to the White River (along west line of Section 6, T19N, R7E); then southeast along the White River to the Bonneville Power Line on the north side of the river near Mud Mountain Dam Road; then northeast on the transmission lines to State Highway 410; then east on State Highway 410 to USFS Road 7110; then north on USFS Road 7110 to the City of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 478-MASHEL (Pierce County): Beginning at the Bonneville Power Transmission Line at the Puyallup River bridge on the Orville Road East; then northeast on the Bonneville Power Transmission Line to the Carbon River; then southeast along the Carbon River to the west boundary of Mt. Rainier National Park; then south on the park boundary to the Nisqually River; then west on the Nisqually River (Pierce-Lewis and Pierce-Thurston county lines) to the mouth of the Mashel River; then up the Mashel River to the Highway 161 Bridge (Eatonville-LaGrande Road); then north on Highway 161 through Eatonville to Orville Road East (Kapowsin-Eatonville Road); then north on the Orville Road East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 484-PUYALLUP (Pierce and King counties): Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; then southeast on Redondo Way South to Pacific Highway South (Old Highway 99); then south on the Pacific Highway South to Auburn and State Highway 18; then east on State Highway 18 to State Highway 164; then southeast on State Highway 164 to Enumclaw and State Highway 410 (Chinook Pass Highway); then east on State Highway 410 to the second set of Bonneville Power Transmission Lines near the Mud Mountain Dam Road; then southwest on the transmission lines to the White River; then northwest along the White River to the Champion ownership line (along west line of Section 6, T19N, R7E); then west and south along the Champion ownership line to South Prairie Creek (Section 14, T19N, R6E); then south along South Prairie Creek to the intersection with the Bonneville Power Line; then southwest on this transmission line to Puyallup River and the Orville Road East; then south on the Orville Road East to State Highway 161; then down the Mashel River to the Nisqually River (Pierce-Thurston County line); then northwest along the Nisqually River to Puget Sound; then north along Nisqually Reach, Drayton Passage, Pitt Passage, including Anderson Island, McNeil Island and Ketron Island to Redondo and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 485-GREEN RIVER (King County): Beginning at the northwest corner of the Green River Watershed; then east on the boundary between the Green River Watershed and the Cedar River Watershed to the USFS Road 5060; then south on the USFS Road 5060 to the posted boundary of the Green River Watershed; then along the southern boundary of the Green River Watershed over Huckleberry Mountain and

Grass Mountain and across the Green River to the northwest corner of the Green River Watershed and the point of beginning.

GMU 490-CEDAR RIVER (King County): ~~((Beginning at the Cedar River and the west boundary of the City of Seattle Cedar River Watershed; then north and east on the watershed boundary to the Pacific Crest Trail; then south on the Pacific Crest Trail past Yakima Pass to the boundary of the Cedar River Watershed; then west and north on the Cedar River Watershed Boundary to the Pacific Crest Trail Cedar River and the point of beginning.))~~ The area within the posted boundary of the city of Seattle Cedar River Watershed.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 98-05-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 18, 1998, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-174.

Title of Rule: To amend WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Purpose: To amend WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The only change recommended is to change a boundary direction in GMU 334 (Ellensburg).

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes hunting areas in the 300 series game management units.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, phone (509) 663-0711, on April 3-4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 25, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2940, by March 25, 1998.

Date of Intended Adoption: April 3, 1998.

February 18, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION [(Amending Order 97-36, filed 2/27/97, effective 3/30/97)]

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

GMU 300-MANSON (Chelan County): Beginning at the town of Chelan to Lake Chelan; then northwest along the north shore of Lake Chelan to the Stehekin River; then northwest along the Stehekin River to the ridge between Rainbow Creek and Boulder Creek; then north on the ridge to McAlester Mountain on the Lake Chelan Wilderness Boundary; then southeast on the Wilderness Boundary along the Sawtooth Ridge separating the Chelan and Methow-Twisp River drainages to Fox Peak and USFS Road 8020; then southeast on USFS Road 8020 to the Anatoine Creek Road (USFS Road 8140); then southeast on the Anatoine Creek Road to Apple Acres Road; then northeast on Apple Acres Road to U.S. Highway 97; then northeast on U.S. Highway 97 to Wells Dam and the Columbia River; then southwest along the Columbia River (Chelan-Douglas County line) to the Chelan River; then northwest along the Chelan River to the town of Chelan and the point of beginning.

GMU 301-CLARK (Chelan County): Beginning where the Stehekin River flows into Lake Chelan; then southeast along the south shore of Lake Chelan to the south boundary of the Chelan National Recreation Area Boundary (south of Riddle Creek); then southwest on the Recreation Area Boundary to the Glacier Peak Wilderness Boundary; then south, west, and north on the wilderness boundary to the Pacific Crest Trail at Kodak Peak; then north on the Pacific Crest Trail to North Cascades National Park; then north and east on the North Cascades National Park boundary to Hock Mountain; then south along the Lake Chelan Wilderness Boundary to McAlester Mountain; then southwest on the ridge between Rainbow Creek and Boulder Creek to the Stehekin River and the point of beginning.

GMU 302-ALPINE (Kittitas and Chelan counties): Beginning on the Pacific Crest Trail and the Alpine Lakes

Wilderness Boundary near Josephine Lake (south of Stevens Pass); then east, south and west on the wilderness boundary to the Pacific Crest Trail near Kendall Peak; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary and the point of beginning.

GMU 304-CHIWAHA (Chelan County): Beginning on the Pacific Crest Trail and the Glacier Peak Wilderness Boundary at Kodak Peak; then southeast and north on the wilderness boundary to the Entiat River; then southeast along the Entiat River to Ardenvoir and the Mad River Road (USFS Road 5700); then northwest on the Mad River Road to the USFS Road 5800; then southwest on USFS Road 5800 at French Corral and Eagle Creek Road (USFS Road 7520); then southwest on the Eagle Creek Road to State Highway 209 north of Leavenworth; then north on State Highway 209 to State Highway 207 near Lake Wenatchee; then south on State Highway 207 to U.S. Highway 2 at Coles Corner; then west on U.S. Highway 2 to the Pacific Crest Trail at Stevens Pass; then north on the Pacific Crest Trail to Kodak Peak and the point of beginning.

GMU 306-SLIDE RIDGE (Chelan County): Beginning at the Lake Chelan National Recreation Boundary on the south shore of Lake Chelan near Riddle Creek; then southeast along the south shore of Lake Chelan to Twenty-five Mile Creek; then southwest along Twenty-five Mile Creek to the Slide Ridge Road (USFS Road 8410); then south on the Slide Ridge Road to Stormy Mountain and Trail 1448; then northwest on Trail 1448 to Fourmile Ridge Trail 1445; then west on the Fourmile Ridge Trail to Fox Creek; then southwest along Fox Creek to the Entiat River; then northwest along the Entiat River to the Glacier Peak Wilderness Boundary; then north on the wilderness boundary to Lake Chelan, the Lake Chelan National Recreation Boundary and the point of beginning.

GMU 308-ENTIAT (Chelan County): Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; then southeast along Lake Chelan and the Chelan River to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River; then northwest along the Entiat River to Fox Creek; then northeast along Fox Creek to the Fourmile Ridge Trail 1445; then east on the Fourmile Ridge Trail to Trail 1448; then southeast on Trail 1448 to Stormy Mountain and the Slide Ridge Road (USFS Road 8410); then north on the Slide Ridge Road to Twenty-five Mile Creek; then north along Twenty-five Mile Creek to Lake Chelan and the point of beginning.

GMU 314-MISSION (Kittitas and Chelan counties): Beginning at the Black Pine Creek Horse Camp near the Alpine Lakes Wilderness Boundary and Icicle Creek; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek; then west along Colockum Creek and the Colockum Pass Road (WDFW Road 10) to the Naneum Ridge Road (WDFW Road 9); then northwest on the Naneum Ridge Road to Wenatchee Mountain; then northwest along the ridge past Mission Peak to the Liberty-Beehive Road (USFS Road 9712); then northwest on the Liberty-Beehive Road to USFS Road 9716; then north on USFS Road 9716 to U.S. Highway 97 at Swank Pass; then

northwest on the Kittitas-Chelan County line and Trail 1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then north on the Alpine Lakes Wilderness Boundary to Icicle Creek and the point of beginning.

GMU 316-SWAKANE (Chelan County): Beginning at Stevens Pass on U.S. Highway 2; then east on U.S. Highway 2 to Coles Corner and State Highway 207; then north on State Highway 207 to State Highway 209 near Lake Wenatchee; then southeast on State Highway 209 to the Eagle Creek Road (USFS Road 7520); then northeast on Eagle Creek Road to French Corral and USFS Road 5800; then northeast on USFS Road 5800 to the Mad River Road (USFS Road 5700); then southeast on the Mad River Road to Ardenvoir and the Entiat River; then southeast along the Entiat River to the Columbia River; south along the Columbia River to the Wenatchee River; then northwest along the Wenatchee River to Leavenworth and Icicle Creek; then south and northwest along Icicle Creek to the Alpine Lakes Wilderness Boundary; then north on the Alpine Lakes Wilderness Boundary to the Pacific Crest Trail near Josephine Lake; then north on the Pacific Crest Trail to Stevens Pass and the point of beginning.

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning at Swauk Pass on U.S. Highway 97 and USFS Road 9716; then east on USFS Road 9716 to the Liberty-Beehive Road (USFS 9712); then east on the Liberty-Beehive Road to the west boundary of Section 22 (T21N, R19E); then southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (WDFW Road 9); then southeast on the Naneum Ridge Road to the Colockum Pass Road (WDFW Road 10); then south on the Colockum Pass Road to the East Highline Canal; then northwest along the East Highline Canal to the Lower Green Canyon Road; then south on the Lower Green Canyon Road to U.S. Highway 97; then north on U.S. Highway 97 to Swauk Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Colockum Creek; then south along the Columbia River to Davies Canyon; then west along Davies Canyon to Road 14; then south and west on Road 14 to the boundary sign in the northwest quarter of Section 17 (T20N, R22E); then south to the boundary sign on Road 14 along the section lines between Sections 17, 18, 19 and 20; then east on Road 14 to Road 14.14; then east on Road 14.14 and north along the stock fence to the northern point of Cape Horn; then south along the top of the cliff and southeast to Road 14.14; then south on Roads 14.14, 14.17 and 14 to Tekison Creek; then south along Tekison Creek to the Columbia River; then south along the Columbia River to Vantage and Interstate Highway 90; then west on Interstate Highway 90 to the East Highline Canal; then north on the East Highline Canal to the Colockum Pass Road (Road 10); then north on the Colockum Pass Road to Colockum Creek; then northeast along Colockum Creek to the Columbia River and the point of beginning.

GMU 330-WEST BAR (Kittitas County): Beginning on the Columbia River and Davies Canyon; then southeast along the Columbia River to the mouth of the Tekison

Creek; then northwest along Tekison Creek to Road 14; then north on Road 14, 14.17, and 14.14 to the top of the Cape Horn Cliffs; then north along the top of the cliff to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road 14.14 to Road 14 to the boundary sign between Sections 19 and 20 (T20N, R22S); then north on a line between Sections 19, 20 and 17, 18 to the boundary sign on Road 14 in the northwest quarter of Section 17; then east and north along Road 14 to Davies Canyon; then east along Davies Canyon to the Columbia River and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County): Beginning on U.S. Highway 97 and the Lower Green Canyon Road; then north on the Lower Green Canyon Road to the East Highline Canal; then east and south along the canal past Interstate 90 to the pump station; then south and west along the north branch of the canal to State Highway 821 and the Yakima River; then north along the Yakima River to the Damon Road; then south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to the Bradshaw Road; then west along Bradshaw Road to the elk fence; then west and north along the elk fence to Taneum Creek; then east along Taneum Creek to the Yakima River; then ~~((northeast))~~ southeast along the Yakima River to the Thorp Highway; then east on the Thorp Highway and State Highway 10 to U.S. Highway 97; then north along U.S. Highway 97 to the Lower Green Canyon Road and the point of beginning.

GMU 335-TEANAWAY (Kittitas County): Beginning at Snoqualmie Pass on the Pacific Crest Trail; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary; then east on the Alpine Wilderness Boundary to the Chelan-Kittitas County line; then southeast on the county line and Trail 1226 to Swauk Pass and U.S. Highway 97; then south on U.S. Highway 97 to State Highway 10; then northwest on State Highways 10, 970, 903 to Cle Elum and Interstate 90; then west on Interstate 90 to Snoqualmie Pass and the Pacific Crest Trail and the point of beginning.

GMU 336-TANEUM (Kittitas County): Beginning at the Pacific Crest Trail and Interstate 90 at Snoqualmie Pass; then east on Interstate 90 to Cle Elum and State Highway 903; then east on State Highways 903, 970 and 10 to the Thorp Highway; then southeast on the Thorp Highway to the Thorp Highway Bridge and the Yakima River; then southwest along the Yakima River (upstream) to Taneum Creek; then west along Taneum Creek to the South Fork Taneum Creek; then west along the South Fork Taneum Creek to Trail 1367; then west on Trail 1367 to Trail 1363; then south on Trail 1363 and south along Peaches Ridge to Trail 1388; then west on Trail 1388 to Blowout Mountain on the Pacific Crest Trail; then north on the Pacific Crest Trail to Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County): Beginning at Quartz Mountain and Peaches Ridge (Trail 1363); then north and east on Trail 1363 to Trail 1367; then southeast on Trail 1367 to the South Fork Taneum Creek; then east along the South Fork Taneum Creek to Taneum Creek; then east along Taneum Creek to the elk fence; then southeast along the elk fence to Bradshaw Road; then east on Bradshaw Road to the

South Branch Highline Canal; then southeast along the South Branch Highline Canal to the Wenas-Ellensburg Road (at Shushuskin Canyon); then north on the Wenas-Ellensburg Road to the Damon Road; then north on the Damon Road to the Yakima River; then south along the Yakima River to Umtanum Creek; then west along Umtanum Creek to the Wenas-Ellensburg Road; then west on the Wenas-Ellensburg Road to Ellensburg Pass and the Observatory Road (Section 6, T16N, R17E); then north on the Observatory Road to Manastash Ridge (Section 20, T17N, R17E, W.M.); then northwest along the Manastash Ridge to USFS Trail 694 (T17N, R15E, NW 1/4 of Section 12) near the USFS fence; then northwest on ORV Trail 694 to ORV Trail 688 near Rocky Saddle; then northwest on ORV Trail 688 to USFS Trail 1388; then northwest on Trail 1388 to Quartz Mountain and Peaches Ridge Trail and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties): Beginning at Manastash Ridge at the junction of Forest Road 1701; then east along the Manastash Ridge to the Observatory Road in Section 20, T17N, R17E, W.M.; then south on the Observatory Road to the Wenas-Ellensburg Road near Ellensburg Pass (Section 6, T16N, R17E, W.M.); then east on the Wenas-Ellensburg Road to Umtanum Creek; then east along the Umtanum Creek to the Yakima River; then south along the Yakima River to Yakima and U.S. Highway 12; then northwest on U.S. Highway 12 to State Highway 410; then northwest on State Highway 410 to USFS Road 1701; then north on USFS Road 1701 to the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties): Beginning at Blowout Mountain and the USFS Road 1388; then east on USFS Road 1388 to USFS ORV Trail 688 to Rocky Saddle; then east on USFS ORV Trail 694 to USFS Road 1701 near the USFS fence (T17N, R15E, NW 1/4 of Section 12); then south on USFS Road 1701 to State Highway 410; then northwest and southwest on State Highway 410 to the Pacific Crest Trail near Chinook Pass; then north on the Pacific Crest Trail to Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County): Beginning on the Bumping Lake Road and State Highway 410; then east and south on State Highway 410 to Nile and USFS Road 1500; then west on USFS Road 1500 to the McDaniel Lake Road (USFS Road 1502); then west on the McDaniel Lake Road to the North Fork and the South Fork of Rattlesnake Creek; then along the North Fork Rattlesnake Creek to the USFS Richmond Mine Trail 973; then north on the Richmond Mine Trail 973 to the Bumping Lake Road; then north on the Bumping Lake Road to State Highway 410 and the point of beginning.

GMU 356-BUMPING (Yakima County): Beginning on the Pacific Crest Trail and State Highway 410 at Chinook Pass; then northeast on State Highway 410 to the Bumping Lake Road; then southwest on the Bumping Lake Road to the USFS Richmond Mine Trail 973; then southeast on the Richmond Mine Trail 973 to the North Fork Rattlesnake Creek; then southeast along the North Fork Rattlesnake Creek to the McDaniel Lake Road (USFS Road 1502); then southeast on the McDaniel Lake Road to USFS Road 1500; then south on USFS Road 1500 to State Highway 12; then

west on Highway 12 to the Pacific Crest Trail at White Pass; then north on the Pacific Crest Trail to Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County): Beginning on USFS Road 1500 and Highway 410 at Nile; then southeast on Highway 410 to Highway 12; then southwest on Highway 12 to USFS Road 1500; then north and east on USFS Road 1500 to Nile and the point of beginning.

GMU 364-RIMROCK (Yakima County): Beginning on the Pacific Crest Trail and Highway 12 at White Pass; then east on Highway 12 to Windy Point and the Jump Off Road (USFS 1302); then southwest on Jump Off Road to Jump Off Lookout; then south on Divide Ridge Crest to Darland Mountain and to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west on the Yakima Indian Reservation boundary to the Pacific Crest Trail; then north on the Pacific Crest Trail to Highway 12 at White Pass and the point of beginning.

GMU 366-RIMROCK-COWICHE (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche).

GMU 368-COWICHE (Yakima County): Beginning on Highway 12 and Jump Off Road near Windy Point; then northeast and southeast on Highway 12 to the Yakima River; then south along the Yakima River to the Yakima Indian Reservation boundary south of Union Gap; then west on the reservation boundary to Darland Mountain; then north on the crest of Divide Ridge to the Jump Off Lookout and the Jump Off Road (USFS Road 1302); then northeast on the Jump Off Road to Highway 12 and the point of beginning.

GMU 371 ALKALI (Kittitas and Yakima counties): Beginning one mile south of Thrall and Highway 821 at the Yakima River and the East High Canal; then east and north along the East High Canal to Interstate Highway 90; then east on Interstate Highway 90 to Vantage and the Columbia River; then south along the Columbia River to Priest Rapids Dam and the Yakima Training Center (YTC) boundary; then south and west along the YTC boundary to the main gate at Firing Center Road; then west along Firing Center Road and Harrison Road to the Yakima River; then north along the Yakima River to the East High Canal and the point of beginning.

GMU 372 KIONA (Benton and Yakima counties): Beginning at Priest Rapids Dam and the Columbia River; then east and south along the Columbia River (Yakima, Grant, Benton, and Walla Walla County line) to the Alderdale Road; then north on the Alderdale Road to the Klickitat-Yakima County line; then west on the county line to the Yakima Indian Reservation boundary; then northeast on the reservation boundary to the Mabton-Sunnyside Road; then north on the Mabton-Sunnyside Road to the Yakima River; then northwest along the Yakima River to Harrison Road; then east along Harrison Road and Firing Center Road to the main gate of the Yakima Training Center (YTC); then south and east along the YTC boundary to Priest Rapids Dam and the Columbia River and the point of beginning.

The Hanford Nuclear Reservation is closed to all unauthorized public entry.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 98-05-100
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 18, 1998, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-223.

Title of Rule: Medical aid rules updates.

Purpose: Update payment rates allowed to medical providers.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Statute Being Implemented: RCW 51.04.020(4) and 51.04.030.

Summary: (1) Change conversion factor used to calculate reimbursement levels for services payable through the resource based relative value scale (RBRVS) fee schedule; (2) change conversion factor used to calculate reimbursement for anesthesia services; and (3) increase the physical and occupational therapy daily maximum rates.

Reasons Supporting Proposal: Update provider reimbursement rates.

Name of Agency Personnel Responsible for Drafting: Simone Stilson, Tumwater, Washington, (360) 902-4744; Implementation and Enforcement: Doug Connell, Assistant Director, Tumwater, Washington, (360) 902-4209.

Name of Proponent: [Department of Labor and Industries], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The three changes increase reimbursement to affected medical providers. The purpose and anticipated effect of these proposed changes are to:

(1) Change the conversion factor used to calculate maximum reimbursement levels for services reimbursed under the resource based relative value scale (RBRVS) fee schedule. The proposed change adjusts the conversion factor to accommodate changes in the service codes and relative value units which are used to calculate reimbursement levels and grants a 4.27% cost of living increase to RBRVS providers.

(2) Change the conversion factor used to calculate maximum reimbursement for anesthesia services. The proposed change adjusts the conversion factor to accommodate changes in the anesthesia base values that are used to calculate reimbursement and grants a 4.27% cost of living increase to anesthesia providers.

(3) Apply a 4.15% cost of living increase to the maximum daily rate for physical and occupational therapy services.

Proposal Changes the Following Existing Rules: In WAC 296-20-135(2), increase the RBRVS conversion factor from \$46.21 to \$47.61.

In WAC 296-20-135(3), increase the anesthesia conversion factor from \$1.94 to \$2.02.

In WAC 296-23-220 and 296-23-230, increase the maximum daily rate for physical and occupational therapy services from \$76.81 to \$80.00.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act, chapter 19.85 RCW, requires that a small business economic impact statement be prepared if a proposed rule has the potential of placing a proportionately higher economic impact on small businesses. Since the proposed amendments will result in an average increase in payments to the affected industries, the department is not required to prepare a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. The amendment is not a significant change to existing department policy. It is a routine rate adjustment.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA, on March 26, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Simone Stilson by March 19, 1998, TDD 1-800-833-6388.

Submit Written Comments to: Simone Stilson, FAX (360) 902-4249, by April 2, 1998.

Date of Intended Adoption: April 22, 1998.

February 18, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 97-10-017, filed 4/28/97, effective 7/1/97)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$46.21)~~) \$47.61. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$1.94)~~) \$2.02 per minute. The base units and payment policies can be found in the fee schedules.

(4) Services that do **not** use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 97-10-017, filed 4/28/97, effective 7/1/97)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$76.81)~~) \$80.00 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for

PROPOSED

rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 97-10-017, filed 4/28/97, effective 7/1/97)

WAC 296-23-230 Occupational therapy rules.

Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$76.81)~~) \$80.00 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

**WSR 98-05-103
PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed February 18, 1998, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-038.

Title of Rule: Converting retail liquor licenses to brewery or winery licenses.

Purpose: This rule sets forth conditions for converting a retail liquor, primarily a public house license, to a brewery, microbrewery or winery license.

Other Identifying Information: Requests from licensees prompted the board to add this rule for clarity.

Statutory Authority for Adoption: RCW 66.06.030.

Statute Being Implemented: RCW 66.24.580.

Summary: This rule clarifies the conditions under which a public house license holder or any other retail license holder may convert businesses to brewery, microbrewery or winery licenses.

Reasons Supporting Proposal: Previous rules have not made clear the process for such a conversion. Since there are several technicalities involved in these conversions, this rule will be necessary for clarification.

Name of Agency Personnel Responsible for Drafting: Greg Nordlund, P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-0875; Implementation and Enforcement: Dave Goyette, P.O. Box 43098, Olympia, WA 98504-3098, (360) 753-2724.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Although the board previously allowed public house licensees to convert to a brewery or winery, the business was required to close its doors for forty-five days. At the request of licensees who felt this was a financial burden, the board is proposing this rule which removes the forty-five day closure requirement and clarifies all conditions of converting a license.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No involuntary impact to business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, 1025 East Union Avenue, Olympia, WA 98504, on April 22, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Greg Nordlund by April 22, 1998, TDD (360) 753-1452, or (360) 586-0875.

Submit Written Comments to: Greg Nordlund, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 704-4925.

Date of Intended Adoption: May 6, 1998.

February 18, 1998

Nathan S. Ford, Jr.

Chair

NEW SECTION

WAC 314-12-200 Converting a public house license (RCW 66.24.580) to a domestic brewery, microbrewery or domestic winery license. (1) Can a person who holds a public house license (Class Q) convert to a domestic brewery, microbrewery or domestic winery license (Class B1 or W1)?

Yes, if the licensee has held a public house license for at least six months.

(2) If a person holds several different retail liquor licenses, are those licenses affected by the conversion?

Yes. All other retail liquor licenses must either be converted to a domestic brewery, microbrewery or domestic winery license at the same time or the licensee must discontinue business or divest themselves of all interest in those nonbrewery/winery licenses.

For instance, if a licensee holds three public house licenses, two grocery licenses and a tavern license and only wants to convert the three public house licenses to brewery or winery license, they must discontinue business or divest themselves of all interest in the other three businesses or they must convert them to a brewery or winery license as well.

Additionally, if the licensee has held any public house license for less than 6 months, they must discontinue business or divest themselves of all interest in that business as well.

(3) If a person currently holds a restaurant license (Class H) in conjunction with their public house license, will the restaurant license be affected?

No. If the restaurant remains on the same or contiguous property as the brewery or winery, the restaurant license will be unaffected.

(4) Is there a waiting period between the closure of the public house business and the opening of the brewery or winery?

No. The licensee does not have to close the existing business before the domestic brewery, microbrewery or domestic winery license can be issued.

WSR 98-05-107 PROPOSED RULES PUBLIC DISCLOSURE COMMISSION

[Filed February 18, 1998, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-187.

Title of Rule: WAC 390-05-400 Changes in dollar amounts.

Purpose: Adjust for inflation the dollar amounts imposed by Initiative 134 in 1992. These amounts were last amended in 1996.

Statutory Authority for Adoption: RCW 42.17.370(1) and [42.17].690.

Statute Being Implemented: RCW 42.17.690.

Summary: In even-numbered years, RCW 42.17.690 requires the commission to adjust for inflation the contribution limits and other dollar amounts established by Initiative 134. The proposed amendment to WAC 390-05-400 is being offered in order to satisfy this statutory obligation.

Reasons Supporting Proposal: The existing contribution limits and dollar amounts would be adjusted for inflation according to the formula set out in statute.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule implements the statutory requirement to adjust the dollar amounts imposed by I-134 every two years.

Using the implicit price deflator inflation index and the formula called for in statute, the original contribution limits and other dollar amounts imposed by I-134 would go up about fifteen percent. However, since these dollar amounts were adjusted in 1996, the actual increase over current dollar levels would be quite modest.

Proposal Changes the Following Existing Rules: The changes only adjust contribution limits and other dollar amounts for inflation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal would only affect a business that contributes to political campaigns, allowing it, along with other types of contributors, to give slightly more than is currently allowed by law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

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Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on March 24, 1998, at 9:00 a.m.

Submit Written Comments to: Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by March 13, 1998.

Date of Intended Adoption: March 24, 1998.

February 18, 1998

Melissa Warheit

Executive Director

AMENDATORY SECTION (Amending WSR 96-04-021, filed 1/30/96)

WAC 390-05-400 Changes in dollar amounts. Pursuant to the requirement in RCW 42.17.690 that the commission biennially revise the dollar amounts found in Initiative 134 to reflect changes in economic conditions, the following revisions are made:

Code Section	Subject Matter	Amount Enacted or Last Revised	((1996)) <u>1998</u> Revision
.020	Definition of Independent Expenditure	((500)) <u>\$550</u>	((550)) <u>\$575</u>
.125	Reimbursement of candidate for loan to own campaign	((3,000)) <u>\$3,500</u>	\$3,500
.180(1)	Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures	((10,000)) <u>\$11,000</u> ((500)) <u>\$550</u>	((11,000)) <u>\$11,500</u> ((550)) <u>\$575</u>
.640(1)	Contribution Limits— Candidates for state leg. office Candidates for other state office	((500)) <u>\$550</u> ((1,000)) <u>\$1,100</u>	((550)) <u>\$575</u> ((1,100)) <u>\$1,150</u>
.640(2)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office	((500)) <u>\$550</u> ((1,000)) <u>\$1,100</u>	((550)) <u>\$575</u> ((1,100)) <u>\$1,150</u>
.640(3)	Contribution Limits— Contributions made by political parties and caucus committees State parties and caucus committees County and leg. district parties Limit for all county and leg. district parties to a candidate	((50)) <u>.55</u> per voter ((25)) <u>.28</u> per voter ((25)) <u>.28</u> per voter	((55)) <u>.58</u> per voter ((28)) <u>.29</u> per voter ((28)) <u>.29</u> per voter
.640(4)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall State parties and caucuses County and leg. district parties Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	((50)) <u>.55</u> per voter ((25)) <u>.28</u> per voter ((25)) <u>.28</u> per voter	((55)) <u>.58</u> per voter ((28)) <u>.29</u> per voter ((28)) <u>.29</u> per voter
.640(((5))) <u>(6)</u>	Limits on contributions to political parties and caucus committees To caucus committee To political party	((500)) <u>\$550</u> ((2,500)) <u>\$2,750</u>	((550)) <u>\$575</u> ((2,750)) <u>\$2,875</u>
.740	Contribution must be made by written instrument	((50)) <u>\$55</u>	\$55

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 98-05-057
EXPEDITED ADOPTION
DEPARTMENT OF HEALTH
 [Filed February 13, 1998, 4:29 p.m.]

Title of Rule: Certificate of need program.

Purpose: Regulates health planning services to promote, maintain, and assure accessible, quality, and cost-effective health care to the citizens of Washington state.

Statutory Authority for Adoption: Chapter 70.38 RCW.
 Statute Being Implemented: Chapter 70.38 RCW.

Summary: Legislative changes were made to chapter 70.38 RCW during the 1997 session regarding the timeframe for requesting conversion of banked beds under the statute's alternative use provisions. The rule would incorporate these changes. Several housekeeping changes for clarification purposes will also be incorporated in this rule.

Reasons Supporting Proposal: During the 1997 legislative session, the legislature made changes to chapter 70.38 RCW. The department is incorporating these changes in the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janis Sigman, Manager, 1112 Quince Street S.E., Olympia, WA, (360) 753-3787.

Name of Proponent: Department of Health, Certificate of Need Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will incorporate legislative changes made to chapter 70.38 RCW during the 1997 legislative session which changes the timeframe for requesting conversion of banked nursing home beds under the alternative use provisions of the statute. The rule also incorporates housekeeping changes for clarification and process purposes.

Proposal Changes the Following Existing Rules: Changes the timeframe for notification of conversion of banked beds under the alternative use provisions, from one year to ninety days if no construction is involved. If construction is required, timeframe for notification of conversion of banked beds changes from two years to one year. Housekeeping changes provide for clarification and process purposes. For example, under bed banking provisions, clarified acceptable evidence of notification of building owner; clarified the timelines for concurrent review for noncompeting applications; moved the definition of "interested person" into the definitions section; address change for the adjudicative clerk office for adjudicative proceeding filings; and general housekeeping edits.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Janis Sigman, Manager, Department of Health, Certificate of Need Program, 1112 Quince Street

S.E., Olympia, WA 98504-7851, AND RECEIVED BY April 18, 1998.

February 13, 1998
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-010 Definitions. For the purposes of chapter 246-310 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

"Acute care facilities" means hospitals and ambulatory surgical facilities.

("Affected persons" means:

- ~~The applicant;~~
- ~~Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;~~
- ~~Third party payers reimbursing health care facilities in the health service area;~~
- ~~Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;~~
- ~~Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;~~
- ~~Any person residing within the geographic area to be served by the applicant; and~~
- ~~Any person regularly using health care facilities within the geographic area to be served by the applicant.)~~ "Affected person" means an interested person meeting the following criteria:

- Is located or resides in the applicant's health service area;
- Testified at a public hearing or submitted written evidence; and
- Requested in writing to be informed of the department's decision.

"Alterations," see "construction, renovation, or alteration."

"Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

"Ambulatory surgical facility" means any free-standing entity, including an ambulatory surgery center, that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

"Applicant," means:

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• Any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

• Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Base year" as used in the kidney dialysis station methodology means the last full calendar year preceding the first year of dialysis station need projections.

"Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

"Bed supply" means within a geographic area the total number of:

• Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under the provisions of RCW 70.38.111 (8)(a) or where the need is deemed met under the provisions of RCW 70.38.115 (13)(b), excluding:

• Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

• New or existing nursing home beds within a CCRC which are approved under the provisions of WAC 246-310-380(5); or

• Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

• Beds banked under the provisions of RCW 70.38.115 (13)(b) where the need is not deemed met.

• Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

"Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age sixty-five and older.

"Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

"Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

"Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

"Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of such notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. ~~((In the case of major medical equipment, installation:))~~ In the case of other projects, initiating a health service.

"Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

"Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its residents which:

• Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:

• Independent living units;

• Nursing home care with no limit on the number of medically needed days;

• Assistance with activities of daily living;

• Services equivalent in scope to either state chore services or Medicaid home health services;

• Continues a contract, if a resident is no longer able to pay for services;

• Offers services only to contractual residents with limited exception during a transition period; and

• Holds the Medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

"Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Department" means the Washington state department of health.

"Effective date of facility closure" means:

- The date on which the facility's license was relinquished, revoked or expired; or
- The date the last resident leaves the facility, whichever comes first.

"End-of-the-year incenter patients" means the number of patients receiving incenter kidney dialysis at the end of the calendar year.

"End-stage renal dialysis (ESRD) service areas" means each individual county, designated by the department as the smallest geographic area for which kidney dialysis station need projections are calculated, or other service area documented by patient origin.

"Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These shall include, but not be limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

"Established ratio" means a bed-to-population ratio of forty-five beds per one thousand persons of the estimated or forecast resident population age sixty-five and older established for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

"Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

"Estimated bed projection" means the number of nursing home beds calculated by the department state-wide or within a planning area, by the end of the projection period.

"Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

"Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of WAC 246-310-900.

"Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include ~~((Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts))~~ any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomina-

tion, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term "health care facility" does not include any nonprofit hospital:

- Operated exclusively to provide health care services for children;
- Which does not charge fees for such services; and
- If not contrary to federal law as necessary to the receipt of federal funds by the state.

• In addition, the term "health care facility" does not include a continuing care retirement community which:

- Offers services only to contractual residents;
- Provides its residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

• Contractually assumes responsibility for costs of services exceeding the resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its residents, no third party, including the Medicaid program, is liable for costs of care even if the resident depletes personal resources;

• Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

• Maintains a binding agreement with the department of social and health services assuring financial liability for services to residents, including nursing home services, shall not fall upon the department of social and health services;

• Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

• Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to residents.

"Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

• Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

• Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

• Is compensated (except for copayments) for the provision of the basic health care services listed in this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

• Provides physicians' services primarily:
• Directly through physicians who are either employees or partners of such organization, or

• Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

"Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

"Home health agency" means an entity which is, or has declared an intent to become, certified as a provider of home health services in the Medicaid or Medicare program.

"Hospice" means an entity which is, or has declared an intent to become, certified as a provider of hospice services in the Medicaid or Medicare program.

"Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

"Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

"Interested persons" means:

- The applicant;
- Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;
- Third-party payers reimbursing health care facilities in the health service area;
- Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;
- Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;
- Any person residing within the geographic area to be served by the applicant; and
- Any person regularly using health care facilities within the geographic area to be served by the applicant.

"Justified home training station" means a kidney dialysis station designated for home hemodialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemodialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations. To request justified home training stations at a new dialysis treatment center, the applicant must document that at least six patients are projected to be trained for home hemodialysis or twenty patients for peritoneal dialysis for each such station requested for each of the first five years of projected operations.

"Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including outpatient dialysis and/or kidney transplantation, to persons who have end-stage renal disease (ESRD).

"Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

"Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

- Adding nursing home beds being redistributed from another nursing home planning area or areas; or
- Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

"New nursing home bed" means a nursing home bed never licensed by the state or beds banked under the provisions of RCW 70.38.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under the provisions of RCW 70.38.111(8).

"Nursing home" means any entity licensed or required to be licensed under the provisions of chapter 18.51 RCW or distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

"Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

- An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or
- A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or
- In the case of donated property, the date on which the gift is completed in accordance with state law.

"Offer," when used in connection with health services, means the health facility provides one or more specific health services.

"Over the established ratio" means the bed-to-population ratio is greater than the state-wide current established ratio.

"Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

"Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

- Clark and Skamania counties shall be one planning area.
- Chelan and Douglas counties shall be one planning area.

"Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

"Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

- Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

- Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

- Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

- Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

"Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

"Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

"Projection period" means the three-year time interval following the projection year.

"Projection year" for nursing home purposes, means the one-year time interval preceding the projection period. For kidney dialysis station projection purposes, means the base year plus three years.

"Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

"Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

"Replacement authorization" means a written authorization by the secretary's designee for a person to implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

"Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

- Excludes contract holders living within a recognized CCRC:

- With approval for new nursing home beds under the provisions of WAC 246-310-380(5); or

- Excluded from the definition of a health care facility per RCW 70.38.025(6);

- Is calculated using demographic data obtained from:
 - The office of financial management; and
 - Certificate of need applications and exemption requests previously submitted by a CCRC.

"Secretary" means the secretary of the Washington state department of health or the secretary's designee.

"State Health Planning and Resources Development Act" means chapter 70.38 RCW.

"State-wide current ratio" means a bed-to-population ratio computed from the most recent state-wide nursing home bed supply and the most recent estimate of the state-wide resident population.

"Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

"Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

"Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

"Under the established ratio" means the bed-to-population ratio is less than the state-wide current established ratio.

"Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

"Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-044 Exemption from requirements for a certificate of need for nursing home bed replacements.

(1) Provisions for exemptions.

The secretary's designee shall grant a replacement authorization exempting a facility from the requirements for a certificate of need for the replacement of existing nursing home beds under the provisions of RCW 70.38.115 (13)(a) by a nursing home meeting the eligibility requirements of this section and submitting an application, following the notice requirements in WAC ((~~246-310-396~~) 246-310-397), which demonstrates the eligibility requirements have been met.

(2) Nursing home construction or renovation projects for the purpose of replacing nursing home beds within the same planning area, and which meet the eligibility requirements in subsection (3) of this section and the notification requirements in WAC ((~~246-310-396~~) 246-310-397), shall not be subject to certificate of need review. Projects meeting the above requirements would include, but are not limited to:

(a) Replacement of an existing facility at the same location;

(b) Construction of a new nursing home or facilities for the purpose of replacing beds in the same planning area;

(c) Renovation of an existing facility for the purpose of replacing beds; and

(d) Redistribution of all or a portion of existing beds to an existing or new nursing home or facilities in the same planning area.

(3) Eligibility requirements. To be eligible for an exemption under this section, an applicant shall demonstrate that:

(a) The applicant is the existing licensee (as defined in WAC 246-310-010) of all affected facilities and has operated the beds at all affected facilities for at least one year immediately preceding the replacement exemption request

fulfilling the requirements as specified in WAC ((246-310-396)) 246-310-397;

(b) The applicant will be the licensee at all affected facilities at the completion of the project except as allowed under the provisions of RCW 70.38.115(14);

(c) The project will not increase the total bed capacity of a planning area; and

(d) The nursing home beds being replaced will not provide nursing home services once the replacement beds are licensed.

(4) Projects must be commenced within two years following replacement authorization with a possibility of one six-month extension provided that substantial and continuing progress had been made toward commencement of the project as referenced in WAC 246-310-580.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-050 Applicability determination. (1) Any person wanting to know whether an action the person is considering is subject to certificate of need requirements (chapter 246-310 WAC) may submit a written request to the certificate of need ((unit)) program requesting a formal determination of applicability of the certificate of need requirements to the action.

(a) The written request shall include the nature and extent of any construction, changes in services, and the estimated total costs of the action.

(2) The department may request any additional written information that is reasonably necessary to make an applicability determination on the action.

(3) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of the complete information needed for such determination. In the written response, the department shall state the reasons for its determination that the action is or is not subject to certificate of need requirements.

(4) Information or advice given by the department as to whether an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(5) A written applicability determination on an action in response to a written request and based on written information shall be binding upon the department: *Provided*, The nature, extent, or cost of the action does not significantly change.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-080 Letter of intent. Any person planning to propose an undertaking subject to certificate of need review shall submit a letter of intent as follows:

(1) The letter of intent shall include the following information:

- (a) A description of the services proposed;
- (b) The estimated cost of the proposed project;
- (c) An identification of the service area.

(2) A letter of intent shall be valid for six months after the receipt of the letter by the department. If the applicant does not submit an application for the project as described

in the letter within this time frame, a new letter of intent shall be required before the department accepts an application.

(3) In the event that the application proposes a project that is significantly different than that proposed in the letter of intent, the department shall consider the application the letter of intent and no further action shall be taken until the end of the thirty-day letter of intent period.

(4) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.

(5) Concurrent review.

(a) Any person proposing undertakings subject to concurrent review shall submit a letter of intent according to the applicable schedule.

(b) Within thirty days following the last day of the letter of intent submittal period, the department shall determine which of the proposed undertakings compete with other proposed undertakings. Two or more undertakings within the same concurrent review cycle may be competing when the proposed undertaking would be located in the same county or planning area and/or the undertakings propose nursing home beds to be allocated from the same statewide continuing care retirement community (CCRC) bed pool as defined in WAC 246-310-380. The department shall notify applicants of competing undertakings.

(c) In the event the department determines an application submitted under concurrent review is not competing, the department may convert the review to a regular review.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-090 Submission and withdrawal of applications. (1) General.

(a) A person proposing an undertaking subject to review shall submit a certificate of need application in such form and manner and containing such information as the department has prescribed and published as necessary to such a certificate of need application.

(i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information necessary for the department to perform a certificate of need review and shall vary in accordance with and be appropriate to the category of review or the type of proposed project: *Provided however*, That the required information shall include what is necessary to determine whether the proposed project meets applicable criteria and standards.

(ii) Information regarding a certificate of need application submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC 246-310-170 shall be submitted in writing to the department.

(iii) Except as provided in WAC 246-310-190, no information regarding a certificate of need application submitted by an applicant after the conclusion of the public comment period shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved

pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC 246-310-160 (2)(b), 246-310-150 (2)(c), and 246-310-140(4). ~~((The department shall furnish copies of its request to the applicant for such additional information to the appropriate advisory review agencies.))~~ The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved issue and the information requested of the applicant, and shall state the period of time allowed for receipt of written comments from interested persons.

(b) A person submitting a certificate of need application shall submit one original and one copy of the application to the certificate of need program of the department.

(c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person submitting the application stating whether or not the application has been declared complete. If an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application where the information provided has been found to be insufficient or indefinite and request supplemental information needed to complete the application.

(d) The department shall not request any supplemental information of a type not prescribed and published as being necessary to a certificate of need application for the type of project being proposed. The department may request clarification of information provided in the application.

(e) A response to the department's request for information to supplement an incomplete application shall be written.

(2) Screening and prereview activities.

(a) The department shall, within a fifteen working-day period for emergency, expedited, and regular reviews, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after the department has received the application. In the event that the application is lacking significant information relating to the review criteria, the department may, upon notification, reserve the right to screen the application again upon receipt of the applicant's original response unless the applicant exercises option (c)(iii) of this subsection.

(b) The department shall return an incomplete certificate of need application to the person submitting the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days for emergency, expedited, and regular reviews unless extended by mutual agreement, and within one month for concurrent review after such request was sent.

(c) For emergency, expedited, and regular reviews, a person submitting a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of

this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that the information be screened and the applicant be given opportunity to submit further supplemental information if the department determines that the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the applicant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the application be reviewed without supplemental information.

(d) The department shall not accept responses to the department's screening letters later than ten days after the department has given "notification of beginning of review."

(e) For concurrent review a person submitting a response to the department's request for supplemental information to complete a certificate of need application within one month after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall submit written supplemental information or a written request that the incomplete application be reviewed. The review shall begin in accordance with the published schedule.

(f) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c)(ii) or (iii) of this section, the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC 246-310-170.

(g) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

(3) Withdrawal of applications.

A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person submitting the application at any time before final action on such application has been taken by the secretary's designee.

(4) Resubmission of applications withdrawn or returned as incomplete.

A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection (3) of this

section. The content of the application should be updated as necessary before resubmission.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-120 Concurrent review process. (1) Projects for which the department may establish concurrent review schedules are identified in RCW 70.38.115(7). An annual concurrent review has been scheduled for competing projects proposing:

(a) New nursing homes, not using bed allocations banked under the provisions of RCW 70.38.115(13);

(b) Nursing home bed additions, not using bed allocations banked under the provisions of RCW 70.38.115(13);

(c) The redistribution of beds from the following facility and service categories to nursing home beds:

(i) Acute care,

(ii) Boarding home, or

(iii) Intermediate care for the mentally retarded.

(2) Procedures for the concurrent review process shall be as follows:

(a) Submittal of initial applications.

(i) Each applicant shall submit one original and one copy of the application to the department.

(ii) Each applicant if requested in writing shall provide a copy of his or her application to the applicant of each other competing application.

(b) Screening of the initial applications.

(i) The department shall screen each initial application during the screening period of the applicable concurrent review cycle schedule.

(ii) The screening period shall begin on the first working day following the last day of the initial application submittal period for the applicable concurrent review cycle schedule.

(iii) The department by the end of the screening period of the applicable concurrent review cycle schedule, shall send a written request for supplemental information to each applicant.

(iv) Each applicant, by the end of the final application submittal period, shall respond to the department's written request for supplemental information in one of the following ways:

(A) Submitting the requested written supplemental information, or

(B) Submitting a written request that the incomplete application be reviewed without supplemental information.

(c) Reviewing of final applications.

(i) The department shall commence the review of competing applications on the date prescribed for the applicable concurrent review cycle schedule.

(ii) The total number of days in the public comment and final review periods shall not exceed one hundred and thirty-five, unless extended in accordance with subsection (2)(d) of this section.

(iii) The public comment period shall be a maximum of ninety days from the beginning of the review period, unless the public comment period is extended in accordance with subsection (2)(d) of this section. The first sixty days of the public comment period is reserved for receiving public comment and conducting a public hearing, if requested. The

remaining thirty days shall be reserved for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any ~~(interested party that:~~

~~(A) Is located or resides within the applicant's health service area;~~

~~(B) Testified or submitted evidence at a public hearing; and~~

~~(C) Requested in writing to be informed of the department's decision.))~~ **affected person** shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(iv) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the public comment period, unless extended in accordance with subsection (2)(d) of this section.

(d) Extending review of final applications.

(i) The public comment period shall be extended in accordance with the provisions of WAC 246-310-100.

(ii) The final review period may be extended by the department under the following provisions:

(A) The department informs each applicant of the competing applications of the existence of an unresolved pivotal issue.

(B) The department may make a written request for additional information from one or more of the applicants of the competing applications.

(C) The department shall specify in the written request a deadline for receipt of written responses.

(D) Each applicant receiving such written request may provide a written response within the specified deadline.

(E) The department may extend the final review period for all competing applications up to thirty days after the receipt of the last response to the department's request for additional information or after the specified deadline, whichever occurs first.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-132 Open heart surgery concurrent review cycle. (1) The department shall review new open heart surgery services using the concurrent review cycle in this section.

(2) Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent shall be submitted between the first working day and last working day of July of each year.

(b) Initial applications shall be submitted between the first working day and last working day of August of each year.

(c) The department shall screen initial applications for completeness by the last working day of September of each year.

(d) Responses to screening questions shall be submitted by the last working day of October of each year.

(e) The public review and comment period for applications shall begin on November 16 of each year. In the event that November 16 is not a working day in any year, then the

public review and comment period shall begin on the first working day after November 16.

(f) The public comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision,)) affected person~~ shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(3) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-150 Expedited review process. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section.

(a) The public comment period shall be limited to thirty days. The first twenty days of the public comment period shall be reserved for receiving public comments. The remaining ten days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first twenty-day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision,)) affected person~~ shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first twenty-day period.

(b) The department shall complete its final review and the secretary's designee shall make his or her decision on a certificate of need application under an expedited review within twenty days of the end of the public comment period.

(2) The review period for an expedited review may be extended according to the following provisions:

(a) The review period may be extended an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review

period: *Provided*, The person submitting the certificate of need application gives written consent to further extension.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend its final review period upon receipt of a written request of the person submitting the application: *Provided however*, That such an extension shall not exceed sixty days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-160 Regular review process. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with this section unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) The public comment period shall be limited to forty-five days. The first thirty-five days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining ten days shall be reserved for the applicant to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision,)) affected person~~ shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period.

(b) The department shall complete its final review and the secretary's designee shall make a decision on a certificate of need application within forty-five days of the end of the public comment period.

(2) The review period for a regular review may be extended according to the following provisions:

(a) The public comment period may be extended for up to an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review period: *Provided*, The person submitting the certificate of need application gives written consent to such further extensions.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend either the public comment period or the department's final review period upon receipt of a written request of the person submitting the

application: *Provided however*, That such an extension shall not exceed ninety days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-170 Notification of beginning of review. (1) Notice required.

The department shall provide written notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to ~~((affected))~~ interested persons and any other person submitting a written request that the person's name be on the mailing list for such notice. Notification of the beginning of the review of a certificate of need application shall be provided through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department has received an application or the applicant's request, submitted in accordance with WAC 246-310-090 (2)(c), that review of the application begin. Such notice shall be given according to the following requirements:

(i) Emergency review.

When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review.

When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when the department determines there may be good cause to withdraw a certificate of need.

(c) The notices shall include:

(i) The procedures for receiving copies of applications, supplemental information and department decisions;

(ii) A general description of the project;

(iii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

(iv) The proposed review schedule;

(v) The period within which one or more ~~((affected))~~ interested persons may request a public hearing;

(vi) The name and address of the agency to which a request for a public hearing should be sent;

(vii) The manner in which notification will be provided of the time and place of any hearing so requested;

(viii) Notice that any ~~((affected))~~ interested person wishing to receive notification of a meeting on the application called by the department after the end of the public comment period shall submit a written request to the department to receive notification of such meetings; and

(ix) The period within which any ~~((affected))~~ interested person may request notification of the meetings referenced in subsection (2)(c)(viii) of this section.

(d) The notices to other ~~((affected))~~ interested persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited or regular review process shall begin on the day the department sends notification of the beginning of review to the general public and other ~~((affected))~~ interested persons unless the department has received a written request from the applicant pursuant to WAC 246-310-090 (2)(c)(iii), in which case review shall begin upon receipt of such request.

(b) Review of certificate of need applications under the concurrent review process shall begin fifteen days after the conclusion of the published time period for the submission of final applications subject to concurrent review.

(c) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department has determined the application is complete, or has received a written request to begin review submitted by the applicant in accordance with WAC 246-310-090 (2)(c).

(d) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other ~~((affected))~~ interested persons.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-180 Public hearings. (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more ~~((affected))~~ interested persons.

(2) The department shall provide opportunity to ~~((affected))~~ interested persons for a public hearing on:

(a) A certificate of need application under review, unless the application is being reviewed according to the emergency or expedited review processes; and

(b) The proposed withdrawal of a certificate of need.

(3) To be valid, a request for a public hearing on a certificate of need application or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the department within fifteen days after the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address, and signature of the person making the request.

(4) The department shall give written notice of a public hearing conducted pursuant to this section.

(a) Written notice shall be given to ~~((affected))~~ interested persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which

the public hearing is to be conducted and the date, time, and location of the public hearing.

(c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health service area of the proposed project. The notices to other ~~((affected))~~ interested persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the subject matter of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

(7) The department shall not be required to conduct a public hearing on a certificate of need application being reviewed according to the emergency or expedited review procedures.

(8) The department may conduct a public hearing in the absence of a request as identified in subsection (3) of this section, if the department determines it is in the best interest of the public.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-395 Nursing home bed banking for alternative use notice requirements. In the case of a nursing home licensee, requesting to convert some of the nursing home beds to an alternative use, as defined in RCW 70.38.111(8), or reduce the number of beds per room to two or one, or otherwise enhance the quality of life for residents and preserve the right to later convert the original portion of the facility back to skilled nursing care, the nursing home shall give notice of intent to preserve its conversion options to the department of health.

(1) Notice of the nursing home's intent to preserve conversion options shall be given to the department of health no later than thirty days after the effective date of the license modification made by the nursing home licensing authority. Such notices shall be signed by the licensee and include the following:

(a) A description of the alternative service to be provided or a description of how the proposed bed banking will have a direct and immediate benefit to the quality of life of the residents and a listing of the number of beds, by room number;

(b) A projected timeline for implementation; and

(c) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall ~~((provide a written statement indicating))~~ document whether the building owner ~~((s approval of the bed reduction))~~ has a secured interest in the beds.

• If the building owner does have a secured interest in the beds, the licensee shall provide a written statement, signed by the building owner, indicating approval of the bed reduction.

• If the building owner does not have a secured interest in the beds, the licensee shall provide documentation showing that the building owner has been notified of the bed reduction.

(2) The department shall notify the nursing home, as to whether the proposal meets the requirements of RCW 70.38.111 (8)(a) and if conversion rights are recognized. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within this thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the thirty-day time frame.

(3) The licensee shall notify the department of health at the time the alternative service or services commences.

(4) Notice of intent to convert beds back to nursing home bed use shall be given to the department of health and the department of social and health services ~~((no later than one year))~~ a minimum of ninety days prior to the effective date of the licensure modification made by the nursing home licensing authority reflecting the restored beds unless construction is required to convert the beds back. In the event the beds are not converted back to nursing home beds within sixty days of the date stated in the notice of intent, a notice of intent will need to be resubmitted ~~((no later than one year))~~ a minimum of ninety days prior to the effective date of the licensure modification.

(5) In the event construction is required to convert beds back to nursing home bed use, notice shall be given to the department of health and department of social and health services ~~((no later than two))~~ a minimum of one year(±) prior to the effective date of licensure modification made by the nursing home licensing authority reflecting the restored beds. The same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds shall be complied with unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers. In the event the beds are not converted back to nursing home beds within sixty days of the date stated in the notice of intent, a notice of intent will need to be resubmitted ~~((no later than two))~~ a minimum of one year(±) prior to the effective date of the licensure modification. The term "construction," as used in this section, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under chapter 70.38 RCW.

(6) Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements under WAC 246-310-043.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-396 Nursing home bed banking requirements for full facility closure. In the case of a nursing home licensee, as defined in WAC 246-310-010 ceasing operation as a nursing home or any other party who has secured an interest in the beds and requesting to retain the nursing home bed allocation, pursuant to RCW 70.38.115 (13)(b), the licensee or other party who has secured an

interest in the beds shall give notice to the department of health.

(1) Notice of the nursing home's intent to retain the nursing home bed allocation shall be given to the department of health no later than thirty days after the effective date of the home's closure. Such notices shall be signed by the licensee and include the following:

- (a) The name of the facility ceasing operation;
- (b) The number of beds in the bed allocation to be retained;
- (c) Documentation of the effective date of the facility closure;
- (d) The name, address, and telephone number of a contact person;
- (e) Documentation as to whether the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds; and
- (f) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall ~~((provide a written statement indicating))~~ document whether the building owner((s approval of the facility's closure)) or other party has a secured interest in the beds.

- If the building owner or other party does have a secured interest in the beds, the licensee shall provide a written statement, signed by the building owner or other party, indicating approval of the facility's closure.
- If the building owner or other party does not have a secured interest in the beds, the licensee shall provide documentation showing that the building owner or other party has been notified of the facility's closure.

(2) Notice shall be in written form addressed to the certificate of need program and signed by an authorized representative of the nursing home or other party who has secured an interest in the beds.

(3) The department shall respond within thirty days of the notice confirming that the rights to the bed allocation have been retained and the date the retained bed right will expire, provided no certificate of need is issued to replace the beds. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within the thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the given time frame.

(4) Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-560 Provision for reconsideration decision. (1) Any ~~((person))~~ interested or affected person may, for good cause shown, request a public hearing for the purpose of reconsideration of the decision of the secretary's

designee on a certificate of need application or withdrawal of a certificate of need.¹

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements:

(a) The request for a reconsideration hearing shall be written, be received by the department within twenty-eight days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall include but not be limited to the following:

(i) Significant relevant information not previously considered by the department which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) Scheduling of a reconsideration hearing shall ((commence)) occur within thirty days after receipt of ((the)) an approved request for ((the)) a hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person requesting the reconsideration hearing;

(b) The person submitting the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) Health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review;

(d) In the case of a concurrent review, other applicants competing as described in WAC 246-310-080; and to

(e) Other persons requesting the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings stating the basis of the decision made after such hearing.

(6) The secretary's designee may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

(7) An applicant requesting a reconsideration hearing under the provisions of this section does not forfeit his or her rights to an adjudicative appeal under the provisions of WAC 246-310-610.

Note: ¹No fee will be charged for a reconsideration hearing.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-610 Adjudicative proceeding. (1) An applicant denied a certificate of need or a certificate holder whose certificate was suspended or revoked has the right to an adjudicative proceeding.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the department's decision or reconsidered decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Professional Standards))~~ Adjudicative Clerk Office, Department of Health, 2413 Pacific Avenue, P.O. Box ~~((47872))~~ 47879, Olympia, WA 98504-~~((7872))~~ 7879; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.

(4) Any health care facility or health maintenance organization that:

(a) Provides services similar to the services provided by the applicant and under review pursuant to this subsection;

(b) Is located within the applicant's health service area; and

(c) Testified or submitted evidence at a public hearing held pursuant to RCW 70.38.115(9), shall be provided an opportunity to present oral or written testimony and argument in a proceeding under RCW 70.38.115 (10)(a) provided that the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decision. If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them the opportunity to comment, in advance, on the proposed settlement.

WSR 98-05-106

EXPEDITED ADOPTION

DEPARTMENT OF AGRICULTURE

[Filed February 18, 1998, 11:40 a.m.]

Title of Rule: Seed potato isolation district.

Purpose: This chapter establishes a seed potato isolation district in Whatcom County, requiring that all commercial potato production within its boundaries be enrolled for certification as seed.

Statutory Authority for Adoption: Chapter 15.15 RCW.
Statute Being Implemented: Chapter 15.15 RCW.

Summary: The production of high quality seed potatoes within the state requires conditions that are as free as

possible from insect pests and plant diseases. The production of other potatoes intermixed with or in close proximity to a concentrated seed potato production area poses an increased risk of introduction of insect pests and plant diseases. To mitigate this problem this chapter establishes a seed potato isolation district in Whatcom County, limiting commercial potato production within the boundaries to that enrolled in the seed potato certification program.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, Assistant Director, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, Program Manager, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington State Seed Potato Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In the 1997 legislative session, chapter 15.15 RCW, which specifically authorizes this rule, was enacted. According to the statute, the production of high quality seed potatoes within the state requires conditions that are as free as possible from insect pests and plant diseases. The production of other potatoes intermixed with or in close proximity to a concentrated seed potato production area poses an increased risk of introduction of insect pests and plant diseases. To mitigate this problem this rule establishes a seed potato isolation district requiring commercial potato production within the boundaries to be enrolled in the seed potato certification program. The Seed Potato Commission and Washington State Department of Agriculture know of no commercial potato production (that is no production in excess of one acre), other than certified seed potatoes in the affected area, currently or in the recent past.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY April 18, 1998.

February 18, 1998

Mary A. Martin Toohey
Assistant Director

EXPEDITED ADOPTION

**Chapter 16-325 WAC
SEED POTATO ISOLATION DISTRICT**

NEW SECTION

WAC 16-325-005 Promulgation—Establishing an isolation district. The production of high quality seed potatoes within the state requires conditions that are as free as possible from insect pests and plant diseases. The production of other potatoes intermixed with or in close proximity to a concentrated seed potato production area poses an increased risk of introduction of insect pests and plant diseases. To mitigate this problem this chapter establishes a seed potato isolation district requiring commercial potato production within the boundaries to be enrolled in the seed potato certification program.

NEW SECTION

WAC 16-325-010 Definitions. The definitions in this section shall apply throughout this chapter.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or a duly appointed representative.

(3) "Potato" means plants or plant parts of *Solanum tuberosum*.

(4) "Seed potatoes" means vegetatively propagated tubers of *Solanum tuberosum* used for propagation or production.

(5) "Seed potato certification program" means the program in which certified seed potatoes are produced, as set forth in Chapter 16-324 WAC.

NEW SECTION

WAC 16-325-015 Regulated area. The seed potato isolation district consists of that area of Whatcom County lying within the following boundaries:

On the West the boundary follows Interstate 5 from its intersection with Smith Rd., northwesterly to the intersection with Loomis Rd., then from the intersection of Loomis Road and Interstate 5 north along Giles Rd. to its end, continuing north through the center of Range 1 East to the Canadian border.

On the North the boundary follows the Canadian border from its intersection with the center of Range 1 East easterly to South Pass Road.

On the East the boundary follows South Pass Rd. southwesterly to the point where the eastern edge of Range 4 East intersects South Pass Road, then south along the eastern boundary of Range 4 East to the Nooksack River (south of the town of Deming).

On the South the boundary follows the Nooksack River northwesterly to the City of Everson, south from Everson on Mission Road to Smith Road then westerly on Smith Rd to Interstate 5.

NEW SECTION

WAC 16-325-020 Regulations for potato production within the seed potato isolation district. All potato plantings in excess of one acre must be enrolled in the seed potato certification program described in Chapter 16-324

WAC. Affected growers shall be responsible for all associated fees as required in Chapter 16-324.

NEW SECTION

WAC 16-325-025 Exceptions. The director may allow the production of potatoes, otherwise prohibited, by special permit. The permit shall specify under what conditions and in what location production will be allowed and must be obtained prior to planting.

WSR 98-05-001
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 4, 1998, 3:42 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To make a technical adjustment to WAC 180-18-010.

Citation of Existing Rules Affected by this Order: Amending WAC 180-18-010.

Statutory Authority for Adoption: RCW 28A.305.140.

Other Authority: RCW 28A.630.945.

Adopted under notice filed as WSR 98-01-193 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-054, filed 10/2/95, effective 11/2/95)

WAC 180-18-010 Authority. The authority for this chapter is RCW 28A.305.140(~~(, 28A.600.010,)~~) and 28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education.

WSR 98-05-002
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 4, 1998, 3:43 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To clarify existing provisions, repeal unnecessary wording, and provide greater flexibility to school districts.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-34-015, 180-34-020 and 180-34-025; and amending WAC 180-34-010.

Statutory Authority for Adoption: RCW 28A.335.120(7).

Adopted under notice filed as WSR 98-01-194 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 3.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 3.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-34-010 General conditions. When in the judgment of the board of directors of a school district a greater amount may be received for surplus real property and the sale facilitated by selling pursuant to a real estate sales contract, the board of directors may do so ~~((consistent with the provisions of this chapter. Any school district that sells real property pursuant to a real estate sales contract shall have the proposed contract approved in advance by the county prosecuting attorney or a private attorney as to legal propriety and compliance with (1) the laws of the state of Washington including, but not limited to, RCW 28A.335.120 and (2) the provisions of this chapter))~~ on such terms and conditions as the directors judge in consultation with their legal counsel to be lawful and in the best interests of the school district. Note: The rental or lease value of the property, and state constitutional limitations on gifts (Article 8, subsections 5 and 7), may have a bearing on the minimum annual payment a district may agree to.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-34-015	Payments—Interest—Duration.
WAC 180-34-020	Down payment.
WAC 180-34-025	Title to property—Transfer upon satisfaction of contract.

WSR 98-05-003
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 4, 1998, 3:44 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To make a technical adjustment to update terminology.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 180-22-150.

Statutory Authority for Adoption: RCW 28A.310.020.

Adopted under notice filed as WSR 98-01-195 on
December 23, 1997.

Number of Sections Adopted in Order to Comply with
Federal Statute: New 0, amended 0, repealed 0; Federal
Rules or Standards: New 0, amended 0, repealed 0; or
Recently Enacted State Statutes: New 0, amended 0,
repealed 0.

Number of Sections Adopted at Request of a Nongov-
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own
Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify,
Streamline, or Reform Agency Procedures: New 0, amended
1, repealed 0.

Number of Sections Adopted using Negotiated Rule
Making: New 0, amended 0, repealed 0; Pilot Rule Making:
New 0, amended 0, repealed 0; or Other Alternative Rule
Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 9-84, filed
10/4/84)

**WAC 180-22-150 Educational service districts—
Criteria for organization.** The establishment of educational
service districts shall be in accordance with the criteria
hereinafter set forth. In making a determination of the
boundaries of an educational service district, reasonable
weight shall be given to each criterion individually and to all
criteria collectively. Failure to meet any single criterion
shall not necessarily prohibit the establishment of an educa-
tional service district if in the judgment of the state board of
education the establishment of the educational service district
is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district
shall have the ability to support an administrative unit of
sufficient staff to provide a program of educational services
including but not limited to leadership and consultant
services in administration and finance, in-service education
programs for teachers and administrators, special services for
the handicapped and educationally talented, planning of
school facilities, counseling and guidance, instructional
materials, and development of projects and proposals under
various federal acts.

(2) Size. An educational service district should have no
more than a maximum area of 7,500 square miles, nor
should an (~~intermediate~~) educational district have less than
a minimum area of 1,700 square miles.

(3) School enrollment. An educational service district
shall have a potential of 15,000 students within the clearly
foreseeable future.

(4) Topography and climate. In establishing the
boundaries of an educational service district, consideration
shall be given to topography and climate as these factors
may affect the educational services to be provided and the
economic efficiency of the program.

WSR 98-05-004

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed February 4, 1998, 3:45 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To make technical adjustments, repeal
unnecessary wording, and provide greater flexibility to
school districts.

Citation of Existing Rules Affected by this Order:
Repealing WAC 180-39-027, 180-39-028, 180-39-030 and
180-39-035; and amending WAC 180-39-025.

Statutory Authority for Adoption: RCW 28A.225.160.

Adopted under notice filed as WSR 98-01-197 on
December 23, 1997.

Number of Sections Adopted in Order to Comply with
Federal Statute: New 0, amended 0, repealed 0; Federal
Rules or Standards: New 0, amended 0, repealed 0; or
Recently Enacted State Statutes: New 0, amended 0,
repealed 0.

Number of Sections Adopted at Request of a Nongov-
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own
Initiative: New 0, amended 1, repealed 4.

Number of Sections Adopted in Order to Clarify,
Streamline, or Reform Agency Procedures: New 0, amended
1, repealed 4.

Number of Sections Adopted using Negotiated Rule
Making: New 0, amended 0, repealed 0; Pilot Rule Making:
New 0, amended 0, repealed 0; or Other Alternative Rule
Making: New 0, amended 1, repealed 4.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 5-83, filed
6/2/83)

**WAC 180-39-025 Local option exceptions to uniform
entry qualification.** School districts may adopt regulations
that provide for individual exceptions to the uniform entry
qualifications established by this chapter. Such regulations
shall provide for a screening process and/or instrument(s)
which measure the ability or the need, or both, of an
individual student to succeed in earlier entry. (~~Such process
and/or instrument(s) shall include, but not be limited to, the
following areas:~~

- (1) ~~Mental ability;~~
- (2) ~~Gross motor skills;~~
- (3) ~~Fine motor skills;~~
- (4) ~~Visual discrimination;~~
- (5) ~~Auditory discrimination; and~~
- (6) ~~Emotional/social development.))~~

Note: See also RCW 28A.225.160 for provisions relating to preadmis-
sion screening process fees and fee waivers.

REPEALER

The following sections of the Washington Administra-
tive Code are repealed:

- | | |
|----------------|--------------|
| WAC 180-39-027 | Fees. |
| WAC 180-39-028 | Fee waivers. |

WAC 180-39-030 Early entry nondiscrimination.
 WAC 180-39-035 Appeal process.

58-030, 180-58-040, 180-58-045, 180-58-055, 180-58-065,
 180-58-075, 180-58-085, and 180-58-090.

Adopted under notice filed as WSR 98-01-199 on
 December 23, 1997.

Number of Sections Adopted in Order to Comply with
 Federal Statute: New 0, amended 0, repealed 0; Federal
 Rules or Standards: New 0, amended 0, repealed 0; or
 Recently Enacted State Statutes: New 0, amended 0,
 repealed 0.

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own
 Initiative: New 0, amended 0, repealed 11.

Number of Sections Adopted in Order to Clarify,
 Streamline, or Reform Agency Procedures: New 0, amended
 0, repealed 11.

Number of Sections Adopted using Negotiated Rule
 Making: New 0, amended 0, repealed 0; Pilot Rule Making:
 New 0, amended 0, repealed 0; or Other Alternative Rule
 Making: New 0, amended 0, repealed 11.

Effective Date of Rule: Thirty-one days after filing.
 February 4, 1998

Larry Davis
 Executive Director

WSR 98-05-005
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed February 4, 1998, 3:46 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To repeal obsolete rule which is no longer
 necessary.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 180-56-003.

Statutory Authority for Adoption: RCW
 28A.305.130(7).

Adopted under notice filed as WSR 98-01-198 on
 December 23, 1997.

Number of Sections Adopted in Order to Comply with
 Federal Statute: New 0, amended 0, repealed 0; Federal
 Rules or Standards: New 0, amended 0, repealed 0; or
 Recently Enacted State Statutes: New 0, amended 0,
 repealed 0.

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own
 Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify,
 Streamline, or Reform Agency Procedures: New 0, amended
 0, repealed 1.

Number of Sections Adopted using Negotiated Rule
 Making: New 0, amended 0, repealed 0; Pilot Rule Making:
 New 0, amended 0, repealed 0; or Other Alternative Rule
 Making: New 0, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.
 February 4, 1998

Larry Davis
 Executive Director

REPEALER

The following section of the Washington Administrative
 Code is repealed:

WAC 180-56-003 Application of WAC 180-50-
 010 through 180-50-070 and
 180-56-006 through 180-56-
 066—High school graduation
 requirements for students who
 commenced the ninth grade
 prior to July 1, 1985.

WSR 98-05-006
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed February 4, 1998, 3:47 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To repeal rules no longer supported by rule-
 making authority.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 180-58-010, 180-58-015, 180-58-020, 180-

REPEALER

The following chapter of the Washington Administrative
 Code is repealed:

WAC 180-58-010	Vocational education pro- grams—Regulatory provisions pursuant to chapter 285, Laws of 1971 ex. sess.
WAC 180-58-015	General statement of purpose.
WAC 180-58-020	Definitions.
WAC 180-58-030	Appropriate advisory commit- tee—Definition of.
WAC 180-58-040	Elementary and middle school vocational education.
WAC 180-58-045	Elementary and middle school vocational education—Occupa- tional exploration programs— Operational requisites.
WAC 180-58-055	Vocational education programs, secondary schools (grades 9 through 12)—Operational re- quisites.
WAC 180-58-065	Vocational-technical institute programs—Operational re- quisites.
WAC 180-58-075	Interdistrict cooperation voca- tional education programs— Operational requisites.
WAC 180-58-085	Establishment of program, application for processing.
WAC 180-58-090	Establishment of program, application for processing— Approval of programs—Condi- tions.

PERMANENT

WSR 98-05-007
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed February 4, 1998, 3:48 p.m.]

Date of Adoption: January 29, 1998.
 Purpose: To repeal rules no longer supported by rule-making authority.

Citation of Existing Rules Affected by this Order:
 Repealing list below.

Adopted under notice filed as WSR 98-01-200 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 35.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 35.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 35.

Effective Date of Rule: Thirty-one days after filing.
 February 4, 1998
 Larry Davis
 Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-59-005 Authority.
- WAC 180-59-010 Purpose.
- WAC 180-59-015 Public policy purpose.
- WAC 180-59-020 Preschool—Definition.
- WAC 180-59-025 Accredited preschool—Definition.
- WAC 180-59-030 Readiness skills—Definition.
- WAC 180-59-032 Preschool age—Definition.
- WAC 180-59-035 Public schools—Definition.
- WAC 180-59-037 Nonpublic preschools—Definition.
- WAC 180-59-040 Instructional staff—Definition.
- WAC 180-59-045 General supervision—Definition.
- WAC 180-59-047 Validation—Definition.
- WAC 180-59-050 Basic standard—Health and safety.
- WAC 180-59-055 Basic standard—Instructional personnel.
- WAC 180-59-060 Basic standard—Special education—Nonpublic preschools.
- WAC 180-59-065 Basic standard—Instructional staff-child ratio.

- WAC 180-59-070 Basic standard—General staff qualifications.
- WAC 180-59-075 Basic standard—Noncertificated instructional staff training.
- WAC 180-59-080 Basic standard—Staff-parent communication.
- WAC 180-59-090 Basic standard—Activities and curriculum.
- WAC 180-59-095 Basic standard—Records.
- WAC 180-59-100 Basic standard—Validator qualifications.
- WAC 180-59-105 Accreditation procedures.
- WAC 180-59-110 Responsibility for on-site validation of preschool programs.
- WAC 180-59-115 Preparation for accreditation on-site validation.
- WAC 180-59-120 Alternate procedure for validation for accreditation.
- WAC 180-59-125 Issuance of accreditation by the state board of education.
- WAC 180-59-130 Annual statement of assurances.
- WAC 180-59-135 Loss of accreditation of a non-operating preschool.
- WAC 180-59-140 Accreditation—Annual statement of assurances and initial application—Exception.
- WAC 180-59-145 Appeals.
- WAC 180-59-150 Annual statement of assurances form.
- WAC 180-59-155 Effective period of accreditation.
- WAC 180-59-160 Renewal of accreditation.
- WAC 180-59-165 Change of ownership or management.

WSR 98-05-008
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 98-02—Filed February 4, 1998, 3:54 p.m.]

Date of Adoption: February 4, 1998.

Purpose: To implement SSB 5394 which authorizes the Superintendent of Public Instruction to write rules to resolve audit findings dealing with state funds.

Citation of Existing Rules Affected by this Order:
 Amending WAC 392-115-005, 392-115-010, 392-115-015, 392-115-020, 392-115-025, 392-115-045, 392-115-050, 392-115-055, 392-115-060, 392-115-065, 392-115-085, 392-115-090, 392-115-110, 392-115-115, 392-115-120, and 392-115-125.

Statutory Authority for Adoption: SSB 5394.

Other Authority: Chapter 28A.300 RCW.

Adopted under notice filed as WSR 97-24-061 on December 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

PERMANENT

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 16, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 16, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1998

Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-005 Authority. The authority for this chapter is Substitute Senate Bill No. 5394 which authorizes the superintendent to set policy and procedure for resolution of monetary and nonmonetary audit findings involving state money and RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal moneys in accordance with federal acts—to wit;

(1) U.S. Public Law 98-502 (~~((the))~~) Single Audit Act of 1984 and U.S. Public Law 104-156 (Single Audit Act Amendments) and its implementing federal rules and regulations that require the superintendent of public instruction to resolve audit findings against governmental organizations receiving federal moneys that the superintendent of public instruction receives and administers;

(2) U.S. Public Law 89-64 and amendments thereto (Child Nutrition Act of 1966) and its implementing rules and regulations that require the superintendent of public instruction to resolve audit findings against those organizations operating child care programs and receiving federal moneys received and administered by the superintendent of public instruction; or

(3) U.S. Office of Management and Budget Circular (~~((A-110 and successor circular))~~) A-133 and successors that require the superintendent of public instruction to resolve audit findings against those organizations receiving federal moneys administered and received by the superintendent of public instruction.

(4) U.S. Public Law 100-297 (Elementary and Secondary School Improvement Act of 1988) and U.S. Public Law 103-382 (Improving America Schools Act) implementing rules and regulations that require the superintendent of public instruction to consider audit findings to be prima facie evidence, and the burden of proof to set aside an audit finding rests with the subrecipient.

(5) U.S. Public Law 94-142 (Individuals with Disabilities Education Act) and amendments thereto that require the superintendent of public instruction to provide a free and appropriate education to students with disabilities.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-010 Purpose. The purpose of this chapter is to set forth the policies and procedures in accordance with state and federal requirements for the resolution of monetary and nonmonetary audit findings against a subrecipient receiving state or federal moneys administered by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-015 Definition—Subrecipient. As used in this chapter, "subrecipient" means a public or nonpublic entity receiving state or federal moneys administered and disbursed by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-020 Definition—Program audit. As used in this chapter, "program audit" means an examination of a subrecipient to determine compliance with the state or federal laws and regulations governing the operation of a specific program.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-025 Definition—Single audit. As used in this section, "single audit" means an organization-wide examination conducted under the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996 encompassing the entire financial operation of a subrecipient reporting whether:

(1) All financial statements present fairly the financial position and results of financial operations in accordance with generally accepted accounting principles;

(2) All laws and regulations having a material effect upon the financial statements or major state or federal assistance programs have been complied with; and

(3) All internal control systems provide reasonable assurance that federal financial assistance programs are managed in compliance with applicable laws and regulations.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-045 Definition—Nonmonetary audit finding. As used in this chapter, "nonmonetary audit finding" means a weakness, error, or irregularity not associated with a questioned cost but associated with:

(1) Inadequacy of internal controls;

(2) Lack of compliance with state or federal laws or rules and regulations; or

(3) Improper financial statements of the subrecipient.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-050 Definition—Audit finding. As used in this chapter, "audit finding" means either a monetary

or nonmonetary audit finding (~~(clearly)~~) designated as (~~(an audit finding)~~) questioned federal or state data in (the) an audit report, management letter or audit memorandum, including but not limited to staffing, enrollment or other reported data of a subrecipient pertaining to state or federal moneys administered or disbursed by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-055 Definition—Disallowed costs. As used in this chapter, "disallowed costs" means those questioned costs associated with an audit finding that the superintendent of public instruction has determined should not be charged to the state or federal government program.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-060 Definition—Allowed costs. As used in this chapter, "allowed costs" means a questioned cost that the superintendent of public instruction has determined is properly charged to the state or federal government program. Such determination includes but is not limited to the following reasons: Clerical error; inappropriate methodology; noncompliance with generally accepted auditing standards and incorrect interpretation or application of law, rules, or regulations.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-065 Definition—Resolved audit finding. As used in this chapter, "resolved audit finding" means an audit finding that is addressed in or subject to provisions of a management decision letter.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-085 Audit finding against SPI considered to be an audit finding against a subrecipient. An audit finding contained in an audit report of the superintendent of public instruction resulting from failure of a subrecipient to comply with state or federal law or rules and regulations, shall be considered an audit finding against the subrecipient and resolved pursuant to this chapter.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-090 Lack of compliance with the audit resolution process. Any subrecipient failing to comply with the process or procedures of this chapter (~~(may)~~) shall be subject to the withholding or recovery of state or federal moneys. The superintendent of public instruction (~~(may)~~) shall recover moneys or withhold future funding as necessary to implement management decision letters or (~~(final)~~) corrective action plans. Money withheld may be released upon corrective action.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-110 Management decision letter developed. The superintendent of public instruction shall prepare and forward to the (~~(subrecipient)~~) subrecipient a management decision letter setting forth:

- (1) Any corrective actions to be taken by the subrecipient;
- (2) Any disallowed costs to be recovered from nonfederal sources;
- (3) Any allowed costs chargeable to federal sources;
- (4) (~~(Any corrective action to be taken by the subrecipient;~~
- (5)) The due date for submission to the superintendent of public instruction of any (~~(final)~~) corrective action plan;
- (5) Any state adjustments of data submitted which may result in revised apportionment calculations or recovered payments.

The superintendent of public instruction shall issue the management decision letter no later than one hundred eighty calendar days after the receipt of the audit report setting forth an audit finding against the subrecipient.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-115 ((Final)) Corrective action plan. The subrecipient shall develop a (~~(final)~~) corrective action plan, as required in the management decision letter, setting forth:

- (1) The corrective actions; and
- (2) The schedule for implementation of corrective actions.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-120 SPI reviews ((final)) corrective action plan. The superintendent of public instruction shall review and approve the (~~(final)~~) corrective action plan and implementation schedule as proposed by the subrecipient for compliance with the required actions set forth in the management decision letter. If the (~~(final)~~) corrective action plan or its implementation schedule does not comply with the requirements of the management decision letter, the superintendent shall require the subrecipient to modify the (~~(final)~~) corrective action plan accordingly. The auditor (the office of the state auditor or a certified public accountant) has the responsibility to review the subrecipient's actions to determine if the corrective actions called for in the (~~(final)~~) corrective action plan have taken place and assess the adherence to the (~~(final)~~) corrective action plan in making audit determinations.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-125 SPI informs subrecipient of the results of review. The superintendent of public instruction shall inform the subrecipient, by letter, of:

- (1) The results of its review of the (~~(final)~~) corrective action plan;

(2) Any modification required to be made by the subrecipient; and

(3) The implementation schedule of the ~~((final))~~ corrective action plan.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-130 Subrecipient implements ~~((final))~~ corrective action plan. The subrecipient shall implement the ~~((final))~~ corrective action plan, with any required modifications, by the date(s) specified by the superintendent of public instruction.

NEW SECTION

WAC 392-115-151 Appeals or adjudicative proceedings. Pursuant to WAC 392-115-150:

(1) Any subrecipient deciding to appeal the management decision letter, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) Reviewing initial orders and preparing and entering final agency orders in accordance with RCW 34.05.464 may be accomplished by a person appointed by the superintendent.

(3) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

AMENDATORY SECTION (Amending Order 91-04, filed 3/8/91, effective 4/8/91)

WAC 392-115-155 Modification of management decision letter. The superintendent of public instruction shall ~~((include any judgments or decisions))~~ consider any and all recommendations resulting from a fully exhausted appeals process in a revised management decision letter developed pursuant to WAC 392-115-110.

WSR 98-05-021
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 6, 1998, 3:20 p.m.]

Date of Adoption: January 29, 1998.

Purpose: To provide clear notice to school districts about state constitutional limitations on gifts of public funds when districts are involved with central purchasing activities.

Statutory Authority for Adoption: RCW 28A.335.100.

Adopted under notice filed as WSR 98-01-196 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 6, 1998

Larry Davis

Executive Director

NEW SECTION

WAC 180-36-007 Central purchasing by school districts. Two or more school districts, or a purchasing association formed by two or more school districts, may centrally or collectively purchase real and personal property, on such terms and conditions as the board of directors or the association judge appropriate, so long as the districts or association comply with state constitutional limitations on gifts (Article 8, subsections 5 and 7).

WSR 98-05-022
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 6, 1998, 3:21 p.m.]

Date of Adoption: January 29, 1998.

Purpose: The amendments align the knowledge and skills required for approval of administrator and educational staff associate preparation programs with the state learning goals and essential academic learning requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-165 Approval standard—Knowledge and skills.

Statutory Authority for Adoption: RCW 28A.305.130(1) and 28A.410.010.

Adopted under notice filed as WSR 98-01-201 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 6, 1998
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 97-04-084, filed 2/5/97, effective 3/8/97)

WAC 180-78A-165 Approval standard—Knowledge and skills. Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(5):

(1) **Teacher** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) The state goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including the essential areas of study for each endorsement area for which the candidate is applying (chapter 180-79A WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(k) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural backgrounds and with exceptionalities.

(l) Instructional strategies for developing critical thinking problem solving, and performance skills.

(m) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(n) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(o) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(p) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(q) Effective interactions with parents to support students' learning and well-being.

(r) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(s) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(t) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(u) Strategies for effective participation in group decision making.

(v) The standards, criteria and other requirements for obtaining the professional certificate.

(2) Effective August 31, 1997, **principal and program administrator** candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) Leadership: Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) Information collection: Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(iii) Problem analysis: Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) Judgment: Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) Organizational oversight: Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) Implementation: Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) Delegation: Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) Instructional program: Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(ix) Curriculum design: Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) Student guidance and development: Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) Staff development: Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) Measurement and evaluation: Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) Resource allocation: Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) Motivating others: Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) Sensitivity: Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensibilities.

(xvi) Oral expression: Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) Written expression: Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) Philosophical and cultural values: Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(xix) Legal and regulatory applications: Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) Policy and political influences: Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) Public and media relationships: Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(3) Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) Strategic leadership: The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) Instructional leadership: The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) Organizational leadership: The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

(d) Political and community leadership: The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

(i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) School counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum, including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, vocational, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) School psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

- (i) Learning theory.
- (ii) Personality theory and development.
- (iii) Individual and group testing and assessment.
- (iv) Individual and group counseling and interviewing theory and techniques.
- (v) Basic statistics.
- (vi) Child development.
- (vii) Exceptional children.
- (viii) Social and cultural factors.
- (ix) Deviant personality.

(x) Curriculum, including the state learning goals and essential academic learning requirements.

- (xi) Research design.
- (xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

- (i) Intellectual and cognitive assessment.
- (ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.

- (iii) Personality assessment.
- (iv) Assessment of perceptual skills.
- (v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

- (i) Data taking.
- (ii) Frequency measures.
- (iii) Qualitative and quantitative analysis of classroom behavior.

(iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

- (i) Provide individual and group counseling to students and parents.
- (ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

- (i) Function on multidisciplinary teams in evaluating and placing students.
- (ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and

implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

- (i) Research. The candidate has knowledge and skill to:
 - (i) Evaluate and perform research.
 - (ii) Apply school-oriented research.
 - (iii) Construct criterion-referenced instruments with reference to such educational decisions as:
 - (A) Retention in grade.
 - (B) Acceleration and early entrance.
 - (C) Early entrance.

(6) School social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:

- (i) Values.
 - (A) Knowledge of profession including values, skills, and ethics; and
 - (B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following ((practice)):

(i) State learning goals and essential academic learning requirements;

(ii) Theories of learning;

((iii)) (iii) School law and professional ethics;

((iii)) (iv) Computer technology in the workplace; and

((iv)) (v) Understanding of policies, laws, and procedures.

WSR 98-05-023

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed February 6, 1998, 3:25 p.m.]

Date of Adoption: January 29, 1998.

Purpose: This amendment ensures that the early childhood education endorsement more specifically addresses the field of early childhood.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-340 Early childhood education, regular—Subject area endorsement.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 98-01-203 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 6, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-340 Early childhood education, regular—Subject area endorsement. This endorsement can only be added to a certificate endorsed in elementary education or special education. In order to receive an endorsement in early childhood education, regular, the candidate shall have completed the minimum course work credit hours (twenty-four quarter credit hours or sixteen semester credit hours) in the subject area of early childhood education (~~((—e.g., preschool, early childhood, and))~~), elementary education, or special education: *Provided*, That no less than twelve quarter (eight semester) credit hours must specifically address the field of early childhood education, including, but not limited to, credit hours in each of the following essential areas of study:

(1) ~~((All essential areas of study for an endorsement in elementary education.))~~ Understanding the dynamics of family structure and involving parents in early childhood programs.

(2) Methods and curriculum development in early academic skill areas, including:

(a) Communication skills, emerging literacy, and language arts;

(b) Math and science concepts; and

(c) Social studies.

(3) Methods and curriculum development in the arts (art and music).

(4) Knowledge of typical and atypical growth and development for early childhood learning.

(5) Knowledge of requirements for promoting health, safety, nutrition, and social competence.

(6) Strategies for environmental design and management of physical space, equipment, and material to provide maximum opportunities for early childhood learning.

(7) Current issues and trends in early childhood education.

~~((3) Instructional methods in early childhood or preschool education.))~~

WSR 98-05-024
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed February 6, 1998, 3:32 p.m.]

Date of Adoption: January 29, 1998.

Purpose: The amendment changes the uniform expiration date on educator certificates from August 31 to June 30.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-117 Uniform expiration date and 180-85-100 Calculation of lapse dates.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 98-01-202 on December 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 6, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-117 Uniform expiration date. (1) All certificates issued for one or more stated years shall expire on ~~((August 31))~~ June 30 of the stated year and shall be calculated as follows:

~~((1))~~ (a) Certificates issued prior to ~~((October 1))~~ June 30 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on ~~((September 1))~~ June 30 of the same calendar year regardless of the date of issuance.

~~((2))~~ (b) Certificates issued ~~((October 1))~~ July 1 or later in the calendar year, other than limited certificates issued pursuant to WAC 180-79A-230, shall have the expiration date of the certificate calculated on the basis such

certificate was issued on ~~((September 1))~~ June 30 of the next calendar year regardless of the date of issuance.

~~((3))~~ (c) All ~~((such))~~ valid existing certificates ~~((issued prior to the effective date of this section and))~~ scheduled to expire ~~((prior to))~~ on August 31 of a given year ~~((, regardless of such stated expiration date,))~~ shall be valid until ~~((August 31))~~ June 30 of the ~~((stated))~~ following year ~~((of expiration))~~.

(2) An applicant who holds a valid certificate, who submits an application for further certification prior to the expiration date of that certificate, and who meets all the requirements of WAC 180-79A-225, shall be granted a one hundred eighty-day permit as provided in WAC 180-79A-225.

AMENDATORY SECTION (Amending WSR 90-12-076, filed 6/1/90, effective 7/2/90)

WAC 180-85-100 Calculation of lapse dates. The lapse dates of certificates affected by this chapter shall be calculated as follows:

(1) Certificates issued prior to ~~((October 1))~~ June 30 of a ~~((given))~~ calendar year shall have ~~((a))~~ the lapse date of ~~((August 31 of the subsequent fifth))~~ the certificate calculated on the basis such certificate was issued on June 30 of the same calendar year ~~((and of each fifth calendar year thereafter))~~ regardless of the date of issuance.

(2) Certificates issued ~~((on or after October 1 of a given))~~ July 1 or later in the calendar year shall have ~~((a))~~ the lapse date of ~~((August 31 of the subsequent sixth))~~ the certificate calculated on the basis that such certificate was issued on June 30 of the next calendar year ~~((and of each fifth calendar year thereafter))~~ regardless of the date of issuance.

(3) If a holder of an affected professional certificate qualifies for a different affected professional certificate—e.g., a holder of a continuing teaching certificate who subsequently qualifies for a continuing administrative certificate—the lapse dates of the new affected professional certificate shall be the same as provided on the first affected ~~((professional))~~ certificate.

(4) ~~((If a holder of a certificate, issued prior to the effective date of the 1990 amendments to this section, has a lapse date of June 30 the certificate is hereby extended to August 31 of the same year without reissuance of the certificate.))~~ All valid continuing certificates scheduled to lapse on August 31 of a given year shall be valid until June 30 of the following year.

WSR 98-05-026

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 96-13—Filed February 6, 1998, 4:39 p.m.]

Date of Adoption: February 6, 1998.

Purpose: These rules allow for new products [that] clarify and enable Washington consumers to take advantage of new federal tax laws. They also clarify and update existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 284-23-610, 284-23-620, 284-23-640, 284-23-650, 284-23-660, 284-23-690, 284-23-710, and 284-23-730.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Other Authority: RCW 48.11.020.

Adopted under notice filed as WSR 98-03-076 on January 21, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-23-620 was changed in three places: Subsection (4) the final sentence was changed to read "Such care services shall be provided at any level of care." Subsection (5) was changed by deleting the words "skilled or intermediate" before the words "nursing home." Subsection (6)(d) was changed with deletion of the words "intravenously or by feeding tube."

WAC 284-23-645 was changed to permit qualification under a separate provision of the federal tax code.

WAC 284-23-650 was changed to ensure adequate disclosure of the impact of qualifying under the additional provision in WAC 284-23-645.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 5, repealed 0; Federal Rules or Standards: New 0, amended 5, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 5, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 8, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 9, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 6, 1998

Greg J. Scully

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-610 Authority, finding, purpose, and scope. (1) The purpose of this regulation, WAC 284-23-600 through 284-23-730, is to define certain minimum standards for the regulation of accelerated benefit provisions of individual and group life insurance policies, a single violation of which will be deemed to constitute an unfair claims settlement practice. The commissioner finds and hereby defines it to be an unfair act or practice and an unfair method of competition for any insurer to provide accelerated benefits except as provided in this regulation.

(2) The commissioner finds that accelerated benefits in life insurance policies are primarily mortality risks rather than morbidity risks. The commissioner further finds that accelerated benefits are optional modes of settlement of proceeds under life insurance proceeds under RCW 48.11.-020. No qualifying event as defined under WAC 284-23-

620(3) changes the nature of the underlying life insurance policy. No accelerated benefits provision shall be called or marketed as long-term care as defined under RCW 48.84.020(1).

(3) This regulation applies to all accelerated benefit provisions of individual and group life insurance policies and riders which are issued or delivered to a resident of this state, on or after the effective date of this regulation. The regulation applies to both policies and riders. It also applies to solicitations for the sale of accelerated benefits, whether in the form of policies or riders.

(4) ~~((This regulation does not apply to any long term care insurance policies, contracts, or certificates.~~

(5)) This regulation does not require inclusion or offering of any accelerated benefit in a life insurance policy. This regulation regulates those accelerated benefits which individual and group life insurers choose to advertise, offer, or market on or after the effective date of this regulation.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-620 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this regulation.

(1) "Accelerated benefits" means benefits payable under an individual or group life insurance policy. They are primarily mortality risks, rather than morbidity risks. Accelerated benefits may also mean optional modes of settlement of proceeds under life insurance policies. Accelerated benefits are benefits:

(a) Payable to either the policyholder of an individual life policy or to the certificateholder of a group life policy, during the lifetime of the insured, in anticipation of death, or upon the occurrence of certain specified life-threatening, terminal, or catastrophic conditions defined by the policy or rider as described in subsection (3) of this section; and

(b) Which reduce or eliminate the death benefit otherwise payable under the life insurance policy or rider; and

(c) Which are payable upon the occurrence of a single qualifying event which results in the payment of a benefit amount fixed at the time the accelerated benefit is paid.

(2) "Qualified actuary" means a person who is a qualified actuary as defined in WAC 284-05-060.

(3) "Qualifying event" means one or more of the following:

(a) A medical condition which ~~((would result in a drastically limited life span as specified in the policy or rider, such as twenty-four months or less))~~ a physician has certified is reasonably expected to result in death twenty-four months or less after the date of certification;

(b) A medical condition which has required or requires extraordinary medical intervention; for example, major organ transplants or the use of continuous life support, without which the insured would die;

(c) Any condition which usually requires continuous confinement in any eligible institution as defined in the policy or rider, if the insured is expected to remain there for the rest of his or her life;

(d) Any medical condition which, in the absence of extensive or extraordinary medical treatment, would result in

a drastically limited life span of the insured. Such medical conditions may include, for example:

- (i) Coronary artery disease resulting in an acute infarction or requiring surgery;
 - (ii) Permanent neurological deficit resulting from cerebral vascular accident;
 - (iii) End stage renal failure;
 - (iv) Acquired immune deficiency syndrome; or
 - (v) Other medical conditions which the insurance commissioner approves for any particular filing;
- (e) Any condition which requires either community-based care or institutional care; or

(f) A medical condition that results in an insured being certified by a licensed health care practitioner as chronically ill by meeting either or both of the following standards within the preceding twelve-month period:

(i) The insured is expected to be unable to perform (without substantial assistance from another individual) at least two activities of daily living without a deficiency for a period of at least ninety days due to a loss of functional capacity; or

(ii) The insured requires substantial supervision to protect himself or herself from threats to health and safety due to severe cognitive impairment.

(4) "Community based care" means services including, but not limited to: (a) Home delivered nursing services or therapy; (b) custodial or personal care; (c) day care; (d) home and chore aid services; (e) nutritional services, both in-home and in a communal dining setting; (f) respite care; (g) adult day health care services; or (h) other similar services furnished in a home-like or residential setting that does not provide overnight care. Such services shall be provided at any level of care.

(5) "Institutional care" means care provided in a hospital, nursing home, or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services. Such a facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

(6) "Activities of daily living" on which an insurer intends to rely as a measure of functional incapacity shall be defined in the policy, and shall include all of the following:

(a) Bathing: The ability of the insured to wash himself or herself either in the tub or shower or by sponge bath, including the task of getting into or out of a tub or shower.

(b) Continence: The ability of the insured to control bowel and bladder functions; or in the event of incontinence, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

(c) Dressing: The ability of the insured to put on and take off all items of clothing, and necessary braces, fasteners, or artificial limbs.

(d) Eating: The ability of the insured to feed himself or herself by getting food and drink from a receptacle (such as a plate, cup, or table) into the body.

(e) Toileting: The ability of the insured to get to and from the toilet, get on and off the toilet, and perform associated personal hygiene.

(f) Transferring: The ability of the insured to move in and out of a chair, bed, or wheelchair.

(7) "Licensed health care practitioner" means any physician, any registered professional nurse, or registered social worker.

(8) "Substantial assistance" means:

(a) "Hands-on assistance" - the physical assistance of another person without which the insured would be unable to perform the activity of daily living; and

(b) "Standby assistance" - the physical presence of another person within arm's reach of the insured that is necessary to prevent, by physical intervention, injury to the insured while the insured is performing the activity of daily living.

(9) "Severe cognitive impairment" means a loss or deterioration in intellectual capacity that is:

(a) Comparable to (and includes) Alzheimer's disease and similar forms of irreversible dementia; and

(b) Measured by clinical evidence and standardized tests that reliably measure impairment in the insured's (i) short-term or long-term memory, (ii) orientation as to people, places, or time, and (iii) deductive or abstract reasoning.

(10) "Substantial supervision" means continual supervision (which may include cuing by verbal prompting, gestures, or other demonstrations) by another person that is necessary to protect the insured from threats to his or her health or safety.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-640 Criteria for payment. (1) Payment options (~~shall~~) may include, the option of taking the benefit as a lump sum. The benefit shall not be made available as an annuity contingent upon the life of the insured.

(2) Except with the prior written approval of the commissioner no insurer may restrict the use of the proceeds from the payment of accelerated benefits.

(3) If any part of the death benefit remains after payment of an accelerated benefit, then any applicable accidental death benefit payable under the policy or rider shall not be affected by the payment of the accelerated benefit. The contract or rider shall include a statement that the insured's accidental death benefit will not be affected by the acceleration of benefits.

NEW SECTION

WAC 284-23-645 Tax qualified accelerated benefit provisions. Accelerated benefit provisions intended to qualify under section 101(g) (26 U.S.C. 101(g)) or section 7702B (26 U.S.C. 7702B) of the Internal Revenue Code of 1986 as amended by Public Law 104-191 shall only provide the benefit triggers in WAC 284-23-620 (3)(a) and (f). Accelerated benefit provisions that include other triggers shall not be marketed or sold as complying or intending to comply with Public Law 104-191, 26 U.S.C. 101(g), or 26 U.S.C. 7702B as amended by Public Law 104-191.

AMENDATORY SECTION (Amending Order R 94-25, filed 12/6/94, effective 1/6/95)

WAC 284-23-650 Disclosure statement. (1) The words "accelerated benefit" must be included in the required title of every life insurance policy or rider that includes a

provision for accelerated benefits. Accelerated benefits shall not be described, advertised, marketed, or sold as either long-term care insurance or as providing long-term care benefits.

(2) Possible tax consequences and possible consequences on eligibility for receipt of Medicare, Medicaid, Social Security, Supplemental Security Income (SSI), or other sources of public funding shall be included in every disclosure statement.

~~(a) ((A disclosure statement shall be provided which contains a statement that receipt of accelerated benefits may be taxable and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related materials.~~

(b)) The disclosure form shall include a disclosure statement. The disclosure statement shall be prominently displayed on the first page of the policy, rider, or certificate. The disclosure statement shall contain substantially the following: "If you receive payment of accelerated benefits from a life insurance policy, you may lose your right to receive certain public funds, such as Medicare, Medicaid, Social Security, Supplemental Security, Supplemental Security Income (SSI), and possibly others. Also, receiving accelerated benefits from a life insurance policy may have tax consequences for you. We cannot give you advice about this. You may wish to obtain advice from a tax professional or an attorney before you decide to receive accelerated benefits from a life insurance policy."

(b)(i) The disclosure statement shall state whether or not the accelerated life is intended to qualify under section 101(g) (26 U.S.C. 101(g)) or section 7702B (26 U.S.C. 7702B) of the Internal Revenue Code of 1986 as amended by Public Law 104-191.

(ii) If the accelerated life insurance benefit is intended to comply with section 7702B, the disclosure statement must begin with the following statement: "This accelerated life benefit does not and is not intended to qualify as long-term care under Washington State law. It may not provide all of the benefits or meet all of the standards required of long-term care under Washington law and regulations. Washington State law prevents this accelerated life benefit from being marketed or sold as long-term care. For the purposes of federal tax law only, it is intended to be a 'qualified long-term care product.'"

(c) The disclosure ((statement)) form must be provided (i) to the applicant for an individual or group life insurance policy at the time application is made for the policy or rider; and (ii)(A) to the individual insured at the time the owner of an individual life insurance policy submits a request for payment of the accelerated benefit, and before the accelerated benefit is paid, or (B) to the individual certificateholder at the time an individual certificateholder of a group life insurance policy submits a request for payment of the accelerated benefit, and before the accelerated benefit is paid. It is not sufficient to provide this required disclosure statement only to the holder of a group policy.

(3) The disclosure ((statement)) form shall give a brief and clear description of the accelerated benefit. It shall define all qualifying events which can trigger payment of the accelerated benefit. It shall also describe any effect of payment of accelerated benefits upon the policy's cash value,

accumulation account, death benefit, premium, policy loans, and policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the disclosure form to the applicant before or at the time the application is signed. Written acknowledgment of receipt of the disclosure statement shall be signed by the applicant and the agent.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a written notice that a full premium refund shall be made if the policy is returned to the insurer within the free look period.

(c) In the case of group life insurance policies, the disclosure ((statement)) form shall be contained in the certificate of coverage, ((or)) and may be contained in any other related document furnished by the insurer to the certificateholder.

(4) If there is a premium or cost of insurance charge for the accelerated benefit, the insurer shall give the applicant a generic illustration numerically demonstrating any effect of the payment of an accelerated benefit upon the policy's cash value, accumulation account, death benefit, premium, policy loans, or policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the illustration to the applicant either before or at the time the application is signed.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the illustration to the applicant concurrently with delivery of the policy to the applicant.

(c) In the case of group life insurance policies, the disclosure form shall be included in the certificate of insurance or any related document furnished by the insurer to the certificateholder.

(5)(a) Insurers with financing options other than as described in WAC 284-23-690 (1)(b) and (c) of this regulation, shall disclose to the policyowner any premium or cost of insurance charge for the accelerated benefit. Insurers shall make a reasonable effort to assure that the certificateholder on a group policy is made aware of any premium or cost of insurance charge for the accelerated benefits, if he or she is required to pay all or any part of such a premium or cost of insurance charge.

(b) Insurers shall furnish an actuarial demonstration to the Insurance Commissioner when filing an individual or group life insurance policy or rider form that provides accelerated benefits, showing the method used to calculate the cost for the accelerated benefit.

(6) Insurers shall disclose to the policyholder any administrative expense charge. The insurer shall make a reasonable effort to assure that the certificateholder on a group policy is made aware of any administrative expense charge if he or she is required to pay all or any part of any such charge.

(7) When the owner of an individual policy or the certificateholder of a group policy requests payment of an accelerated benefit, within 20 days of receiving the request the insurer shall send a statement to that person, and to any irrevocable beneficiary, showing any effect that payment of an accelerated benefit will have on the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens. This statement shall disclose that receipt

of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements. When the insurer pays the accelerated benefit, it shall issue an amended schedule page to the owner of an individual policy, or to the certificateholder of a group policy, showing any new, reduced in-force amount of the policy. When more than one payment of accelerated benefit is permitted under the policy or rider, the insurer shall send a revised statement to the owner of an individual policy, or to the certificateholder of a group policy, when a previous statement has become invalid due to payment of accelerated benefits.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-660 Effective date of the accelerated benefit. The accelerated benefit provision shall be effective for a qualifying event caused by an accident((s)) on the effective date of the policy or rider. The accelerated benefit provision shall be effective for illness no more than thirty days following the effective date of the policy or rider.

AMENDATORY SECTION (Amending Order R 94-25, filed 12/6/94, effective 1/6/95)

WAC 284-23-690 Actuarial standards, financing options, effect on cash value, and effect on policy loans.

(1) An insurer shall select ~~((one of))~~ among the following finance options. Under subsection (1)(a) and (1)(b) of this section, the accelerated death benefit is regarded as completely settled. Premiums, if any, payable for the remaining coverage shall be reduced proportionally.

(a) An insurer may require a premium charge or cost of insurance charge for the accelerated benefit. These charges shall be based on sound actuarial principles. No additional charges may be imposed to collect benefits.

(b) An insurer may pay the present value of the face amount of the insured's policy or certificate. The calculation of that present value shall be based upon any applicable discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based upon sound actuarial principles and disclosed in the policy or actuarial memorandum. The maximum interest rate used shall be no more than the greater of:

- (i) The current yield on ninety day treasury bills; or
- (ii) The current maximum statutory adjustable policy loan interest rate.

(c) An insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or the interest rate methodology used in the calculation shall be based upon sound actuarial principles and shall be disclosed in the policy or the actuarial memorandum. The maximum interest rate used shall be no more than the greater of:

- (i) The current yield on ninety day treasury bills; or
- (ii) The current maximum statutory adjustable policy loan interest rate.

The interest rate accrued on the portion of the lien which is equal in amount to the cash value of the policy at the time the benefit is accelerated shall be no more than the loan interest rate stated in the policy.

(d) Any other financing option that the commissioner is satisfied is not contrary to the best interests of the public.

No financing option shall be offered by any insurer without the prior written approval of the commissioner.

(2) When an accelerated benefit is payable, there shall be no more than a pro rata reduction in the cash value based upon the percentage of death benefit accelerated to produce the accelerated benefit payment; provided, however, that the payment of accelerated benefits, any administrative expense charges, any future premiums, and any accrued interest may be considered a lien against the death benefit of the policy or rider, and the access to any remaining cash value may be restricted to the excess of the cash value over the sum of any other outstanding loans and any lien. Future access to additional policy loans may be limited to any excess of the cash value over the sum of the lien and any other outstanding policy amounts. When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.

(3) In the case of an acceleration as defined at WAC 284-23-620 (3)(e), an insurer shall use only one of the finance options permitted in this section for any insurance policy or certificate. An insurer may not place a lien on the face amount of an insured's policy or certificate and at the same time discount the face amount or accumulation amount.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-710 Filing requirements. The filing of all forms containing accelerated benefit provisions ~~((including both policies and riders,))~~ is required, pursuant to RCW 48.18.100 and WAC 284-58-130.

AMENDATORY SECTION (Amending Order R 94-18, filed 8/29/94, effective 9/29/94)

WAC 284-23-730 Resolution of disputes regarding occurrence of qualifying events. ~~((+))~~ In the event the insured's health care provider and a health care provider appointed by the insurer disagree on whether a qualifying event has occurred, the opinion of the health care provider appointed by the insurer is not binding on the claimant. The parties shall attempt to resolve the matter promptly and amicably. The policy or rider providing the accelerated benefit shall provide that in case the disagreement is not so resolved, the claimant has the right to mediation or binding arbitration conducted by a disinterested third party who has no ongoing relationship with either party. Any such arbitration shall be conducted in accordance with chapter 7.04 RCW. As part of the final decision, the arbitrator or mediator shall award the costs of arbitration to one party or the other or may divide the costs equally or otherwise.

~~((2) To select the arbitrator or mediator, the claimant shall choose one health care provider, who may or may not be the claimant's regular health care provider or otherwise associated with or related to the claimant. The insurer shall choose one health care provider, who may or may not be an employee or otherwise associated with the insurer. Those two choices shall be made within seven days after the later of those two health care providers has been chosen, those two health care providers shall agree on and appoint an arbitrator or mediator. The arbitrator or mediator will hear the case or otherwise commence resolving it within seven~~

days of his or her appointment, and shall render a decision within fourteen days after appointment.

(3) "~~Health care provider,~~" as used in this regulation, means a ~~health care provider acting within the scope of his or her license.~~)

WSR 98-05-027

PERMANENT RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed February 9, 1998, 10:17 a.m.]

Date of Adoption: February 9, 1998.

Purpose: These rules are no longer necessary because of changed circumstances. Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Citation of Existing Rules Affected by this Order: Repealing chapters 25-18, 25-36, 194-10, 365-06, and 365-60 WAC.

Adopted under preproposal statement of inquiry filed as WSR 97-20-036, 97-20-037, 97-20-038, 97-20-039, and 97-20-040 on September 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 44.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 1998

Tim Douglas
Director

WSR 98-05-030

PERMANENT RULES

SPOKANE COUNTY

AIR POLLUTION CONTROL AUTHORITY

[Filed February 9, 1998, 3:35 p.m.]

Date of Adoption: February 5, 1998.

Purpose: (1) To limit asbestos emissions from renovation and demolition operations; and (2) to establish fees for a full cost recovery asbestos program.

Citation of Existing Rules Affected by this Order: Repealing SCAPCA Regulation I, Article IX; SCAPCA Regulation I, Article X, Section 10.09.

Statutory Authority for Adoption: RCW 70.94.141.

Other Authority: RCW 70.94.380(2).

Adopted under notice filed as WSR 98-01-036 on December 8, 1997.

Changes Other than Editing from Proposed to Adopted Version: Nonsubstantive changes were made to Regulation I, Article IX, Section 9.04.A.9-10 and Article X, Section 10.09(a).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 5, 1998

Matt Holmquist

Air Quality Specialist II

REPEALER

REGULATION I ARTICLE IX STANDARDS FOR REMOVAL AND DISPOSAL OF ASBESTOS-CONTAINING MATERIAL

NEW SECTION

REGULATION I ARTICLE IX ASBESTOS CONTROL STANDARDS

ARTICLE IX

ASBESTOS CONTROL STANDARDS

ADOPTED: October 12, 1991

REVISED: February 5, 1998

EFFECTIVE:

SECTION 9.01 PURPOSE

The Board of Directors of the Spokane County Air Pollution Control Authority recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions from asbestos removal and demolition projects in order to protect the public health.

SECTION 9.02 DEFINITIONS

A. AHERA Building Inspector means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.

B. AHERA Project Designer means a person who has successfully completed the training requirements for an

abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.5.) and whose certification is current.

C. Asbestos means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

D. Asbestos-Containing Material means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy or a more effective method as approved by EPA.

E. Asbestos-Containing Waste Material means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

F. Asbestos Project means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

G. Asbestos Survey means a written report describing an inspection using the procedures in EPA regulations (40 CFR 763.85 and 40 CFR 763.86), or an alternate method that has received the prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

H. Competent Person means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

I. Component means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

J. Demolition means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

K. Friable Asbestos-Containing Material means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

L. Leak-Tight Container means a dust-tight and liquid tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

M. Nonfriable Asbestos-Containing Material means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

N. Owner-Occupied, Single-Family Residence means any non-multiple unit building containing living space that is currently occupied by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

O. Person means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

P. Renovation means altering a structure or component in any way, other than demolition.

Q. Surfacing Material means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings or panes, fireproofing material on structural members, or other material on surfaces for decorative purposes.

R. Suspect Asbestos-Containing Material means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.

S. Thermal System Insulation means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

T. Work Schedule Fax Program means a program whereby the property owner or owner's agent provides prior notice by facsimile to the Authority of the specific location and date of the asbestos project or demolition on a form approved by the Authority.

SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS

A. Requirements for Renovations. It shall be unlawful for any person to cause or allow any renovation unless prior to renovation, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.

1. Asbestos surveys associated with the renovation of an owner-occupied, single-family residence need not be performed by an AHERA building inspector.

2. A summary of the results of the asbestos survey shall be posted, either by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

3. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.

B. Requirements for Demolition. It shall be unlawful for any person to cause or allow any demolition, except as

provided by RCW 52.12.150(6), unless prior to demolition, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.

1. A summary of the results of the asbestos survey shall be posted, either by property owner or the owner's agent, at the work site or communicated in writing to all persons who may come into contact with the material.

2. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.

SECTION 9.04 NOTIFICATION REQUIREMENTS

A. General Requirements. It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Authority on approved forms by the property owner or owner's agent, in accordance with the advance notification period requirements contained in Article X, Section 10.09 of this Regulation.

1. The duration of an asbestos project shall be commensurate with the amount of work involved.

2. Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material.

3. Notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or roofing. All other asbestos project and demolition requirements remain in effect except, as provided by Article IX.

4. Notification is not required for renovations involving owner-occupied, single-family residences. All other asbestos project and demolition requirements remain in effect except, as provided by Article IX.

5. Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. All other demolition requirements remain in effect.

6. A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be made available for inspection at all times at the asbestos project or demolition site.

7. Notification for multiple asbestos projects or demolitions may be filed by a property owner or owner's agent on one form if all the following criteria are met:

a. The notification applies only to contiguous properties.
 b. The work will be performed by the same contractor.
 c. A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the property owner or owner's agent shall participate in the Authority's work schedule fax program and will continue to participate in the program throughout the duration of the project.

8. Annual Notification. A property owner or owner's agent may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or

buildings in one calendar year if all of the following conditions are met:

a. The notification applies only to single, contiguous property.

b. The annual notification is filed with the Authority before commencing work on any asbestos project included in the annual notification.

c. The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components.

d. The property owner submits quarterly written reports to the Authority on approved forms within 15 days after the end of each calendar quarter.

9. The property owner or owner's agent shall retain a copy of all asbestos notification records for at least 2 years.

10. Work Done Without Notification. Where any work on an asbestos project or demolition, for which notification is required, is commenced or performed prior to making notification, except as provided for in Section 9.04.C, the Control Officer may conduct a compliance investigation and assess a fee. In such case, a compliance investigation fee, as established in Section 10.09(c) of this Regulation, shall be paid by the applicant in addition to the fees required in Section 10.09(a) of this Regulation. Payment of fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

11. Notifications are valid for no more than twelve months from the original notification start date. A new notification shall be submitted to the Authority for work to be performed beginning more than twelve months from the original notification start date and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

B. Amendments.

1. Mandatory Amendments. An amendment shall be submitted to the Authority for any of the following changes in notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation:

a. Increases in the project type or job size category that increase the fee or change the advance notification period; or

b. Changes in the type of asbestos-containing material that will be removed; or

c. Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Authority's work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

2. Optional Amendments. An amendment may be submitted to the Authority for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

3. Opportunity For Amendment. In no case shall an amendment be accepted and approved by the Authority if it is filed after the last completion date on record. In the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Authority and shall be accompanied by the appropriate

nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

C. Emergencies.

1. The Control Officer may waive the advance notification period, if the property owner submits a written request, demonstrating to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

a. There was a sudden, unexpected event that resulted in a public health or safety hazard; or

b. The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or

c. Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

d. The project must proceed to avoid imposing an unreasonable financial burden.

2. Advance notification shall not be required to commence an asbestos project or demolition, which would normally require advance notification pursuant to Section 9.04 and 10.09 of this Regulation, if all of the following criteria are met:

a. A notification shall be filed with the Authority not later than the first working day after the asbestos project or demolition is commenced and shall be accompanied by a written request from the property owner, demonstrating to the Control Officer that an asbestos project or demolition was conducted without advance notification because of life endangerment or other serious consequences.

b. For purposes of compliance with Section 9.04 and 10.09, the Control Officer shall determine whether the asbestos project or demolition, commenced before approval by the Authority, meets the requirements of this subsection.

SECTION 9.05 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION

A. Removal of Asbestos Prior to Renovation or Demolition. Except as provided in Section 9.07.C of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

Asbestos-containing material need not be removed from a component if, prior to renovation or demolition, the component is removed, stored, or transported for reuse without disturbing or damaging the asbestos-containing material.

B. Exception for Hazardous Conditions. Asbestos-containing material need not be removed prior to a demolition, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition and disposal of the asbestos-containing waste material.

SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS

A. Training Requirements. It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

B. Asbestos Removal Work Practices. Except as provided in Section 9.06.C and Section 9.07 of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

1. The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

2. If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

3. Absorbent materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.

4. Nonabsorbent materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.

5. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

6. Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

7. All asbestos-containing waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

8. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

9. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

10. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

11. The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

C. Method of Removal for Nonfriable Asbestos-Containing Roofing Material. All of the following asbestos removal methods shall be employed for asbestos-containing roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Building Inspector:

1. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sawing or grinding shall not be employed.

2. Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable asbestos-containing roofing material.

3. Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust.

4. After being lowered to the ground, the nonfriable asbestos-containing roofing material shall be immediately transferred to a disposal container.

5. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing material.

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

SECTION 9.07 ALTERNATE MEANS OF COMPLIANCE

A. Friable Asbestos-Containing Material Removal Alternative. An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fiber/cc, 8 hour average.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

B. Nonfriable Asbestos-Containing Material Removal Alternative. An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the proposed work practices, and the engineering controls,

and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

C. Leaving Nonfriable Asbestos-Containing Material in Place During Demolition. Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

SECTION 9.08 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

A. Except as provided in Section 9.08.C and 9.08.D of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements. It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a form that includes all of the following information:

a. The name, address, and telephone number of the waste generator.

b. The approximate quantity in cubic meters or cubic yards.

c. The name and telephone number of the disposal site operator.

d. The name and physical site location of the disposal site.

e. The date transported.

f. The name, address, and telephone number of the transporter.

g. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the

transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 2 years, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site.

C. Temporary Storage Site. A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all of the following conditions are met:

1. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons.

2. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.

3. The storage area must be locked except during transfer of asbestos-containing waste material.

4. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

D. Disposal of Asbestos Cement Pipe. Asbestos cement pipe may be buried in place if the pipe is left intact and covered with at least 3 feet or more of non-asbestos fill material.

REPEALER

REGULATION I ARTICLE X SECTION 10.09 ASBESTOS

NEW SECTION

REGULATION I ARTICLE X SECTION 10.09 ASBESTOS FEES

ARTICLE X

SECTION 10.09 ASBESTOS FEES

Written notification, as required in Article IX, Section 9.04, shall be accompanied by the appropriate nonrefundable fee according to Section 10.09(a).

(a) Notification Period and Fees

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$150

Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	\$150
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	\$300
Asbestos Project includes demolition fee	1,000-9,999 linear ft 5,000-49,999 square ft	10 Days	\$750
Asbestos Project includes demolition fee	> 10,000 linear ft > 50,000 square ft	10 Days	\$1,500
Emergency	9.04.C	Prior Notice**	Additional fee equal to project fee
Amendment***	9.04.B	Prior Notice	\$50
Alternate Means of Compliance (demolitions or friable asbestos-containing material)	9.07.A or C	10 Days	Additional fee equal to project fee
Alternate Means of Compliance (non-friable asbestos-containing material)	9.07.B	10 Days	Additional fee equal to project fee
Annual	9.04.A.8	Prior Notice	\$1,000

* Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

** Except in the case where advance notice is not required pursuant to Section 9.04.C.2.

*** For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted in addition to the \$50 amendment fee.

(b) The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) asbestos-containing materials. All other asbestos project and demolition requirements remain in effect.

(c) Where a compliance investigation is conducted pursuant to Section 9.04 of this regulation, the compliance investigation fee shall be equal to \$50 per hour of compliance investigation.

WSR 98-05-035
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed February 10, 1998, 11:02 a.m.]

Date of Adoption: February 4, 1998.

Purpose: To disburse funds in the trust account. "Emergency medical services and trauma care are provided to all residents of the state regardless of a person's ability to pay. Historically, hospitals and health care providers have been able to recover some of their financial losses incurred

in caring for an uninsured or underinsured person by charging persons able to pay more. In recent years, the health care industry has undergone substantial changes. With the advent of managed health care programs and the adoption of new cost control measures, some hospitals and health care providers assert that it is difficult to shift costs for uninsured and underinsured patients onto insured patients." (Chapter 70.168 RCW).

Statutory Authority for Adoption: Chapter 70.168 RCW.

Adopted under notice filed as WSR 98-01-164 on December 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 1998

Bruce Miyahara

Secretary

EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM TRUST ACCOUNT

NEW SECTION

WAC 246-976-935 Emergency medical services and trauma care system trust account. RCW 70.168.040 establishes the emergency medical services and trauma care system trust account. With the advice of the EMS/TC steering committee, the department will develop a method to budget and distribute funds in the trust account. The department may use an injury severity score to define a major trauma patient. Initially, the method and budget will be based on the department's *Trauma Care Cost Reimbursement Study, final report (October 1991)*. The committee and the department will review the method and the budget at least every two years.

(1) Definitions: The following phrases used in this section mean:

(a) "Initial acute episode of injury" refers to care that is related to a major trauma. This can include prehospital care, resuscitation, stabilization, inpatient care and/or subsequent transfer, and rehabilitation. It does not include outpatient care or later readmission.

(b) "Needs grant" is a trust account payment that is based on a demonstrated need to develop and maintain service that meets the trauma care standards of chapter 70.168 RCW and this chapter. Needs grants are awarded to verified trauma care ambulance or aid services. Services

must be able to show that they have looked for other resources without success before they will be considered for a needs grant.

(c) "Participation grant" refers to a trust account payment designed to compensate the recipient for participation in the state's comprehensive trauma care system. These grants are intended as a tool for assuring access to trauma care. Participation grants are awarded to:

(i) Verified trauma care ambulance or aid services;

(ii) Designated trauma care services; and

(iii) Designated trauma rehabilitation services.

(2) The department will distribute trust account funds to:

(a) Verified trauma care ambulance and aid services;

(b) Designated trauma care services:

(i) Levels I-V general; and

(ii) Levels I-III pediatric;

(c) Physicians and other clinical providers who:

(i) Are members of designated trauma care services;

(ii) Meet the response-time standards of this chapter;

(iii) Provide care for major trauma patients during the initial acute episode of injury. This includes psychiatrists who consult on rehabilitation during the acute hospital stay, or who provide care in a designated trauma rehabilitation service;

(iv) Complete trauma records in a timely manner according to the trauma care services current requirements; and

(v) Participate in quality assurance activities;

(d) Designated trauma rehabilitation services:

(i) Levels I-III; and

(ii) I-pediatric.

(3) The department's distribution method for verified trauma care ambulance and aid services will include at least:

(a) Participation grants, which will be awarded once a year to services that comply with verification standards. The department will review the compliance requirements annually;

(b) Needs grants, based on the service's ability to meet the standards of chapter 70.168 RCW and chapter 246-976 WAC (this chapter). The department may consider:

(i) Level of service (BLS, ILS, ALS);

(ii) Type of service (aid or ambulance);

(iii) Response area (rural, suburban, urban, wilderness);

(iv) Volume of service;

(v) Other factors that relate to trauma care;

(4) The department's distribution method for designated trauma care services, levels I-V general and I-III-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

(i) Level of designation;

(ii) Service area (rural, suburban, urban, wilderness);

(iii) Volume of service;

(iv) The percentage of uncompensated major trauma care;

(v) Other factors that relate to trauma care;

(b) Increased payment by the department of social and health services for major trauma care for medical assistance clients during the initial acute episode of injury;

(5) The department's distribution method for physicians and other clinical providers included in subsection (2)(c) of this section will include at least:

(a) Increased payment by the department of social and health services for trauma care and rehabilitation of medical assistance clients, using medicare rates as a benchmark;

(b) Partial reimbursement for care of other major trauma patients who meet DOH eligibility criteria. The department's criteria will consider at least:

(i) The patient's ability to pay;

(ii) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;

(iii) Other sources of payment.

(6) The department's distribution method for designated trauma rehabilitation services, levels I-III and I-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

(i) Level of designation;

(ii) Volume of service;

(iii) Other factors that relate to trauma care;

(b) Partial reimbursement for trauma rehabilitation provided during the initial acute episode of injury for major trauma patients who:

(i) Meet DOH eligibility criteria. The department's criteria will include at least:

(A) Residence in Washington at the time of injury;

(B) The patient's ability to pay;

(C) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;

(D) Other sources of payment;

(ii) Were admitted for rehabilitation service within ninety days of the injury;

(c) The department will give priority to acute inpatient rehabilitation services.

(7) Chapter 70.168 RCW requires regional match of state funds from the emergency medical services and trauma care trust account. Contributions to regional matching funds may include:

(a) Hard match;

(b) Soft match:

(i) The value of services provided by volunteer prehospital agencies;

(ii) Local government support;

(iii) The cost of care by designated trauma care services which exceeds insurance or patient payment;

(iv) The value of volunteer time (excluding any expenses paid with state funds) to establish and operate:

(A) State EMS/TC committees and their subcommittees;

(B) Regional and local EMS/TC councils, and their committees and subcommittees;

(C) Regional and local quality assurance programs;

(D) Injury prevention and public education programs;

(E) EMS training and education programs;

(F) Trauma-related stress management and support programs;

(c) The department will determine the value of personnel time included in soft match, to be applied state-wide.

WSR 98-05-041
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-17—Filed February 11, 1998, 1:44 p.m.]

Date of Adoption: January 24, 1998.

Purpose: To amend WAC 232-12-297 Endangered, threatened, and sensitive wildlife species classification.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-297.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 97-24-083 on December 2, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 3, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 442, filed 5/15/90, effective 6/15/90)

WAC 232-12-297 Endangered, threatened, and sensitive wildlife species classification.

Purpose

1.1 The purpose of this rule is to identify and classify native wildlife species that have need of protection and/or management to ensure their survival as free-ranging populations in Washington and to define the process by which listing, management, recovery, and delisting of a species can be achieved. These rules are established to ensure that consistent procedures and criteria are followed when classifying wildlife as endangered, or the protected wildlife subcategories threatened or sensitive.

Definitions

For purposes of this rule, the following definitions apply:

2.1 "Classify" and all derivatives means to list or delist wildlife species to or from endangered, or to or from the protected wildlife subcategories threatened or sensitive.

2.2 "List" and all derivatives means to change the classification status of a wildlife species to endangered, threatened, or sensitive.

- 2.3 "Delist" and its derivatives means to change the classification of endangered, threatened, or sensitive species to a classification other than endangered, threatened, or sensitive.
- 2.4 "Endangered" means any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.
- 2.5 "Threatened" means any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.
- 2.6 "Sensitive" means any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats.
- 2.7 "Species" means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.
- 2.8 "Native" means any wildlife species naturally occurring in Washington for purposes of breeding, resting, or foraging, excluding introduced species not found historically in this state.
- 2.9 "Significant portion of its range" means that portion of a species' range likely to be essential to the long term survival of the population in Washington.

Listing criteria

- 3.1 The commission shall list a wildlife species as endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available, except as noted in section 3.4.
- 3.2 If a species is listed as endangered or threatened under the federal Endangered Species Act, the agency will recommend to the commission that it be listed as endangered or threatened as specified in section 9.1. If listed, the agency will proceed with development of a recovery plan pursuant to section 11.1.
- 3.3 Species may be listed as endangered, threatened, or sensitive only when populations are in danger of failing, declining, or are vulnerable, due to factors including but not restricted to limited numbers, disease, predation, exploitation, or habitat loss or change, pursuant to section 7.1.
- 3.4 Where a species of the class Insecta, based on substantial evidence, is determined to present an unreasonable risk to public health, the commission may make the determination that the species need not be listed as endangered, threatened, or sensitive.

Delisting criteria

- 4.1 The commission shall delist a wildlife species from endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available.

- 4.2 A species may be delisted from endangered, threatened, or sensitive only when populations are no longer in danger of failing, declining, are no longer vulnerable, pursuant to section 3.3, or meet recovery plan goals, and when it no longer meets the definitions in sections 2.4, 2.5, or 2.6.

Initiation of listing process

- 5.1 Any one of the following events may initiate the listing process.
- 5.1.1 The agency determines that a species population may be in danger of failing, declining, or vulnerable, pursuant to section 3.3.
- 5.1.2 A petition is received at the agency from an interested person. The petition should be addressed to the director. It should set forth specific evidence and scientific data which shows that the species may be failing, declining, or vulnerable, pursuant to section 3.3. Within 60 days, the agency shall either deny the petition, stating the reasons, or initiate the classification process.
- 5.1.3 An emergency, as defined by the Administrative Procedure Act, chapter 34.05 RCW. The listing of any species previously classified under emergency rule shall be governed by the provisions of this section.
- 5.1.4 The commission requests the agency review a species of concern.
- 5.2 Upon initiation of the listing process the agency shall publish a public notice in the Washington Register, and notify those parties who have expressed their interest to the department, announcing the initiation of the classification process and calling for scientific information relevant to the species status report under consideration pursuant to section 7.1.

Initiation of delisting process

- 6.1 Any one of the following events may initiate the delisting process:
- 6.1.1 The agency determines that a species population may no longer be in danger of failing, declining, or vulnerable, pursuant to section 3.3.
- 6.1.2 The agency receives a petition from an interested person. The petition should be addressed to the director. It should set forth specific evidence and scientific data which shows that the species may no longer be failing, declining, or vulnerable, pursuant to section 3.3. Within 60 days, the agency shall either deny the petition, stating the reasons, or initiate the delisting process.
- 6.1.3 The commission requests the agency review a species of concern.
- 6.2 Upon initiation of the delisting process the agency shall publish a public notice in the Washington Register, and notify those parties who have expressed their interest to

the department, announcing the initiation of the delisting process and calling for scientific information relevant to the species status report under consideration pursuant to section 7.1.

Species status review and agency recommendations

7.1 Except in an emergency under 5.1.3 above, prior to making a classification recommendation to the commission, the agency shall prepare a preliminary species status report. The report will include a review of information relevant to the species' status in Washington and address factors affecting its status, including those given under section 3.3. The status report shall be reviewed by the public and scientific community. The status report will include, but not be limited to an analysis of:

- 7.1.1 Historic, current, and future species population trends
- 7.1.2 Natural history, including ecological relationships (e.g. food habits, home range, habitat selection patterns).
- 7.1.3 Historic and current habitat trends.
- 7.1.4 Population demographics (e.g. survival and mortality rates, reproductive success) and their relationship to long term sustainability.
- 7.1.5 Historic and current species management activities.

7.2 Except in an emergency under 5.1.3 above, the agency shall prepare recommendations for species classification, based upon scientific data contained in the status report. Documents shall be prepared to determine the environmental consequences of adopting the recommendations pursuant to requirements of the State Environmental Policy Act (SEPA).

7.3 For the purpose of delisting, the status report will include a review of recovery plan goals.

Public review

8.1 Except in an emergency under 5.1.3 above, prior to making a recommendation to the commission, the agency shall provide an opportunity for interested parties to submit new scientific data relevant to the status report, classification recommendation, and any SEPA findings.

- 8.1.1 The agency shall allow at least 90 days for public comment.
- 8.1.2 The agency will hold at least one Eastern Washington and one Western Washington public meeting (~~in each of its administrative regions~~) during the public review period.

Final recommendations and commission action

9.1 After the close of the public comment period, the agency shall complete a final status report and classification recommendation. SEPA documents will be prepared, as necessary, for the final agency recommendation for classification. The classification recommendation will be presented to the commission for action.

The final species status report, agency classification recommendation, and SEPA documents will be made available to the public at least 30 days prior to the commission meeting.

9.2 Notice of the proposed commission action will be published at least 30 days prior to the commission meeting.

Periodic species status review

10.1 The agency shall conduct a review of each endangered, threatened, or sensitive wildlife species at least every five years after the date of its listing. This review shall include an update of the species status report to determine whether the status of the species warrants its current listing status or deserves reclassification.

10.1.1 The agency shall notify any parties who have expressed their interest to the department of the periodic status review. This notice shall occur at least one year prior to end of the five year period required by section 10.1.

10.2 The status of all delisted species shall be reviewed at least once, five years following the date of delisting.

10.3 The department shall evaluate the necessity of changing the classification of the species being reviewed. The agency shall report its findings to the commission at a commission meeting. The agency shall notify the public of its findings at least 30 days prior to presenting the findings to the commission.

10.3.1 If the agency determines that new information suggests that classification of a species should be changed from its present state, the agency shall initiate classification procedures provided for in these rules starting with section 5.1.

10.3.2 If the agency determines that conditions have not changed significantly and that the classification of the species should remain unchanged, the agency shall recommend to the commission that the species being reviewed shall retain its present classification status.

10.4 Nothing in these rules shall be construed to automatically delist a species without formal commission action.

Recovery and management of listed species

11.1 The agency shall write a recovery plan for species listed as endangered or threatened. The agency will write a management plan for species listed as sensitive. Recovery and management plans shall address the listing criteria described in sections 3.1 and 3.3, and shall include, but are not limited to:

- 11.1.1 Target population objectives
- 11.1.2 Criteria for reclassification

- 11.1.3 An implementation plan for reaching population objectives which will promote cooperative management and be sensitive to landowner needs and property rights. The plan will specify resources needed from and impacts to the department, other agencies (including federal, state, and local), tribes, landowners, and other interest groups. The plan shall consider various approaches to meeting recovery objectives including, but not limited to regulation, mitigation, acquisition, incentive, and compensation mechanisms.
- 11.1.4 Public education needs
- 11.1.5 A species monitoring plan, which requires periodic review to allow the incorporation of new information into the status report.
- 11.2 Preparation of recovery and management plans will be initiated by the agency within one year after the date of listing.
- 11.2.1 Recovery and management plans for species listed prior to 1990 or during the five years following the adoption of these rules shall be completed within 5 years after the date of listing or adoption of these rules, whichever comes later. Development of recovery plans for endangered species will receive higher priority than threatened or sensitive species.
- 11.2.2 Recovery and management plans for species listed after five years following the adoption of these rules shall be completed within three years after the date of listing.
- 11.2.3 The agency will publish a notice in the Washington Register and notify any parties who have expressed interest to the department interested parties of the initiation of recovery plan development.
- 11.2.4 If the deadlines defined in sections 11.2.1 and 11.2.2 are not met the department shall notify the public and report the reasons for missing the deadline and the strategy for completing the plan at a commission meeting. The intent of this section is to recognize current department personnel resources are limiting and that development of recovery plans for some of the species may require significant involvement by interests outside of the department, and therefore take longer to complete.
- 11.3 The agency shall provide an opportunity for interested public to comment on the recovery plan and any SEPA documents.

Classification procedures review

- 12.1 The agency and an ad hoc public group with members representing a broad spectrum of interests, shall meet as needed to accomplish the following:
- 12.1.1 Monitor the progress of the development of recovery and management plans and status reviews, highlight problems, and make recommendations to the department and other interested parties to improve the effectiveness of these processes.
- 12.1.2 Review these classification procedures six years after the adoption of these rules and report its findings to the commission.

Authority

- 13.1 The commission has the authority to classify wildlife as endangered under RCW 77.12.020. Species classified as endangered are listed under WAC 232-12-014, as amended.
- 13.2 Threatened and sensitive species shall be classified as subcategories of protected wildlife. The commission has the authority to classify wildlife as protected under RCW 77.12.020. Species classified as protected are listed under WAC 232-12-011, as amended.

WSR 98-05-042

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 11, 1998, 3:31 p.m.]

Date of Adoption: February 10, 1998.

Purpose: To amend provisions in chapter 192-32 WAC related to unemployment benefits for dislocated forest products workers and fin fishers, and adopt regulations regarding other services to dislocated forest products and salmon fishing workers. The intent is to be consistent with current state law, ensure the rules are clear and understandable to the regulated community, and convert existing policy statements to rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-32-001, 192-32-015, 192-32-025, 192-32-120 and 192-32-125; and amending WAC 192-32-010, 192-32-035, 192-32-045, 192-32-050, 192-32-055, 192-32-065, 192-32-075, 192-32-085, 192-32-095, 192-32-105, and 192-32-115.

Statutory Authority for Adoption: All sections, RCW 50.12.010 and 50.12.040; chapter 192-32 WAC only, RCW 50.20.010 and 50.22.090; and WAC 192-33-005 only, RCW 50.70.010.

Adopted under notice filed as WSR 98-01-186 on December 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: Minor wording changes in WAC 192-32-095 and 192-33-006 to add clarity to the regulations. These changes are not substantial and do change the effect of the rule from that which was originally proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 11, repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 5, amended 11, repealed 5.

Effective Date of Rule: Thirty-one days after filing.
February 10, 1998
Carver Gayton
Commissioner

**Chapter 192-32 WAC
TIMBER RETRAINING BENEFITS
(AND RELATED PROGRAMS)**

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/20/95)

WAC 192-32-010 Definitions. For the purpose of this chapter and RCW 50.22.090:

(1) ("~~Actual job loss~~" means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.

(2) "~~Actual or projected job loss~~" means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.

(3) "~~Annual unemployment rate~~" means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unemployment rate is that value released by the commissioner and filed for publication in the state register.

(4)) "Commissioner" means commissioner of the employment security department.

((5)) (2) "Department" means the employment security department.

(3) "Displaced worker" means an individual who is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry;

((6)) (4) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

((7) "~~Lumber and wood products location quotient~~" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average

~~covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.~~

(8) "~~Projected job loss~~" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.

(9) "~~Targeted county~~" means a county selected by the criteria of RCW 50.22.090(2).

((10)) (5) "Satisfactory progress" means maintaining a grade point average sufficient to graduate, and taking sufficient credit hours to complete the approved course of study within the time frame established under the approved training plan.

(6) "Timber retraining benefits," abbreviated TRB, means the additional unemployment insurance ((additional)) benefits authorized by RCW 50.22.090(3).

((11)) (7) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry or in the fishing industry assigned Standard Industrial Code 0912.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-035 Residence ((or employment)) in ((targeted county)) rural natural resources impact area at time of last separation from employment. (1) ((A worker who has)) If you met the ((county of)) residence ((or county of last employment)) requirements at the time ((of filing an)) you filed your initial claim for benefits, you ((will be considered to)) have met those requirements until you establish a new benefit year ((is established)), regardless of subsequent employment or relocation to another ((county)) area.

(2) ((A worker who has)) If you met the ((county of)) residence ((or county of last employment)) requirements ((at the time of filing an)) when you filed your initial claim, you ((will be considered to)) have met those requirements until a new benefit year is established, even if ((the county)) your residence ceases to ((be)) fall within a ((targeted county)) designated rural natural resources impact area.

((3) A worker who has not met the county of residence or county of last employment requirements at the time of filing a new claim, may meet those requirements at the time of filing an additional claim (reopened claim after subsequent employment) for benefits if, at that time, the worker worked or lived in a targeted county at time of last separation from employment.

(4) A worker who performs services in more than one county will be considered to have worked in a targeted county if any bona fide work is performed in a targeted county.)

PERMANENT

AMENDATORY SECTION (Amending WSR 95-09-085, filed 4/19/95, effective 5/21/95 [5/20/95])

WAC 192-32-045 Unlikely to return to employment.

(1) For the purposes of paying timber retraining benefits, ~~((a worker))~~ you will have met the unlikely to return to work requirement of RCW 50.22.090 (4)(b)(ii) if the tests in subsections (2) and (3) of this section are met.

(2) ~~((He or she has))~~ You have:

(a) Become unemployed due to a permanent plant closure;

(b) Received a federal WARN act notice; or

(c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at ~~((the worker's))~~ your place of employment; and

(3) ~~((His or her))~~ Your skills are in diminishing demand within your labor market in ~~((his or her))~~ your principal occupation or previous industry.

(4) ~~((A worker))~~ You will not be considered unlikely to return to work if ~~((he or she))~~ you:

(a) ~~((Is))~~ Are on standby from the principal employer;

(b) ~~((Has))~~ Have a definite date of recall with the principal employer within six months; or

(c) ~~((Is))~~ Are unemployed due to a regular seasonal layoff.

~~((5) A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3) of this section.)~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-050 ~~((Training related))~~ Benefits payable only to workers enrolled in approved training. ~~((No individual will be eligible))~~ To receive timber retraining benefits, you must be ~~((unless))~~ enrolled in and making satisfactory progress in an approved training program. ~~((Workers will be considered to be))~~ You are enrolled in training if:

(1) Preregistered for classes or on a waiting list; and

(2) Have a ~~((commitment from the educational institution for a))~~ starting date of training; and

(3) The starting date is not more than one ~~((regular school))~~ quarter or term ~~((, or equivalent period of time))~~ away.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-055 ~~((Timeliness of))~~ Training program ~~((submission and commencement))~~ deadlines. (1) ~~((The))~~ You have 60 days to submit a training plan ~~((submission requirement will be))~~ to the department for approval. The 60 days is counted from the ~~((filing of))~~ date you file a new or additional claim for unemployment benefits. This means if ~~((a worker who is eligible for TRB))~~ you return ~~((s))~~ to work, and ~~((subsequently))~~ become ~~((s involuntarily))~~ unemployed, the 60 day period is counted from the ~~((most recent))~~ date your claim is ~~((reopening, even if the period~~

~~had expired after the original filing of the new claim))~~ reopened.

(2) ~~((The))~~ You have 90 days to enroll in a training program. ~~((commencement requirement will be))~~ The 90 days is counted from your last separation from employment ~~((at the time of the filing of))~~ when you filed your new or additional claim for unemployment ~~((insurance))~~ benefits ~~((, whichever is latest))~~. This means if ~~((a worker who is eligible for TRB))~~ you return ~~((s))~~ to work, and ~~((subsequently))~~ become ~~((s involuntarily))~~ unemployed, the 90 day period is counted from ~~((the most recent))~~ your last separation from employment ~~((, even if the period has expired after the new claim))~~.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-065 Training program application requirements. ~~((Required elements for a training program submission include))~~ (1) The following information must be included in your training program application:

~~((1))~~ (a) Your name and Social Security account number ~~((of applicant));~~

~~((2))~~ (b) Name of educational institution;

~~((3))~~ (c) Address of educational institution;

~~((4))~~ (d) Department of educational institution, if applicable;

~~((5))~~ (e) Name of training program;

~~((6))~~ (f) Description of training program, including remedial requirements if necessary;

~~((7))~~ (g) Duration of training program;

~~((8))~~ (h) Occupation(s) trained for;

~~((9))~~ (i) Beginning enrollment date or place on waiting list and expected enrollment date;

(j) Verification of enrollment provided by the educational institution;

~~((10))~~ (k) Release of information form authorizing the educational institution to release grades, attendance, and other measures of program progress to the department; and

~~((11))~~ (l) Your signature ~~((of applicant)).~~

(2) WAC 192-12-180 and WAC 192-12-182 will be used to evaluate your training program application and any modifications made to your training plan.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-075 Occupation in demand outside labor market. A training ~~((program))~~ plan may be approved in an occupation not in demand in the local labor market if:

(1) The occupation is in demand in another labor market; and,

(2) ~~((The worker is))~~ You are willing and able to relocate to that labor market ~~((upon completion of))~~ when the training is completed; and

(3) There is not a current demand for workers with your skills in that labor market. The demand for workers in that

labor market must be at wages comparable to those paid in your current labor market, based on any differences in the cost of living between the two areas.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-085 Full-time (~~enrollment~~) training. The educational institution providing the training will determine whether (~~the worker is~~) you are enrolled (~~in training on a~~) full-time (~~basis~~).

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-095 Certification of satisfactory progress. (~~A worker~~) You will be determined to be making satisfactory progress in a training program if the educational institution certifies to the department that (~~the worker is making satisfactory progress~~) you are maintaining a grade point average sufficient to graduate and attending all scheduled classes included in your approved training plan for the current academic period. This certification must be signed by the registrar or an equivalent person designated by the educational institution.

NEW SECTION

WAC 192-32-100 Modifying a training plan. (1) You must notify the department immediately upon making a significant modification to your approved training plan. A significant modification is one that impacts any of the approval criteria listed in WAC 192-12-182 and includes, but is not limited to, changes in your course of study or major, training institution, projected start and completion dates, and enrolled credit hours. The department will review these changes to determine whether approval of your training plan will be continued.

(2) You may change your course of study or major one time. Your new course of study must be for an occupation or skill for which there are reasonable employment opportunities in the labor market in which you intend to seek work. Subsequent changes in your course of study or major will not be approved except in unusual individual circumstances.

(3) You may withdraw from training and reenroll at a later date one time. Subsequent applications to reenroll in a training program will not be approved except in unusual individual circumstances.

(4) The restriction in subsection (2) does not apply while you are enrolled in remedial training.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-105 Interstate claims. The additional benefit period for targeted (~~counties~~) rural natural resources impact areas applies only to counties within the state of Washington. Individuals filing interstate claims (with Washington as the liable state) may qualify for timber retraining benefits based on employment in the forest products industry or in the fishing industry assigned SIC 0912.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

WAC 192-32-115 Out-of-state training. Out-of-state training (~~programs~~) may be approved at educational institutions (~~outside the state of Washington~~) equivalent to those described in RCW 28B.10.016 and 28C.04.410(3).

NEW SECTION

WAC 192-32-130 Five weeks for work search following training. The five weeks of additional benefits provided by RCW 50.22.090 (3)(c) are available for work search activities following completion of or termination or withdrawal from training. Once you begin work, these additional benefits are not available during any subsequent period of unemployment.

NEW SECTION

WAC 192-32-135 Thirteen weeks for remedial education. The thirteen weeks of additional benefits provided by RCW 50.22.090 (3)(d) are payable under the following conditions:

(1) The remedial education program deemed necessary by the educational institution delayed the start date, or extended the completion date, of your approved training program; and

(2) The TRB benefits provided by RCW 50.22.090 (3)(b) have been exhausted; and

(3) You have not yet completed your approved training program.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-32-001	Scope of chapter.
WAC 192-32-015	Interpretive rule—Effective date of RCW 50.22.090.
WAC 192-32-025	Post training benefits.
WAC 192-32-120	Forest products workers.
WAC 192-32-125	Dislocated workers in timber impact areas.

Chapter 192-33 WAC WORKFORCE DEVELOPMENT

NEW SECTION

WAC 192-33-005 Definitions—Dislocated workers. For the purposes of RCW 50.70.010:

(1) "Forest products worker" means an individual who has or had employment, either for wages or in self-employment, in the industries set forth in WAC 192-32-040.

(2) "Salmon fishing worker" means an individual who has or had employment, either for wages or self-employment, in the salmon industry. This includes employment in at least one of the industry line items listed within the following Standard Industrial Coded industries:

(a) Commercial salmon fishing (found within SIC 0912);

(b) Preparation of canned or cured salmon food products, including smoked, salted, dried, and pickled salmon products (found within SIC 2091);

(c) Preparation of fresh or frozen salmon products, including fish fillets or fish sticks (found within SIC 2092);

(d) Operation of boats or party fishing, in relation to salmon fishing (found within SIC 7999).

NEW SECTION

WAC 192-33-006 Dislocated workers in rural natural resources impact areas. (1) For the purposes of RCW 50.12.270, the term "dislocated workers in rural natural resources impact areas" includes, but is not limited to:

(a) Dislocated forest products workers as defined in RCW 50.70.010(2) and WAC 192-33-005; and

(b) Dislocated salmon fishing workers as defined in RCW 50.70.010(4) and WAC 192-33-005.

(2) These individuals are persons who at the time of last separation from work, for either wages or self-employment, resided in a rural natural resources impact area and who:

(a) Have been terminated or received notices of termination from employment and are unlikely to return to employment as defined in WAC 192-32-045 in their principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or

(b) Are self-employed and have been displaced from their business because of diminishing demand for the business's services or goods.

WSR 98-05-043
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed February 11, 1998, 4:40 p.m.]

Date of Adoption: January 24, 1998.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-22-410, 220-44-030, 220-44-050, 220-44-080, 220-48-005, 220-48-013, 220-48-015, 220-48-019, 220-48-032, 220-48-042, 220-48-052, 220-48-071, 220-49-005, 220-49-011, 220-49-012, 220-49-013, 220-49-014, 220-49-017, 220-49-020, 220-49-021, 220-49-024, 220-49-056, 220-52-040, 220-52-046, 220-88A-020, 220-88A-030, 220-88A-040, 220-88A-060, 220-88A-070, and 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 97-24-082, 97-24-084, 97-24-086, 97-24-087, and 97-24-088 on December 2, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 30, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 11, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 11, 1998
Lisa Pelly, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-22-410 Marine Fish-Shellfish Management and Catch Reporting Areas, coastal waters. (1) **Area 50** shall include waters of the Bering Sea north of the Aleutian Islands.

(2) **Area 51** shall include waters south of the Aleutian Islands and west of longitude 159° W.

(3) **Area 52** shall include waters west of longitude 154° W and east of Area 51.

(4) **Area 53** shall include waters west of longitude 147° W and east of Area 52.

(5) **Area 54** shall include waters west of longitude 137° W and east of Area 53.

(6) **Area 55** shall include waters north of latitude 54° 40' N and east of Area 54.

(7) **Area 56** shall include waters north of latitude 50° 30' N and south of Area 55.

(8) **Area 57** shall include waters north of latitude 48° 26' N and south of Area 56.

(9) **Area 58A** shall include waters north of the United States - Canada boundary and south of Area 57.

(10) **Area 58B** shall include waters west of a line projected 220° true southwest from the equidistant point between the United States and Canada along the Cape Flattery to Bonilla Point line, north of a line projected true west from Point Grenville and south of Area 58A.

(11) **Area ((59A)) 59A-1** shall include waters east of the 220° true line, west of a line from Cape Flattery to Bonilla Point, and north of ~~((a line true west from Point Grenville excluding))~~ 47° 40' 30" N. Latitude (Destruction Island) exclusive of coastal waters (0-3 miles) north of a line projected true west from Cape Alava.

(12) **Area 59A-2** shall include waters east of the 220° true line, south of 47° 40' 30" N. Latitude (Destruction Island), and north of a line projected true west from Point Grenville.

(13) **Area 59B** shall include coastal waters (0-3 miles) northerly of a line projected true west from Cape Alava and west of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light and then to the most westerly point of Cape Flattery.

~~((13) Area 60A))~~ (14) **Area 60A-1** shall include waters north of a line projected true west from ~~((the Washington-Oregon boundary in the Columbia River, and south of Areas 58, 59A, and 59B))~~ Point Chehalis (46° 53' 18" N. Latitude) and south of a line projected true west from Point Grenville exclusive of ((the Columbia River estuary,)) Grays Harbor ((and Willapa Bay)).

~~((14))~~ (15) Area 60A-2 shall include waters north of a line projected true west from the Washington-Oregon boundary in the Columbia River and south of a line projected true west from Point Chehalis (46° 53' 18" N. Latitude) exclusive of the Columbia River estuary and Willapa Bay.

(16) Area 60B shall include the waters of Grays Harbor east of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

~~((15))~~ (17) Area 60C shall include the saltwater areas of Willapa Bay east of a line from Leadbetter Point to Cape Shoalwater light.

~~((16))~~ (18) Area 60D shall include waters of the Columbia River east of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and west of the Megler-Astoria Bridge.

~~((17))~~ (19) Area 61 shall include waters north of latitude 42° 00' N, and south of Area 60A, exclusive of the Columbia River estuary.

~~((18))~~ (20) Area 62 shall include waters north of latitude 38° 00' N, and south of Area 61.

~~((19))~~ (21) Area 63 shall include waters north of latitude 32° 00' N, and south of Area 62.

~~((20))~~ (22) Area 64 shall include all waters south of Area 63.

~~((21))~~ (23) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 96-43, filed 5/9/96, effective 6/9/96)

WAC 220-44-030 Coastal bottomfish gear. It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas (~~(29)~~) 59A, 59B, 60A and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone with any gear except as provided in this section:

(1) Otter trawl and beam trawl.

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches anywhere in the net.

(b) It is unlawful to use or operate any bottom roller or bobbin trawl having meshes less than 4.5 inches anywhere in the net. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(c) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches anywhere in the net. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweepines, including the bottom leg of the bridle, must be bare.

(d) For at least 20 feet immediately behind the footrope or headrope, bare rope or mesh of 16-inch minimum mesh size must completely encircle the net. A band of mesh may encircle the net under transfer cables, lifting or splitting straps (chokers), but must be: Over riblines and restraining straps; the same mesh size and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(e) Chafing gear may encircle no more than 50 percent of the circumference of any bottom, roller, bobbin or pelagic trawl except as specified in (d) of this subsection. No

section of chafing gear may be longer than 50 meshes of the net to which it is attached. Except at the corners, the terminal end of each section of chafing gear must not be connected to the net. Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(f) It is unlawful to use double wall codends in any trawl gear.

(g) Licensing: A food fish trawl—non-Puget Sound fishery license is the license required to operate the gear provided for in this section. Additionally a federal limited entry permit is required in Areas 59A, 59B, 60A and that portion of Area 58 within the Exclusive Economic Zone.

(h) Area restriction: It is unlawful to use bottom roller, bobbin or disc trawl or to use a foot rope greater than 5 inches in diameter in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(2) Set lines.

(a) It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

(c) Area restriction: It is unlawful to use set line gear in state territorial waters (0-3 miles) within Areas 59A, 59B, 60A and that portion of Area 58 within the Exclusive Economic Zone.

(3) Bottomfish pots.

(a) It is unlawful for the operator of bottomfish pots to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

(c) Area restriction: It is unlawful to use bottomfish pots in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(4) Commercial jig gear.

(a) Licensing: A bottomfish jig fishery license is the license required to operate the gear provided for in this section.

(b) Area restriction: It is unlawful to use commercial jig gear in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(5) Troll lines.

(a) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

(b) Area restriction: It is unlawful to use bottomfish troll gear in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(6) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, up to a daily limit of 100 pounds or 30% of all fish on board, whichever is greater. No more than one trip per day provided the bottomfish could be lawfully taken.

(b) It is unlawful to take salmon incidental to any lawful bottomfish fishery.

(c) It is lawful to retain sturgeon taken incidental to any lawful bottomfish fishery, provided the sturgeon could be lawfully taken.

(d) It is unlawful to retain any species of shellfish taken incidental to any lawful bottomfish fishery, except that it is lawful to retain octopus and squid.

AMENDATORY SECTION (Amending Order 96-43, filed 5/9/96, effective 6/9/96)

WAC 220-44-050 Coastal bottomfish catch limits.

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas ((29,)) 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) The following definitions apply to this section:

(a) Cumulative limit. A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

(b) Two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two fixed-calendar month period, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

(c) Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(d) Vessel trip limit. The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel

upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(e) Daily trip limit. The maximum amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(f) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

(g) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(h) Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

(2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63 (~~and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29~~):

(a) Pacific Ocean perch - Two-month cumulative limit of 10,000 pounds. No minimum size.

(b) Widow rockfish - Two-month cumulative limit of 70,000 pounds. No minimum size.

(c) Shortbelly rockfish - No maximum poundage. No minimum size.

(d) Black rockfish - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), and fishing beyond the three-mile territorial limit is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) *Sebastes complex* - All species of rockfish except Pacific Ocean perch, widow, shortbelly and thornyhead (*Sebastolobus spp.*).

(i) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Two-month cumulative limit of 70,000 pounds, of which no more than 32,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. No minimum size on any species in this category.

(ii) South of Cape Lookout - Two-month cumulative limit of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the department Montesano office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: Vessel name; federal limited entry permit number; operator's name, phone number

and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano office during business hours.

(iii) There is a maximum two-month cumulative limit for landings from both north and south of Cape Lookout of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish.

(iv) Wholesale fish dealers purchasing more than 42,000 pounds of the *Sebastes complex*, 19,200 pounds of yellowtail rockfish or 10,800 pounds of canary rockfish must enter the declaration number on the fish receiving ticket.

(f) DTS Complex - (sablefish, dover sole and thornyhead rockfish) - Two-month cumulative limit of 70,000 pounds, of which no more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be thornyhead rockfish of which no more than 4,000 pounds may be shortspine thornyheads.

(g) Sablefish.

(i) Trawl vessels - Not more than 500 pounds (round weight) of sablefish per trip may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(ii) Nontrawl vessels - Daily trip limit of 300 pounds (round weight). No minimum size. Effective 0001 hours September 1, 1996, no maximum poundage. Not more than 1,500 pounds or 3 percent of all sablefish aboard, per trip, may be sablefish less than 22 inches in length (15.5 inches dressed length).

(h) Pacific whiting - Vessel trip limit of 10,000 pounds. No minimum size. Effective 0001 hours May 15, 1996, no maximum poundage.

(i) Lingcod - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only) weight, multiply the dressed weight by 1.1.

(3) Groundfish open access fishery limits. The following limits apply to the ground fish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63(~~and, unless otherwise provided, apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29~~). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or exceed fifty percent of a ground fish limited entry fishery two-month cumulative limit:

(a) Sablefish - Daily trip limit of 300 pounds (round weight). No minimum size.

(b) Rockfish.

Vessel trip limit of 10,000 pounds. Cumulative trip limit of 35,000 pounds.

(c) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed head on (gutted only) weight, multiply the dressed weight by 1.1.

(d) Thornyhead rockfish - Daily trip limit of 50 pounds (round weight). No minimum size.

~~((e) Setline gear in Area 29:~~

~~It is lawful to use setline gear in Area 29, except that it is unlawful to retain rockfish and lingcod with a cumulative weight greater than thirty percent of the weight of all fish aboard not to exceed 100 pounds. Maximum one vessel trip per day.)~~

(4) It is unlawful for the operator of any vessel during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit, or a daily trip limit.

(5) The fishers copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-44-080 Otter trawl logbook required. It shall be unlawful for any operator of otter trawl gear to fail to possess and maintain a "Washington-Oregon-California Trawl Logbook" while fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62(~~;~~) and 63(~~or Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29~~). The logbook must be kept aboard the vessel while it is fishing in the above areas, or while having fish aboard that were caught in the above areas. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department of fisheries representatives. For each vessel trip, the operator shall record the vessel name and registration number, crew size, fuel used, departure and return date and time, general locality fished and buyers of fish landed. For each trawl tow conducted the vessel operator shall record the month and day, duration of tow, area fished, depth fished, net type, target species, and estimated weight of each species of fish retained. The departments copies of completed log sheets must be submitted to the department for each month in which fishing activity occurs. The departments copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of commercial fishing activity, whichever occurs first.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-48-005 Puget Sound bottomfish—General provisions. (1) It is unlawful to possess any English sole less than 12 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with any commercial gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess any lingcod less than 26 inches in length or greater than 40 inches in length taken by any commercial gear in all state waters east of the ~~((mouth of the Sekiu River))~~ Bonilla-Tatoosh line.

~~((5))~~ ~~(5) ((It is unlawful to possess lingcod taken with any commercial gear from December 1 through April 14 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29.~~

~~((6))~~ (6) It is unlawful to possess lingcod taken by any commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, ~~((and))~~ 25E, and 29.

~~((7))~~ (7) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-063 and 220-52-066.

~~((8))~~ (8) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except that it is lawful to retain octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

(8) A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(9) Pacific cod.

(a) It is unlawful to discard any Pacific cod taken by any commercial fishing gear.

(b) All Pacific cod taken by a commercial gear shall be landed at a licensed commercial dealer.

(10) Sablefish. It is unlawful to take more than 300 pounds of sablefish per vessel trip or more than 600 pounds of sablefish per two-month cumulative limit from open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas. A two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two-fixed calendar month period. The fixed two-month periods are January-February,

March-April, May-June, July-August, September-October and November-December.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

WAC 220-48-013 Beam trawl and otter trawl logbooks. It shall be unlawful for any operator of beam trawl or otter trawl gears to fail to obtain and accurately maintain a "Washington Inside Waters Trawl Logbook" while fishing for, or while in possession of, bottomfish taken from east of the mouth of the Sekiu River. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while fishing, or in possession of bottomfish taken east of the mouth of the Sekiu River. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department of fisheries representatives. For each fishing trip, and prior to landing, vessel operators shall record the vessel name and state registration number, the dates and times of departure from and return to port, and the buyer(s) of the fish landed. In addition, for each trawl tow conducted during the trip, the vessel operator shall record the month and day, duration of the tow, specific area fished, latitude and longitude to the nearest tenth minute of the gear set and haul back position, depth fished, net type, target species and estimated weight of each species of fish retained. The department copies of the completed logbook sheet(s) must be submitted to the department for each calendar month in which fishing activity occurs. Department copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.

AMENDATORY SECTION (Amending Order 97-52, filed 3/17/97, effective 4/17/97)

WAC 220-48-015 Beam trawl and bottom trawl—Seasons. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to all trawl fishing in waters less than 30 feet deep.

(e) Areas 20A, 20B, 21A, 22A and 22B are closed in waters deeper than 40 fathoms from ~~((September))~~ July 1 through December 31.

(f) Areas 23C and 29 are closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and are closed to beam trawl fishing in waters less than 60 feet deep.

(g) Areas 23C ~~((is))~~ and 29 are closed to otter trawl Wednesday, Saturday and Sunday, January 1 through August 31, and closed to all otter trawl September 1 through December 31.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kipot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

(5) It is unlawful to take more than 500 pounds of rockfish with beam trawl and bottom trawl gear during any vessel trip in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-48-019 Roller trawl—Seasons. (1) It is lawful to use roller trawls in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 the entire year.

(2) It is unlawful to take more than 500 pounds of rockfish with roller trawl gear during any vessel trip in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

AMENDATORY SECTION (Amending Order 87-03, filed 1/22/87)

WAC 220-48-032 Set line—Seasons. It is lawful to take, fish for, and possess dogfish and other bottomfish with set lines in all Marine Fish-Shellfish Management and Catch Reporting Areas the entire year except as follows:

(1) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(2) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(3) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of

a line projected due east from Fox Point on Fox Island is closed all year.

(4) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

(5) The cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

AMENDATORY SECTION (Amending Order 92-28, filed 5/12/92, effective 6/12/92)

WAC 220-48-042 Commercial jig—Seasons. It shall be unlawful to fish for or possess bottomfish taken for commercial purposes with commercial jig gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas ~~((except: Area 29—Open all year))~~.

AMENDATORY SECTION (Amending Order 92-28, filed 5/12/92, effective 6/12/92)

WAC 220-48-052 Bottomfish troll—Seasons. (1) It is unlawful to fish for or possess bottomfish taken for commercial purposes with bottomfish troll gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas ~~((except: Area 29—Open all year))~~.

(2) It is unlawful to fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license.

(3) In any waters of Puget Sound it is lawful to retain for commercial purposes bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery, except lingcod during closures provided in WAC 220-48-005.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-48-071 Bottomfish pots—Gear and seasons. (1) It shall be unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, except in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(a) Areas 20A, 21A, 21B, 23A, and 23B - Open April 15 through November 30.

(b) Areas 23C and 23D - Open December 1 through April 14.

(c) ~~((Area 29—Open all year.~~

~~(d)))~~ All other areas are closed the entire year, except by permit from the director.

(2) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-005 Puget Sound ((baitfish)) forage fish—Definitions—General provisions. (1) It is unlawful to fish for or possess Puget Sound ~~((baitfish))~~ forage fish taken for commercial purposes except at the times, during the seasons and using the gear provided for in this chapter. ~~((“Baitfish” as used in this chapter means herring, candlefish~~

(~~or sandlance~~), anchovy, pilehard (~~or Pacific sardine~~) and smelt.)

(2) It is unlawful to fish for or possess candlefish taken for commercial purposes.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-011 Herring, (~~candlefish~~), anchovy, (~~pilehard~~) and smelt fishing—Lawful gear—Drag seine. (1) Lawful drag seine gear in the Puget Sound herring (~~candlefish~~), anchovy (~~pilehard~~) and smelt fisheries shall not exceed 350 feet in length or contain meshes less than 1/2 inch stretch measure.

(2) Licensing:

(a) A food fish drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain (~~baitfish other than herring~~) smelt and anchovy.

(b) A herring drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-012 Herring, (~~candlefish~~), anchovy, (~~pilehard~~) and smelt fishing—Purse seine. (1) Lawful purse seine gear in the Puget Sound herring (~~candlefish~~) and anchovy (~~and pilehard~~) fisheries shall not exceed 600 feet in length or contain meshes less than 1/2-inch stretch measure unless otherwise authorized by permit from the director.

(2) Lawful purse seine gear in the Puget Sound smelt fishery shall not exceed 350 feet in length nor contain meshes less than 1/2 inch stretch measure.

(3) Licensing:

(a) A baitfish purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain (~~baitfish other than herring~~) smelt and anchovy.

(b) A herring purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-013 Herring, (~~candlefish~~), anchovy, (~~pilehard~~) and smelt fishing—Dip bag net. (1) Lawful dip bag net gear in the Puget Sound herring (~~candlefish~~) and anchovy (~~and pilehard~~) fisheries shall not exceed 18 square feet. Lawful dip bag net gear in the Puget Sound smelt fishery shall not exceed 36 inches across the frame.

(2) Licensing:

(a) A smelt dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and (~~other baitfish other than herring~~) anchovy.

(b) A herring dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-014 Herring, (~~candlefish~~), anchovy, (~~pilehard~~) and smelt fishing—Lampara. (1) Lawful lampara gear in the Puget Sound herring (~~candlefish~~) and anchovy (~~and pilehard~~) fisheries shall not exceed 200 feet in length or contain meshes less than 1/2-inch stretch measure. Lampara gear is not lawful gear for taking smelt in Puget Sound.

(2) Licensing:

(a) A baitfish lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain (~~baitfish other than smelt or herring~~) anchovy.

(b) A herring lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-017 Herring, (~~candlefish~~), anchovy, (~~pilehard~~) and smelt fishing—Otter trawl and gill net. (1) It is unlawful to fish for herring (~~candlefish~~), anchovy (~~pilehard~~) or smelt using otter trawl gear or gill net gear except as authorized by permit issued by the director.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

AMENDATORY SECTION (Amending Order 95-166, filed 11/8/95, effective 12/9/95)

WAC 220-49-020 Herring, (~~candlefish~~), and anchovy, (~~and pilehard~~)—Seasons—Lawful gear—Purposes. It shall be unlawful to take, fish for or possess for commercial purposes herring (~~candlefish~~) or anchovy (~~or pilehards~~) in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Area (~~is~~) 20A (~~, 20B, 21A, and 21B~~).

(a) Closed September 1 through May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

(b) (~~Open~~) Closed June 1 through August 31 (~~with drag seine, purse seine, lampara, and~~) to all commercial fishing gear except dip bag net (~~for bait and human consumption only~~).

(2) It is unlawful to use purse seine gear in any Puget Sound area except (~~22A, 22B,~~) 23A, 23B, 23C, 23D, and 29. (~~Areas 22A and 22B are open the entire year to purse seine gear, except for closures set out in subsections (4) and (5) of this section.~~) Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear the entire year.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas - Open entire year with drag seine, lampara, and dip bag net for human consumption or bait only except for closures set out in subsections (4), (5) and (6) of this section.

(4) The following areas are closed the entire year to all gear except dip bag net gear:

(a) ~~((Waldron Island—Waters of Cowlitz Bay inside of a line from Sandy Point to Point Disney, and the small bay on the east side of the island.))~~ Areas 20B, 22A and 22B.

(b) ~~((Stuart Island—Waters of Reid Harbor.~~

~~(e)))~~ Swinomish Channel - Waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin.

(5) The following areas are closed from January 16 through April 15, except to dip bag net gear:

(a) ~~((Central San Juan Islands—Waters of Area 22A south of a line from Limestone Point on San Juan Island to Steep Point on Orcas Island, north of a line from Pear Point on San Juan Island to Rock Point on Lopez Island, west of a line projected true south from Deer Point on Orcas Island to landfall on Blakely Island, west of a line projected true north from Fauntleroy Point on Decatur Island to landfall on Blakely Island, and west of a line projected true south from the Lopez Pass navigation light on south Decatur Island to landfall on Lopez Island. Notwithstanding the provisions of this subsection, the following waters are open to purse seine and lampara the entire year: Those waters inside of a line from the northern end of Humphrey Head northwesterly to the northern end of Upright Head, from Twin Rocks west to Buck Bay, from Buck Bay south to Bald Bluff, and from Bald Bluff to the northern end of Humphrey Head.~~

~~(b) Roche Harbor and Wescott Bay—Waters of Area 22A south of a line projected true east from McCraeken Point to landfall on San Juan Island and east of a line projected from the Kellett Bluff navigation light on Henry Island to Bellevue Point on San Juan Island.~~

~~(e-))~~ Areas 22B, 24A, 24B, and 24D.

~~((d))~~ (b) Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

~~((e))~~ (c) Area 25D.

~~((f))~~ (d) Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

~~((g))~~ (e) Area 26C.

~~((h))~~ (f) Waters of Area 26D north of a line from Neill Point to Piner Point.

~~((i))~~ (g) Waters of Area 27A north of a line from South Point to Lofall and contiguous waters of 27A south of a line projected true east from Hazel Point including all waters of Dabob and Quilcene Bays.

~~((j))~~ (h) Waters of Area 27B north of a line from Triton Head to Tekiu Point.

~~((k))~~ (i) Waters of Area 27C east of a line from Ayers Point to Union.

~~((l))~~ (j) Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.

~~((m))~~ (k) Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.

~~((n))~~ (l) All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.

(6) The following areas are closed the entire year to all gear: Areas 25A and 25E.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-021 Smelt and herring for zoo food.

(1) It is unlawful to take, fish for or possess smelt or herring for any purpose except human consumption or fishing bait, except that the director may authorize by permit the taking of smelt or herring in specified areas, quantities and times for emergency use as zoo food for animals. Application for a zoo food permit requires written certification from the zoo director that no other source of smelt or herring is available and the shortage of suitable zoo food will damage the health or well-being of zoo animals.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-024 Herring(~~(candlefish)~~), anchovy and pilchard fishing—Live boxes—Identification. All herring(~~(candlefish)~~), anchovy and pilchard live boxes or other devices for holding live bait shall have attached thereto the fishery license number of the owner in plainly legible letters not less than 3 inches in height, clearly visible above the waterline. In the case of licensed dealers the dealer's license number shall be displayed as described above. It shall be unlawful to fail to identify live boxes as prescribed in this section.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-49-056 Smelt fishing—Seasons. It shall be unlawful to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

(1) Areas 20A and 21A - July 1 to April 15.

(2) Area 22B - ~~((Closed the entire year))~~ November 1 to April 15.

(3) Areas 24A, 24B, 24C, and 24D - July 1 to April 15.

(4) Areas 25A and 25E - November 1 to April 15.

(5) Areas 26B, 26C, 26D, 27B, 27C, 28B, and 28C - October 1 to April 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest.

(6) Areas 28A and 28D - September 1 to April ~~((4))~~

15.

(7) All other areas open the entire year.

AMENDATORY SECTION (Amending Order 97-55, filed 3/31/97, effective 5/1/97)

WAC 220-52-040 Crab fishery—Lawful and unlawful. (1) It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while fishing with said gear or having commercially caught food fish or other species of shellfish aboard.

(2) Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs, for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein.

(3) It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein: *Provided*, That following the close of a commercial crab season, permission may be granted by the director on a case-by-case basis for fishermen to recover shellfish pots that have become irretrievable due to extreme weather conditions. Fishermen must apply to ~~((fisheries patrol))~~ department enforcement for such permission within twenty-four hours prior to the close of season.

(4) It is unlawful for any person to take, or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(5) It is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district with more than 100 shellfish pots or ring nets in the aggregate for each license owned, and it shall be unlawful for any ~~((group of persons using the same vessel))~~ person to take or fish for crabs for commercial purposes in Puget Sound with more than ~~((400))~~ 200 shellfish pots or ring nets in the aggregate from one vessel, provided it shall be unlawful for any person, or group of persons using the same vessel, to take or fish for crabs for commercial purposes with more than 20 shellfish pots or ring nets in the aggregate within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(6) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes in the Puget Sound licensing district with more than 20 pots per groundline, and it shall be unlawful to use or operate a groundline unless such gear meets the following requirements:

(a) A buoy, staff, flag, and radar reflector must be attached at each end of the groundline;

(b) Flags attached at each end of the groundline must be orange in color;

(c) Buoys attached at each end of the groundline must be marked in a visible and legible manner with the department of fish and wildlife approved and registered buoy brand issued to the license;

(d) Buoys attached at each end of the groundline must be marked with the number of pots attached to the groundline; and

(e) Staffs with attached flags at each end of the groundline must be at least four feet above the water surface.

(7) The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished from a vessel.

(a) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes using more than 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) It is unlawful for any person to fish for Dungeness crabs for commercial purposes using more than 30 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek.

(8) In coastal waters, Grays Harbor, Willapa Bay and the Columbia River no crab pot gear may be attached or connected to other crab pot gear by a common groundline or any other means.

~~((8))~~ (9) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department ~~((of fisheries))~~ personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(10) It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate, and it shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

AMENDATORY SECTION (Amending Order 97-55, filed 3/31/97, effective 5/1/97)

WAC 220-52-046 Crab fishery—Seasons and areas.

It is unlawful to fish for or possess Dungeness crabs taken for commercial purposes except during the lawful open seasons and areas as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open beginning 8:00 a.m. October 1st through the following April 15th and, after October 1, one-half hour before sunrise to one-half hour after sunset, except Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and the closures provided for in this section.

(2) The following areas are closed to non-Indian commercial crab fishing:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed ~~((October 1 through November 7 and))~~ March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15th of each year ~~((and when open there is a 30 pot per vessel limit in these waters))~~.

~~(h) ((Those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, and 26D.~~

~~(i))~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 31, and March 1 through April 15 of each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1 through October 31, and March 1 through April 15 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31, and March 1 through April 15 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected ~~((4 nautical miles due northwest))~~ from Rocky Point ~~((, thence))~~ northeast to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting ~~((Areas 24B and))~~ Area 26A ~~((inside lines))~~ south and east of a line projected from ~~((the five-meter tower between Gedney Island and Priest Point to the north tip of Jetty Island and from the five meter tower to the Rucker Hill radio tower at Pigeon Creek No. 1))~~ the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom (MLLW) contour in Chuckanut Bay.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa ~~((Harbor))~~ Bay and Columbia River waters - open December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28 unless the coastal crab fishery is delayed due to softshell crab conditions, in which case the following provisions apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director ~~((will))~~ may, by emergency rule, establish ~~((the))~~ a softshell crab demarcation line.

(b) ~~((It is unlawful for a fisher to fish north of the soft-shell crab demarcation line for the first thirty days following the opening of a delayed season unless the fishery license holder or primary operator certifies that the vessel designated for use on that license did not participate in the coastal crab fishery south of the softshell crab demarcation line during the previous forty five days. This certification is an instrument for purposes of RCW 40.16.030-))~~ For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear ~~((north of the softshell crab demarcation line))~~ in any area where the season opening has been delayed more than sixty-four hours in advance of the season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to non-Indian commercial crab fishing during the periods indicated:

(a) Those waters bounded by lines projected between the following coordinates:

Southern SMA Description:

NW corner:	47°09.00'N	124°23.80'W (LORAN 41885)
NE corner:	47°09.00'N	124°16.30'W
SW corner:	46°58.00'N	124°22.00'W (LORAN 41885)
SE corner:	46°58.00'N	124°15.30'W

Northern SMA Description:

NW corner:	47°32.00'N	124°34.00'W (LORAN 41865)
NE corner:	47°32.00'N	124°29.50'W (LORAN 41880)
SW corner:	47°27.00'N	124°33.00'W (LORAN 41865)
SE corner:	47°27.00'N	124°28.60'W (LORAN 41880)

The non-Indian fishery will be closed within these areas through January 4, 1998. The areas will open to the non-Indian fishery on January 5, 1998, and remain open through September 15, 1998. The non-Indian fishery will be closed within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point:	47°40.50'N	124°37.50'W
Central point:	48°00.00'N	124°49.50'W
Northern point:	48°02.25'N	124°50.00'W

This area is closed to non-Indian fishing through January 7, 1998. It will reopen to non-Indian fishing on January 8, 1998, and close on February 5, 1998. This area will reopen on March 28, 1998, and remain open through September 15, 1998. This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-020 Designation of Puget Sound shrimp pot and Puget Sound shrimp trawl as emerging commercial fisheries. (1) The director designates the Puget Sound shrimp pot fishery as an emerging commercial fishery for which a vessel is required. ~~((Effective April 16, 1994,))~~ It is unlawful to fish for or retain shrimp taken for commercial purposes from Puget Sound using any type of shellfish pot gear unless the operator of the gear has an emerging commercial fishery license and a Puget Sound shrimp pot experimental fishery permit issued under the provisions of this chapter. ~~((Effective April 16, 1994,))~~ A shrimp pot fishery license or a shrimp pot—Hood Canal fishery license may not be used to fish for shrimp in Puget Sound.

(2) The director designates the Puget Sound shrimp trawl fishery as an emerging commercial fishery for which a vessel is required. ~~((Effective April 16, 1994,))~~ It is unlawful to fish for or retain shrimp taken for commercial purposes from Puget Sound using trawl gear unless the operator of the gear has an emerging commercial fishery license and a Puget Sound shrimp trawl experimental fishery permit issued under the provisions of this chapter. ~~((Effective April 16, 1994,))~~ A shrimp trawl—Puget Sound license may not be used to fish for shrimp in Puget Sound.

(3) A separate emerging commercial fishery license is required for each experimental fishery permit.

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-030 Emerging commercial fishery—Eligibility for Puget Sound shrimp pot experimental fishery permit. (1) ~~((A single 1994 Puget Sound shrimp pot experimental fishery permit will be issued to an individual who has demonstrated historical and continuous participation in the Puget Sound shrimp pot fishery by:~~

(a) ~~Being the owner of a vessel or vessels that held a shellfish pot (excluding crab) license (RCW 75.28.130(2)) during either 1991 or 1992, held this license during 1993, and:~~

(b) ~~Can document, by means of valid fish receiving tickets, that the vessel or vessels landed at least 7,000 pounds, adjusted weight, of shrimp taken with shellfish pot gear from Puget Sound during the eligibility period of April 16, 1991 through October 15, 1993. For purposes of computing adjusted weight, spot prawns are totaled at two times the weight shown on the fish tickets and other pandalid shrimp are totaled at the weight shown on the fish tickets. No shrimp landed with any other gear, shrimp taken from waters other than Puget Sound, or shrimp taken during any other period of time satisfy this eligibility requirement. For purposes of this subsection and in addition to any other requirement, a valid fish receiving ticket is a fish receiving~~

~~ticket that has been received by the department on or before November 1, 1993.~~

~~(2) No emerging commercial fishery license holder may receive more than one Puget Sound shrimp pot experimental fishery permit. The pounds of shrimp landed from the vessel or vessels may be used to qualify only one experimental fishery permit.~~

~~(3)) Puget Sound shrimp pot experimental fishery permits are valid only for the year issued and expire with the emerging commercial fishery license on December 31st of each year.~~

~~((4)) (2) Except as provided for in subsection ((5)) (3) of this section, after December 31, 1994, a Puget Sound shrimp pot experimental fishery permit will only be issued to an individual who held an emerging commercial fishery license and Puget Sound shrimp pot experimental fishery permit the previous year, and who can establish by means of valid fish receiving tickets that a minimum of ((2,000)) 1,000 adjusted pounds of shrimp taken with shellfish pot gear were landed from Puget Sound during the previous year. For purposes of this subsection and in addition to any other requirement, a valid fish receiving ticket is a fish receiving ticket that has been received by the department on or before November 1st of the year in which the shrimp were caught. For purposes of computing adjusted weight, spot prawns are totaled at two times the weight shown on the fish ticket and other pandalid shrimp are totaled at the weight shown on the fish ticket. No shrimp landed with any other gear, shrimp taken from waters other than Puget Sound, or shrimp taken during any other period of time satisfy this eligibility requirement. Application for a Puget Sound shrimp pot experimental fishery permit must be received at the department licensing office on or before ~~((April))~~ May 1st of each year after 1994, or the license holder will be deemed to have withdrawn from the fishery and the provisions of subsection ((5)) (3) of this section will apply.~~

~~((5)) (3) If, after December 31, 1994, the director determines that the number of Puget Sound shrimp pot fishers has dropped below twenty license holders, the director may admit additional fishers until there are twenty license holders. Individuals who were eligible in 1994 but did not obtain a Puget Sound shrimp pot experimental fishery permit, or individuals who have withdrawn from the fishery, are excluded from application for a future Puget Sound shrimp pot experimental fishery permit. Owners of vessels from which Puget Sound shrimp were landed with shellfish pot gear during the eligibility period, but who did not qualify for a 1994 Puget Sound shrimp pot experimental fishery permit, are eligible for application for a future Puget Sound shrimp pot experimental fishery permit, beginning with the owner of the vessel or vessels from which the highest nonqualifying catch was made and progressing to the lowest nonqualifying catch. If the pool of fishers who landed shrimp during the qualifying period is exhausted, new fishers will be invited to apply and will be selected at random from the applicants.~~

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-040 Emerging commercial fishery— Eligibility for Puget Sound shrimp trawl experimental fishery permit. (1) ~~((A single 1994 Puget Sound shrimp trawl experimental permit will be issued to an individual who has demonstrated historical and continuous participation in the Puget Sound shrimp trawl fishery by:~~

~~(a) Being the owner of a vessel or vessels that held a trawl (Puget Sound) license (RCW 75.28.140(1)) during either 1991 or 1992, held this license during 1993, and:~~

~~(b) Can document, by means of valid fish receiving tickets, that the vessel or vessels landed at least 2,800 pounds of shrimp taken from Puget Sound with trawl gear during the eligibility period April 16, 1991 through October 15, 1993. No shrimp landed with any other gear, shrimp taken from waters other than Puget Sound, or shrimp taken during any other period of time satisfy this eligibility requirement. For purposes of this subsection and in addition to any other requirement, a valid fish receiving ticket is a fish receiving ticket that has been received by the department on or before November 1, 1993.~~

~~(2)) No emerging commercial fishery license holder may receive more than one Puget Sound shrimp trawl experimental fishery permit. The pounds of shrimp landed from the vessel or vessels may be used to qualify only one experimental fishery permit.~~

~~((3)) (2) Puget Sound shrimp trawl experimental fishery permits are valid only for the year issued and expire with the emerging commercial fishery license on December 31st of each year.~~

~~((4)) (3) Except as provided for in subsection ((5)) (4) of this section, after December 31, 1994, a Puget Sound shrimp trawl experimental fishery permit will only be issued to an individual who held an emerging commercial fishery license and Puget Sound shrimp trawl experimental fishery permit the previous year ~~(, and who can establish by means of valid shellfish receiving tickets that a minimum of 2,000 pounds of shrimp taken with shellfish trawl gear were landed from Puget Sound during the previous year. For purposes of this subsection and in addition to any other requirement, a valid fish receiving ticket is a fish receiving ticket that has been received by the department on or before November 1st of the year in which the shrimp were caught).~~ Application for a Puget Sound shrimp trawl experimental fishery permit must be received at the department licensing office on or before ~~((April))~~ May 1st of each year after 1994, or the license holder will be deemed to have withdrawn from the fishery and the provisions of subsection ((5)) (4) of this section will apply.~~

~~((5)) (4) If, after December 31, 1994, the director determines that the number of Puget Sound shrimp trawl fishers has dropped below ten license holders, the director may admit additional fishers until there are ten license holders. Individuals who were eligible in 1994 but did not obtain a Puget Sound shrimp trawl experimental fishery permit, or individuals who have withdrawn from the fishery, are excluded from application for a future Puget Sound shrimp trawl experimental fishery permit. Owners of vessels from which Puget Sound shrimp were landed with trawl gear during the eligibility period, but who did not qualify for a~~

1994 Puget Sound shrimp trawl experimental fishery permit, are eligible for application for a future Puget Sound shrimp pot experimental fishery permit, beginning with the owner of the vessel or vessels from which the highest nonqualifying catch was made and progressing to the lowest nonqualifying catch. If the pool of fishers who landed shrimp during the qualifying period is exhausted, new fishers will be invited to apply and will be selected at random from the applicants.

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-060 Emerging commercial fishery—Puget Sound shrimp—Shrimp districts. The following areas are defined as Puget Sound shrimp fishing districts:

~~((+))~~ (1) Shrimp District 1 - (Protection Island, Discovery Bay) Waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island then to Rocky Point on the Miller Peninsula and all waters of Discovery Bay.

~~((b))~~ (2) Shrimp District 2 - (Griffin Bay) Waters south of a line projected true east west through Turn Rock Light from San Juan Island to Lopez Island and north of a line projected true east from Cattle Point on San Juan Island to Lopez Island.

~~((e))~~ (3) Shrimp District 3 - (Port Angeles) Waters inside Ediz Hook west of a line from the tip of Ediz Hook to the ITT Rayonier Dock.

~~((d))~~ (4) Shrimp District 4 - (Sequim Bay) Waters of Sequim Bay south of a line projected true west from Travis Spit on the Miller Peninsula.

~~((e))~~ (5) Shrimp District 5 - (Hood Canal) Waters of Hood Canal south of the Hood Canal Floating Bridge.

~~((f))~~ (6) Shrimp District 6 - (Carr Inlet) Waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

AMENDATORY SECTION (Amending Order 97-55, filed 3/31/97, effective 5/1/97)

WAC 220-88A-070 Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restriction. It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) Seasons - All waters of Puget Sound are open to shellfish pot gear April 16 through October 15 except:

(a) Open in Shrimp District 2 from May 16 through September 15 only.

(b) Closed in Shrimp Districts 1, 3, 4, 5 and 6 unless opened by emergency regulation.

(c) Open in the waters of Lopez Sound south of a line projected east and west from the northern tip of Trump Island from July 10 through October 15 only.

(d) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 42 fathom depth contour from Onamac Point, Camano Island, to Sunset Beach, Camano Island.

(e) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 26A within two nautical miles of the number 1 bell buoy at Possession Point.

(2) Gear restrictions -

(a) In all areas, maximum 100 pots per fisher, except((

~~(i) Maximum 75 pots per fisher in Marine Fish-Shellfish Management and Catch Reporting Area 28B.~~

~~(ii) maximum 50 pots per fisher in Shrimp District 2.~~

(b) In all ~~((shrimp districts))~~ areas:

(i) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(ii) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

~~((e) In Shrimp District 2:~~

~~(i) The entire top, bottom and sides of the pot, except entrance tunnels, must be constructed of mesh material having a minimum mesh of such size that a 7/8 inch square peg can pass through without changing the shape of the opening.~~

~~(ii) All entrance tunnels must open into the pot from the sides.~~

~~(iii) The sum of the maximum widths of all entrance tunnels must not exceed one half of the perimeter of the bottom of the pot.)) (iii) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.~~

(3) Spot shrimp size restriction: It is unlawful to ~~((possess))~~ retain spot shrimp taken by shellfish pot gear that ~~((average more than 20 shrimp per pound as sampled by a minimum of two samples of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession))~~ have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

AMENDATORY SECTION (Amending Order 97-55, filed 3/31/97, effective 5/1/97)

WAC 220-88A-080 Emerging commercial fishery—Puget Sound shrimp beam trawl experimental fishery—Seasons and gear. It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except as provided for in this section:

(1) Seasons - Open April 16 through October 15 in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 23A, 23B, 23C, 25A, 25B and 29 except:

(a) Open July 10 through October 15 in the waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island.

(b) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 20A in waters less than ~~((60))~~ 20 fathoms deep, and no trawling is allowed from April 16 through July 15.

(c) Trawling is prohibited in waters less than 100 feet deep.

(d) Trawling is prohibited in Shrimp Districts 1, 2, 3, 4, 5, and 6.

(e) Open only in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(2) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(a) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(b) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(3) It is unlawful to retain spot shrimp.

WSR 98-05-046
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 13, 1998, 11:30 a.m., effective April 15, 1998]

Date of Adoption: February 13, 1998.

Purpose: Scaffolding, chapter 296-155 WAC.

Scaffolds in Construction: Federal-initiated adopted amendments as published in Federal Register Volume 61, Number 170, dated August 30, 1996, and Federal Register Volume 61, Number 228, dated November 25, 1996, are made to be at-least-as-effective-as the federal standard. These federal-initiated amendments will establish additional compliance requirements.

Amended chapter 296-155 WAC, Part J-1, Scaffolding, federal-initiated adopted amendments are made to change the title of this part from "scaffolding" to "scaffolds."

Amended section WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only), state-initiated adopted amendments are made to update and correct references as a result of the reorganization of this proposed standard.

Amended section WAC 296-155-481 Scope and application, federal-initiated adopted amendments are made to:

- Change the word "scaffolding" to "scaffolds."
- Indicate the requirements for crane or derrick suspended personnel platforms are located in chapter 296-155 WAC, Part L, Cranes, derricks, hoists, elevators, and conveyors.

State-initiated adopted amendments are made to add four sentences to specify where requirements for manually propelled elevating work platforms, self propelled elevating work platforms, boom supported elevating work platforms, and aerial lifts are located in chapter 296-155 WAC.

New section WAC 296-155-482 Definitions applicable to this part, federal-initiated adopted amendments are made to:

- Add this new section for better organization of information.
- Add the following federal definitions: Adjustable suspension scaffold, bearer (putlog), boatswains' chair, body belt (safety belt), body harness, brace, bricklayers' square scaffold, carpenters' bracket scaffold, catenary scaffold, chimney hoist, cleat, competent person, continuous run scaffold (run scaffold), coupler, crawling board (chicken ladder), deceleration device, double pole (independent pole) scaffold, equivalent, exposed power lines, eye or eye splice, fabricated decking and planking, fabricated frame scaffold (tubular welded frame scaffold),

fold), failure, float (ship) scaffold, form scaffold, guardrail system, hoist, horse scaffold, independent pole scaffold, interior hung scaffold, ladder jack scaffold, ladder stand, landing, large area scaffold, lean-to scaffold, lifeline, lower levels, masons' adjustable supported scaffold, masons' multi-point adjustable suspension scaffold, maximum intended load, mobile scaffold, multi-level suspended scaffold, multi-point adjustable suspension scaffold, needle beam scaffold, open sides and ends, outrigger, outrigger beam (thrustout), outrigger scaffold, overhand bricklaying, personal fall arrest system, platform, pole scaffold, power operated hoist, pump jack scaffold, qualified, rated load, repair bracket scaffold, runner (ledger or ribbon), scaffold, self-contained adjustable scaffold, shore scaffold, single-point adjustable suspension scaffold, single-pole scaffold, stair tower (scaffold stairway/tower), stall load, step, platform, and trestle ladder scaffold, stilts, stonemasons' multi-point adjustable suspension scaffold, supported scaffold, suspension scaffold, system scaffold, tank builders' scaffold, top plate bracket scaffold, tube and coupler scaffold, tubular welded frame scaffold, two-point suspension scaffold (swing stage), unstable objects, vertical pickup, walkway, window jack scaffold.

- Delete the following definitions from the existing standard: Bearer, boatswains' chair, brace, bricklayers' square scaffold, built-up scaffold, carpenters' bracket scaffold, coupler, crawling board or chicken ladder, double pole or independent pole scaffold, float or ship scaffold, standard guardrail, heavy duty scaffold, horse scaffold, interior hung scaffold, ladder jack scaffold, leaning horse scaffold, ledgers (stringers), light duty scaffold, manually propelled mobile scaffold, masons' adjustable multiple-point suspension scaffold, maximum rated load, medium duty scaffold, midrail, needle beam scaffold, outrigger scaffold, plasters-lathers scaffold, putlog, roofing or bearer bracket, runner, scaffold, single-point adjustable suspension scaffold, single-pole scaffold, stonemasons' adjustable multiple-point suspension scaffold, suspended scaffold, toeboard, tube and coupler scaffold, tubular welded frame scaffold, two-point suspension scaffold (swinging scaffold), window jack scaffold, working load.

State-initiated adopted amendments are made to:

- Add the term "ledger" to the list of definitions referencing the definition of "runner." The definition of these terms is identical.
- Add the term "putlog" to the list of definitions referencing the definition of "bearer." The definition of these terms is identical.
- Add the term "ribbon" to the list of definitions referencing the definition of "runner." The definition of these terms is identical.
- Delete numbering of definitions as required by the Code Reviser's Office.

Amended section WAC 296-155-483 Definitions applicable to this part, federal-initiated adopted amendments are made to:

- Change the section title from "Definitions applicable to this part" to "General requirements."

PERMANENT

- Require scaffolds be constructed in accordance with a design by a qualified person.
 - Establish design, capacity, and construction requirements for scaffolds, their components and associated hardware, connections, and hoists.
 - Establish requirements for scaffold platform construction including:
 - Planking
 - Width
 - Distance from the work face
 - Relation to support members
 - Coating
 - Intermixing of components
 - Establish requirements for preventing displacement of supported scaffolds.
 - Establish requirements for components of suspension scaffolds and their supports.
 - Establish requirements for scaffold access use, components and installation including; ladders, stairway type ladders, stairtowers, ramps and walkways, access frames, and direct access for all workers on scaffolds - including erectors and dismantlers.
 - Prohibit the use of shore or lean-to scaffolds.
 - Require inspection for defects by a competent person before each work shift and after any potentially weakening event.
 - Require repair or removal of damaged or weak scaffold parts.
 - Prohibit horizontal movement of scaffolds when employees are on them unless the scaffolds are designed for that purpose.
 - Establish minimum clearance distances between scaffolds and power lines.
 - Require scaffolds be erected, moved, dismantled, or altered only by experienced and trained employees under the supervision and direction of a competent person qualified in scaffold erection.
 - Prohibit work on a scaffold covered with slippery materials.
 - Require tag lines on loads that may come in contact with a scaffold.
 - Require protection of suspension ropes.
 - Prohibit work during storms or high winds.
 - Prohibit accumulation of debris on platforms.
 - Prohibit use of makeshift devices to increase working height on scaffold platforms.
 - Establish requirements for use of ladders on large area scaffolds.
 - Establish precaution requirements to be followed when employees are welding from suspended scaffolds.
 - Establish fall protection requirements and protection system specifications for all employees on scaffolds - including erectors and dismantlers.
 - Establish falling object protection requirements and protective system specifications.
- State-initiated adopted amendments are made to:
- Indicate where criteria for aerial lifts are located.
 - Add four sentences to indicate where requirements for manually propelled elevating work platforms, self-propelled elevating work platforms, boom supported elevating work platforms, and aerial lifts are located in chapter 296-155 WAC.
- Add a sentence referencing fall protection requirements.
 - Subsection (2)(e) was renumbered and reformatted for clarity.
 - Add a sentence at the end of subsection (7)(b) which requires maximum feasible fall protection be used.
 - Clarify that the planking needed on platforms, which are used solely as walkways or for erection or dismantling, is dictated by safe working condition needs.
 - Correct language in the note following subsection (2)(b)(i) to indicate the twelve-inch minimum width requirement on a roof bracket scaffold is stayed (delayed) until federal rule making on this issue is completed.
- New section WAC 296-155-484 Additional requirements applicable to specific types of scaffolds, federal-initiated adopted amendments are made to establish specifications and additional requirements for construction, components, and use of:
- Pole scaffolds - including the registered professional engineer design requirement if the pole scaffold is more than sixty feet tall.
 - Tube and coupler scaffold - including the registered professional engineer design requirement if the tube and coupler scaffold is more than one hundred twenty-five feet tall.
 - Fabricated frame scaffolds - including the registered professional engineer design requirement if the fabricated frame scaffold is more than one hundred twenty-five feet tall.
 - Plasterers', decorators' and large area scaffolds.
 - Bricklayers' square scaffolds.
 - Horse scaffolds.
 - Form scaffolds and carpenters' bracket scaffolds.
 - Roof bracket scaffolds.
 - Outrigger scaffolds, including the requirement for its design by a registered professional engineer.
 - Pump jack scaffolds.
 - Ladder jack scaffolds.
 - Window jack scaffolds.
 - Crawling boards.
 - Step, platform, and trestle ladder scaffolds.
 - Single-point adjustable suspension scaffolds.
 - Two-point adjustable suspension scaffolds.
 - Multi-point adjustable suspension scaffolds.
 - Catenary scaffolds.
 - Float scaffolds.
 - Needle beam scaffolds.
 - Multi-level suspension scaffolds.
 - Mobile scaffolds.
 - Repair bracket scaffolds.
 - Stilts.
- State-initiated adopted amendments are made to add subsection (23)(j) to emphasize existing requirements listed in subsections (2) and (3) of this section. Existing subsection (23)(j) is changed to (23)(k).
- Amended section WAC 296-155-485 Scaffolding, federal-initiated adopted amendments are made to move and merge the information in this section throughout chapter 296-155 WAC, primarily Part J-1. This section is reserved for future use.
- Repealed sections WAC 296-155-48503 Table J-1, 296-155-48504 Table J-2, 296-155-48505 Table J-3, 296-155-

48506 Table J-4, 296-155-48507 Table J-5, 296-155-48508 Table J-6, 296-155-48509 Table J-7, 296-155-48510 Table J-8, 296-155-48511 Table J-9, 296-155-48512 Table J-10, 296-155-48513 Table J-11, 296-155-48514 Table J-12, 296-155-48515 Table J-13, 296-155-48516 Table J-14, 296-155-48517 Table J-15, 296-155-48518 Table J-16 and 296-155-48519 Table J-17, federal-initiated adopted amendments are made to provide updated tables relating to scaffolds in a nonmandatory appendix located in WAC 296-155-494 Non-Mandatory Appendix A to Part J-1, Scaffold Specifications. The existing tables are deleted and the sections repealed.

Repealed section WAC 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers), federal-initiated adopted amendments are made to move and merge the information in this section throughout chapter 296-155 WAC, Part J-1, primarily WAC 296-155-484(23). This section is repealed.

Repealed section WAC 296-155-48525 Manually propelled elevating work platforms, state-initiated adopted amendments are made to move existing requirements relating to manually propelled elevating work platforms to WAC 296-155-487 for better organization of information. This section is repealed.

Repealed section WAC 296-155-48527 Self propelled elevating work platforms, state-initiated adopted amendments are made to move existing requirements relating to self propelled elevating work platforms to WAC 296-155-488 for better organization of information. This section is repealed.

Repealed section WAC 296-155-48529 Boom supported elevating work platforms, state-initiated adopted amendments are made to move existing requirements relating to boom supported elevating work platforms to WAC 296-155-489 for better organization of information. This section is repealed.

Repealed section WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices, federal-initiated adopted amendments are made to merge the information in this section throughout chapter 296-155 WAC, Part J-1, primarily WAC 296-155-490. This section is repealed.

Repealed section WAC 296-155-48533 Crane or derrick suspended personnel platforms, state-initiated adopted amendments are made to incorporate existing requirements relating to crane or derrick suspended personnel platforms into chapter 296-155 WAC, Part L, Cranes, derricks, hoists, elevators, and conveyors creating a new section, WAC 296-155-528. This section is repealed.

Repealed section WAC 296-155-48536 Forklift elevated work platforms, state-initiated adopted amendments are made to merge the information in this section to chapter 296-155 WAC, Part M, primarily WAC 296-155-615 [(1)](h). This section is repealed.

New section WAC 296-155-487 Manually propelled elevating work platforms, state-initiated adopted amendments are made to:

- Incorporate existing requirements relating to manually propelled elevating work platforms from WAC 296-155-48525 to this section for better organization of information.
- Update all ANSI references in this section to the most current ANSI edition.

New section WAC 296-155-488 Self propelled elevating work platforms, state-initiated adopted amendments are made to:

- Incorporate existing requirements relating to self propelled elevating work platforms from WAC 296-155-48527 to this section for better organization of information.
- Update all ANSI references in this section to the most current ANSI edition.
New section WAC 296-155-489 Boom supported elevating work platforms, state-initiated adopted amendments are made to:
 - Incorporate existing requirements relating to boom supported elevating work platforms from WAC 296-155-48529 to this section for better organization of information.
 - Update all ANSI references in this section to the most current ANSI edition.
New section WAC 296-155-490 Aerial lifts, federal-initiated adopted amendments are made to:
 - Incorporate WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices, into this section. This amendment merges federal and state requirements into one section.
 - Identify the types of devices referred to as "aerial lifts."
 - Identify ANSI standards employers must comply with.
 - Require aerial ladders be secured in the lower traveling position before highway travel.
 - Establish requirements for extensible and articulating boom platform lifts including:
 - Testing, location, and operation of controls.
 - Operation by authorized person.
 - Loading.
 - Moving.
 - Use.
 - Maintaining insulation.
 - Fall protection.
 - Prohibits wearing climbers.
 - Specific acceptable electrical tests.
 - Identify critical hydraulic and pneumatic components and specify the applicable standard.
 - Require a bursting safety factor of at least 2 to 1 for noncritical hydraulic and pneumatic components.
 - Specify applicable standards for welding.
- State-initiated adopted amendments are made to:
 - Modify and reformat subsection (2) by separating information and adding subdivisions (i) and (ii).
 - Retain the existing state requirement (February 1991) which prohibits the use of body belts for fall arrest by changing the federal term "body belt" to "full body harness."
- New section WAC 296-155-493 Training, federal-initiated adopted amendments are made to:
 - Require hazard recognition and hazard control training for each employee who works while on a scaffold. The training includes electrical, fall, and falling object hazards as well as use, loading and load capacity of the scaffold, in addition to any other pertinent requirements of the standard.
 - Require hazard recognition training for any employee erecting, disassembling, moving, operating, repairing, or inspecting a scaffold. The training includes scaffold hazards, correct working procedures, scaffold design and

load capacity, and any other pertinent requirements of the standard.

- Require retraining whenever jobsite conditions change or the employer has reason to believe the employee lacks the skill or understanding needed to work safely.

New section WAC 296-155-494 Non-Mandatory Appendix A to Part J-1, Scaffold Specifications, federal-initiated amendments are made to adopt this appendix to be identical to the federal standard. State-initiated adopted amendments are made to correct references relating to the department.

New section WAC 296-155-496 Non-Mandatory Appendix C to Part J-1, List of National Consensus Standards, federal-initiated amendments are made to adopt this appendix to be identical to the federal standard.

New section WAC 296-155-497 Non-Mandatory Appendix D to Part J-1, List of Training Topics for Scaffold Erectors and Dismantlers, federal-initiated amendments are made to adopt this appendix to be identical to the federal standard.

New section WAC 296-155-498 Non-Mandatory Appendix E to Part J-1, Drawings and Illustrations, federal-initiated amendments are made to adopt this new appendix to be identical to the federal standard.

New section WAC 296-155-528 Crane or derrick suspended personnel platforms, state-initiated adopted amendments are made to:

- Incorporate existing requirements relating to crane or derrick suspended personnel platforms from WAC 296-155-48533 to this new section for better organization of information.
- Correct the reference in WAC 296-155-528 (3)(c) to WAC 296-155-525 (4)(b).
- Correct the reference in WAC 296-155-528 (10)(g) to WAC 296-155-525 (2)(c).

Amended section WAC 296-155-605 Equipment, state-initiated adopted amendments are made to:

- Correct the reference in WAC 296-155-605 (1)(f) to WAC 296-155-525 (3)(a).
- Correct the reference in WAC 296-155-605 (1)(h) to WAC 296-155-525 (3)(a).

Amended section WAC 296-155-615 Material handling equipment, state-initiated adopted amendments are made to:

- Add "(including forklifts)" after "Industrial trucks" in subsection (3) to indicate that requirements for forklifts are located in this section.
- Incorporate existing requirements relating to forklift elevated work platforms from WAC 296-155-48536 to this section for better organization of information.

Amended section WAC 296-155-683 Concrete finishing, state-initiated adopted amendments are made to:

- Change the word "Scaffolding" to "Scaffolds" in subsection (1) to be consistent with the title change to Part J-1.
- Change various references to chapter 296-155 WAC, Part J-1.

Amended section WAC 296-155-688 Vertical slip forms, state-initiated adopted amendments are made to delete the phrase "wear a full body harness tied off by lanyards or otherwise securely fastened" and add a reference to chapter 296-155 WAC, Part C-1.

Amended section WAC 296-155-689 Placing and removal of forms, state-initiated adopted amendments are made to delete the phrase "required to wear a full body harness" and add the phrase "protected from falls in accordance with chapter 296-155 WAC, Part C-1."

Amended section WAC 296-155-700 General requirements, state-initiated adopted amendments are made to update a reference in subsection (4).

Amended section WAC 296-155-730 Tunnels and shafts, state-initiated adopted amendments are made to update references in subsection (22).

Citation of Existing Rules Affected by this Order: Chapter 296-155 WAC, Safety standards for construction work, amending Part J-1, Scaffolding, WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only), 296-155-481 Scope and application, 296-155-483 Definitions applicable to this part, 296-155-485 Scaffolding, 296-155-605 Equipment, 296-155-615 Material handling equipment, 296-155-683 Concrete finishing, 296-155-688 Vertical slip forms, 296-155-689 Placing and removal of forms, 296-155-700 General requirements and 296-155-730 Tunnels and shafts; and repealing WAC 296-155-48503 Table J-1, 296-155-48504 Table J-2, 296-155-48505 Table J-3, 296-155-48506 Table J-4, 296-155-48507 Table J-5, 296-155-48508 Table J-6, 296-155-48509 Table J-7, 296-155-48510 Table J-8, 296-155-48511 Table J-9, 296-155-48512 Table J-10, 296-155-48513 Table J-11, 296-155-48514 Table J-12, 296-155-48515 Table J-13, 296-155-48516 Table J-14, 296-155-48517 Table J-15, 296-155-48518 Table J-16, 296-155-48519 Table J-17, 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers), 296-155-48525 Manually propelled elevating work platforms, 296-155-48527 Self propelled elevating work platforms, 296-155-48529 Boom supported elevating work platforms, 296-155-48531 Vehicle mounted elevating and rotating aerial devices, 296-155-48533 Crane or derrick suspended personnel platforms, and 296-155-48536 Forklift elevated work platforms.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 97-16-091 on August 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being amended: (Modify as necessary.)

- Chapter 296-155 WAC, Part J-1, Scaffolding.
 - Federal-initiated proposed amendments are made to change the title of this part from "Scaffolding" to "Scaffolds."
 - WAC 296-155-481 Scope and application.
 - Added a sentence at the end of the section which reads, "Additional requirements for forklift supported personnel platforms are set out in WAC 296-155-615 (3)(h)."
 - WAC 296-155-482 Definitions applicable to this part.
 - Modified the definition of "body belt" which reads, "means a strap with means both for securing it about the waist and for attaching it to a lanyard or lifeline, used only in fall restraint or positioning device systems. A body belt may not be used for fall arrest."
 - Added a definition for "falling object protection" which reads, "means those devices, systems, structures, work

practices or other means intended to prevent tools, materials, debris and other objects from falling or to deflect or contain falling objects in order to prevent them striking workers below."

- Modified the definition of "personal fall arrest system." Deleted the words "body belt."
- Added a definition for "toeboard" which reads, "means a barrier installed at the outermost edge of a walking/working surface to prevent objects from falling onto workers below."
WAC 296-155-483 General requirements.
- WAC 296-155-483 (2)(j), this subdivision was modified. The phrase "manufactured by different manufacturers" was deleted and the word "competent" was replaced with "qualified." The corrected paragraph reads, "Scaffold components shall not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components shall not be modified in order to intermix them unless a qualified person determines the resulting scaffold is structurally sound."
- WAC 296-155-483 (3)(a)(iii), this item was changed to a subdivision, therefore the following subdivisions were renumbered.
- WAC 296-155-483 (3)(c), this subdivision was modified. The corrected paragraph reads, "Supported scaffold poles, legs, posts, frames, and uprights shall bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs."
- WAC 296-155-483 (5)(b)(iii), this item was modified. The measurement of thirty-five feet was changed to twenty-four feet and the measurement of thirty-five foot was changed to twenty foot. Also, an exception was added at the end. The corrected paragraph reads, "When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they shall have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground."
- WAC 296-155-483 (5)(e)(i), this item was modified for consistency. The measurement "6 feet" was changed to "4 feet" to be identical to chapter 296-155 WAC, Part K. The corrected sentence reads, "Ramps and walkways 4 feet (1.2 m) or more above lower levels shall have guardrail systems which comply with Part K of this chapter—Floor openings, wall openings and stairways."
- WAC 296-155-483 (5)(f)(v), this item was modified. The measurement of thirty-five feet was changed to twenty-four feet and the measurement of thirty-five foot was changed to twenty foot. The corrected paragraph reads, "Be provided with rest platforms at 20 foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and."
- WAC 296-155-483 (7)(c), replaced the word "scaffold" with "appropriate." The corrected sentence reads, "In addition to meeting the requirements of chapter 296-155 WAC, Part C-1, personal fall arrest systems used on scaffolds shall be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member."

- WAC 296-155-483 (7)(d)(ii), the word "first" was inserted before the word "placed." The corrected sentence reads, "The top edge height of toprails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface."
- WAC 296-155-483 (7)(d)(xv), modified this item which reads, "Crossbraces may be used in lieu of either the toprail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass."
- WAC 296-155-483 (8)(b)(ii), deleted the phrase "more than 10 feet." The corrected sentence reads, "A toeboard shall be erected along the edge of platforms above lower levels for a distance sufficient to protect employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 12, amended 11, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 24.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 12, amended 11, repealed 24.

Effective Date of Rule: April 15, 1998.

February 13, 1998
Gary Moore
Director

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(r)
	WAC 296-155-480 (1)(s)
((Suspended Scaffold	WAC 296-155-485 (7)(h)
Two-Points Suspension Scaffold	WAC 296-155-485 (7)(h)(i)
Boatswain's Chain Scaffold	WAC 296-155-485 (10)(d)
Needle-Beam Scaffold	WAC 296-155-485 (14)(i)
Ladder-Jack Scaffold	WAC 296-155-485 (17)(f)
Window-Jack Scaffold	WAC 296-155-485 (18)(e)
Float or Ship Scaffold	WAC 296-155-485 (21)(f)
Pump-Jack Scaffold	WAC 296-155-485 (23)(k))
Scaffolds	WAC 296-155-483(7)
Boom Supported Elevating Work Platforms	((WAC 296-155-48529 (19)(b)(vi)) WAC 296-155-489

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Vehicle Mounted Elevated and Rotating Work Platforms	((WAC 296-155-48531 (14)(h))) <u>WAC 296-155-490 (2)(b)(v)</u>
Crane and Derrick Supported Work Platforms	((WAC 296-155-48533 (6)(e))) <u>WAC 296-155-528 (6)(c)</u> ((WAC 296-155-48533 (6)(d))) <u>WAC 296-155-528 (6)(d)</u> ((WAC 296-155-48533 (7)(i))) <u>WAC 296-155-528 (7)(i)</u> ((WAC 296-155-48533 (7)(j))) <u>WAC 296-155-528 (7)(j)</u> ((WAC 296-155-48533 (7)(k))) <u>WAC 296-155-528 (7)(k)</u> ((WAC 296-155-48533 (10)(h))) <u>WAC 296-155-528 (10)(h)</u>
Open Sided Floors	WAC 296-155-505 (4)(a) through (f)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and Platforms)	WAC 296-155-730 (8)(e)

PART J-1
((SCAFFOLDING)) SCAFFOLDS

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-481 Scope and application. ~~((This part applies to all scaffolding used in construction, alteration, repair (including painting and decorating), and demolition workplaces covered under chapter 296-155 WAC, and also sets forth, in specified circumstances, when scaffolding is required to be provided. Additional requirements for ladders used on or with scaffolds are contained in Part J chapter 296-155 WAC.))~~ This part applies to all scaffolds used in workplaces covered by this chapter. It does not apply to crane or derrick suspended personnel platforms, which are covered by chapter 296-155 WAC, Part L. The criteria for manually propelled elevating work platforms are set out exclusively in WAC 296-155-487.

The criteria for self-propelled elevating work platforms are set out exclusively in WAC 296-155-488.

The criteria for boom supported elevating work platforms are set out exclusively in WAC 296-155-489.

The criteria for aerial lifts are set out exclusively in WAC 296-155-490.

Additional requirements for forklift supported personnel platforms are set out in WAC 296-155-615 (3)(h).

NEW SECTION

WAC 296-155-482 Definitions applicable to this part. "Adjustable suspension scaffold" means a suspension scaffold equipped with a hoist(s) that can be operated by an employee(s) on the scaffold.

"Bearer (putlog)" means a horizontal transverse scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

"Boatswains' chair" means a single-point adjustable suspension scaffold consisting of a seat or sling designed to support one employee in a sitting position.

"Body belt (safety belt)" means a strap with means both for securing it about the waist and for attaching it to a lanyard or lifeline, used only in fall restraint or positioning device systems. A body belt may not be used for fall arrest.

"Body harness" means a design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders, with means for attaching it to other components of a personal fall arrest system.

"Brace" means a rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

"Bricklayers' square scaffold" means a supported scaffold composed of framed squares which support a platform.

"Carpenters' bracket scaffold" means a supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

"Catenary scaffold" means a suspension scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

"Chimney hoist" means a multi-point adjustable suspension scaffold used to provide access to work inside chimneys. (See "multi-point adjustable suspension scaffold.")

"Cleat" means a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as crawling boards.

"Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

"Continuous run scaffold (run scaffold)" means a two-point or multi-point adjustable suspension scaffold constructed using a series of interconnected braced scaffold members or supporting structures erected to form a continuous scaffold.

"Coupler" means a device for locking together the tubes of a tube and coupler scaffold.

"Crawling board (chicken ladder)" means a supported scaffold consisting of a plank with cleats spaced and secured to provide footing, for use on sloped surfaces such as roofs.

"Deceleration device" means any mechanism, such as a rope grab, rip-stitch lanyard, specially-woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline lanyard, which dissipates a substantial amount of energy during a fall arrest or limits the energy imposed on an employee during fall arrest.

"Double pole (independent pole scaffold)" means a supported scaffold consisting of a platform(s) resting on cross beams (bearers) supported by ledgers and a double row of uprights independent of support (except ties, guys, braces) from any structure.

"Equivalent" means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

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"Exposed power lines" means electrical power lines which are accessible to employees and which are not shielded from contact. Such lines do not include extension cords or power tool cords.

"Eye or eye splice" means a loop with or without a thimble at the end of a wire rope.

"Fabricated decking and planking" means manufactured platforms made of wood (including laminated wood, and solid sawn wood planks), metal or other materials.

"Fabricated frame scaffold (tubular welded frame scaffold)" means a scaffold consisting of a platform(s) supported on fabricated end frames with integral posts, horizontal bearers, and intermediate members.

"Failure" means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

"Falling object protection" means those devices, systems, structures, work practices or other means intended to prevent tools, materials, debris and other objects from falling or to deflect or contain falling objects in order to prevent them striking workers below.

"Float (ship) scaffold" means a suspension scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

"Form scaffold" means a supported scaffold consisting of a platform supported by brackets attached to formwork.

"Guardrail system" means a vertical barrier, consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway to lower levels.

"Hoist" means a manual or power-operated mechanical device to raise or lower a suspended scaffold.

"Horse scaffold" means a supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

"Independent pole scaffold" (see "double pole scaffold").

"Interior hung scaffold" means a suspension scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

"Ladder jack scaffold" means a supported scaffold consisting of a platform resting on brackets attached to ladders.

"Ladder stand" means a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

"Landing" means a platform at the end of a flight of stairs.

"Large area scaffold" means a pole scaffold, tube and coupler scaffold, systems scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

"Lean-to scaffold" means a supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

"Ledger" - see runner.

"Lifeline" means a component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at

both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

"Lower levels" means areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, materials, water, and equipment.

"Masons' adjustable supported scaffold" (see "self-contained adjustable scaffold").

"Masons' multi-point adjustable suspension scaffold" means a continuous run suspension scaffold designed and used for masonry operations.

"Maximum intended load" means the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

"Mobile scaffold" means a powered or unpowered, portable, caster or wheel-mounted supported scaffold.

"Multi-level suspended scaffold" means a two-point or multi-point adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

"Multi-point adjustable suspension scaffold" means a suspension scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels. Such scaffolds include chimney hoists.

"Needle beam scaffold" means a platform suspended from needle beams.

"Open sides and ends" means the edges of a platform that are more than 14 inches (36 cm) away horizontally from a sturdy, continuous, vertical surface (such as a building wall) or a sturdy, continuous horizontal surface (such as a floor), or a point of access. Exception: For plastering and lathing operations the horizontal threshold distance is 18 inches (46 cm).

"Outrigger" means the structural member of a supported scaffold used to increase the base width of a scaffold in order to provide support for and increased stability of the scaffold.

"Outrigger beam (thrustout)" means the structural member of a suspension scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

"Outrigger scaffold" means a supported scaffold consisting of a platform resting on outrigger beams (thrustouts) projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside the building or structure.

"Overhand bricklaying" means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

"Personal fall arrest system" means a system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

"Platform" means a work surface elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

"Pole scaffold" (see definitions for "single-pole scaffold" and "double (independent) pole scaffold").

"Power operated hoist" means a hoist which is powered by other than human energy.

"Pump jack scaffold" means a supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

"Putlog" - see bearer.

"Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

"Rated load" means the manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

"Repair bracket scaffold" means a supported scaffold consisting of a platform supported by brackets which are secured in place around the circumference or perimeter of a chimney, stack, tank or other supporting structure by one or more wire ropes placed around the supporting structure.

"Ribbon" - see runner.

"Roof bracket scaffold" means a rooftop supported scaffold consisting of a platform resting on angular-shaped supports.

"Runner (ledger or ribbon)" means the lengthwise horizontal spacing or bracing member which may support the bearers.

"Scaffold" means any temporary elevated platform (supported or suspended) and its supporting structure (including points of anchorage), used for supporting employees or materials or both.

"Self-contained adjustable scaffold" means a combination supported and suspension scaffold consisting of an adjustable platform(s) mounted on an independent supporting frame(s) not a part of the object being worked on, and which is equipped with a means to permit the raising and lowering of the platform(s). Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

"Shore scaffold" means a supported scaffold which is placed against a building or structure and held in place with props.

"Single-point adjustable suspension scaffold" means a suspension scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

"Single-pole scaffold" means a supported scaffold consisting of a platform(s) resting on bearers, the outside ends of which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

"Stair tower (scaffold stairway/tower)" means a tower comprised of scaffold components and which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

"Stall load" means the load at which the prime-mover of a power-operated hoist stalls or the power to the prime-mover is automatically disconnected.

"Step, platform, and trestle ladder scaffold" means a platform resting directly on the rungs of step ladders or trestle ladders.

"Stilts" means a pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

"Stonesetters' multi-point adjustable suspension scaffold" means a continuous run suspension scaffold designed and used for stonesetters' operations.

"Supported scaffold" means one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support.

"Suspension scaffold" means one or more platforms suspended by ropes or other nonrigid means from an overhead structure(s).

"System scaffold" means a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

"Tank builders' scaffold" means a supported scaffold consisting of a platform resting on brackets that are either directly attached to a cylindrical tank or attached to devices that are attached to such a tank.

"Toeboard" means a barrier installed at the outermost edge of a walking/working surface to prevent objects from falling onto workers below.

"Top plate bracket scaffold" means a scaffold supported by brackets that hook over or are attached to the top of a wall. This type of scaffold is similar to carpenters' bracket scaffolds and form scaffolds and is used in residential construction for setting trusses.

"Tube and coupler scaffold" means a supported or suspended scaffold consisting of a platform(s) supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

"Tubular welded frame scaffold" (see "fabricated frame scaffold").

"Two-point suspension scaffold (swing stage)" means a suspension scaffold consisting of a platform supported by hangers (stirrups) suspended by two ropes from overhead supports and equipped with means to permit the raising and lowering of the platform to desired work levels.

"Unstable objects" means items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

"Vertical pickup" means a rope used to support the horizontal rope in catenary scaffolds.

"Walkway" means a portion of a scaffold platform used only for access and not as a work level.

"Window jack scaffold" means a platform resting on a bracket or jack which projects through a window opening.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-483 ((Definitions applicable to this part.)) General requirements. ((1) "Bearer" means a horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) "Boatswain's chair" means a seat supported by slings attached to a suspended rope, designed to accommodate one employee in a sitting position.

(3) "Brace" means a tie that holds one scaffold member in a fixed position with respect to another member.

(4) "Bricklayers' square scaffold" means a scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(5) "Built up scaffold" means a rigidly constructed scaffold, built up where it is going to be used and dismantled when its purpose has been accomplished.

(6) "Carpenters' bracket scaffold" means a scaffold consisting of wood or metal brackets supporting a platform.

(7) "Coupler" means a device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a dropforged steel, malleable iron, or structural grade aluminum.)

(8) "Crawling board or chicken ladder" means a plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(9) "Double pole or independent pole scaffold" means a scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(10) "Float or ship scaffold" means a scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(11) "Standard guardrail" means a horizontal barrier at the perimeter of any surface edge presenting a potential fall hazard constructed to provide a smooth surfaced top rail a distance of not more than 42 inches or less than 36 inches above the walking surface. An intermediate rail shall be installed half way between the walking surface and the top of the top rail.

The anchoring of posts and framing of members for railings of all types shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail with a minimum deflection.

Note: Where 2 x 4 inch lumber is used for rails and posts, upright posts spaced at intervals not exceeding 8 feet will achieve the 200 pounds loading criteria.

(12) "Heavy duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(13) "Horse scaffold" means a scaffold for light or medium duty, composed of horses supporting a work platform.

(14) "Interior hung scaffold" means a scaffold suspended from the ceiling or roof structure.

(15) "Ladder jack scaffold" means a light duty scaffold supported by brackets attached to ladders.

(16) "Leaning horse scaffold" means scaffold planks resting on two half horses supported by two legs on the ground with the point of the bearer resting against a solid portion of a structure.

(17) "Ledgers (stringer)" mean a horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(18) "Light duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(19) "Manually propelled mobile scaffold" means a portable rolling scaffold supported by casters.

(20) "Masons' adjustable multiple point suspension scaffold" means a scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(21) "Maximum rated load" means the total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated for which the scaffold is designed.

(22) "Medium duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(23) "Midrail" means a rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(24) "Needle beam scaffold" means a light duty scaffold consisting of needle beams supporting a platform.

(25) "Outrigger scaffold" means a scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside or on the roof of such building or structure.

(26) "Plasters lathers scaffold" means a tubular welded scaffold erected for, and used primarily by, the plasterer and lather trades.

(27) "Putlog" means a scaffold member upon which the platform rests.

(28) "Roofing or bearer bracket" means a bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(29) "Runner" means the lengthwise horizontal bracing or bearing members or both.

(30) "Scaffold" means any temporary elevated platform and its supporting structure used for supporting workers or materials, or both.

(31) "Single point adjustable suspension scaffold" means a manually or power operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(32) "Single pole scaffold" means platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row or posts or uprights, and the inner ends of which are supported on or in a wall.

(33) "Stone setters' adjustable multiple point suspension scaffold" means a swinging type scaffold having a platform supported by hangers suspended at four points so as to

permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(34) "Suspended scaffold" means a scaffold supported from above, the platform of which is supported at more than two points by steel wire cables suspended from overhead outriggers which are anchored to the steel or concrete frame of the building. It is equipped with a hoisting drum or machine so the platform can be raised or lowered.

(35) "Toeboard" means a standard toeboard and shall be 4 inches nominal in vertical height from its top edge to the level of the walking surface. It shall be securely fastened in place and have not more than 1/4 inch clearance above walking surface level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(36) "Tube and coupler scaffold" means an assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(37) "Tubular welded frame scaffold" means a sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(38) "Two point suspension scaffold (swinging scaffold)" means a scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(39) "Window jack scaffold" means a scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(40) "Working load" means the load imposed by persons, materials, and equipment. This section does not apply to manually propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-487.

This section does not apply to self-propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-488.

This section does not apply to boom supported elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-489.

This section does not apply to aerial lifts, the criteria for which are set out exclusively in WAC 296-155-490.

(1) "Capacity"

(a) Except as provided in (b), (c), (d), and (e) of this subsection and subsection (7) of this section, each scaffold and scaffold component shall be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.

(b) Direct connections to roofs and floors, and counterweights used to balance adjustable suspension scaffolds, shall be capable of resisting at least 4 times the tipping moment imposed by the scaffold operating at the rated load of the hoist, or 1.5 (minimum) times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(c) Each suspension rope, including connecting hardware, used on nonadjustable suspension scaffolds shall be

capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope.

(d) Each suspension rope, including connecting hardware, used on adjustable suspension scaffolds shall be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope with the scaffold operating at either the rated load of the hoist, or 2 (minimum) times the stall load of the hoist, whichever is greater.

(e) The stall load of any scaffold hoist shall not exceed 3 times its rated load.

(f) Scaffolds shall be designed by a qualified person and shall be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with subsection (1) of this section.

(2) "Scaffold platform construction."

(a) Each platform on all working levels of scaffolds shall be fully planked or decked between the front uprights and the guardrail supports as follows:

(i) Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) shall be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).

(ii) Where the employer makes the demonstration provided for in subsection (2)(a)(i) of this section, the platform shall be planked or decked as fully as possible and the remaining open space between the platform and the uprights shall not exceed 9 1/2 inches (24.1 cm).

Exception to subsection (2)(a) of this section: The requirement in subsection (2)(a) of this section to provide full planking or decking does not apply to platforms used solely as walkways or solely by employees performing scaffold erection or dismantling. In these situations, only the planking necessary to provide safe working conditions is required. Employees on those platforms shall be protected from fall hazards in accordance with subsection (7) of this section.

(b) Except as provided in subsection (2)(b)(i) and (ii) of this section, each scaffold platform and walkway shall be at least 18 inches (46 cm) wide.

(i) Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold shall be at least 12 inches (30 cm) wide. There is no minimum width requirement for boatswains' chairs.

(ii) Where scaffolds must be used in areas that the employer can demonstrate are so narrow that platforms and walkways cannot be at least 18 inches (46 cm) wide, such platforms and walkways shall be as wide as feasible, and employees on those platforms and walkways shall be protected from fall hazards by the use of guardrails and/or personal fall arrest systems.

(c) Except as provided in subsection (2)(c)(i) and (ii) of this section, the front edge of all platforms shall not be more than 14 inches (36 cm) from the face of the work, unless guardrail systems are erected along the front edge and/or personal fall arrest systems are used in accordance with

subsection (7) of this section to protect employees from falling.

(i) The maximum distance from the face for outrigger scaffolds shall be 3 inches (8 cm);

(ii) The maximum distance from the face for plastering and lathing operations shall be 18 inches (46 cm).

(d) Each end of a platform, unless cleated or otherwise restrained by hooks or equivalent means, shall extend over the centerline of its support at least 6 inches (15 cm).

(e) Unless the platform is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end, the end of a platform shall not extend over its support more than:

(i) 12 inches (30 cm) for platforms 10 feet or less in length;

(ii) 18 inches (46 cm) for platforms greater than 10 feet in length.

(f) On scaffolds where scaffold planks are abutted to create a long platform, each abutted end shall rest on a separate support surface. This provision does not preclude the use of common support members, such as "T" sections, to support abutting planks, or hook on platforms designed to rest on common supports.

(g) On scaffolds where platforms are overlapped to create a long platform, the overlap shall occur only over supports, and shall not be less than 12 inches (30 cm) unless the platforms are nailed together or otherwise restrained to prevent movement.

(h) At all points of a scaffold where the platform changes direction, such as turning a corner, any platform that rests on a bearer at an angle other than a right angle shall be laid first, and platforms which rest at right angles over the same bearer shall be laid second, on top of the first platform.

(i) Wood platforms shall not be covered with opaque finishes, except that platform edges may be covered or marked for identification. Platforms may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(j) Scaffold components shall not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components shall not be modified in order to intermix them unless a qualified person determines the resulting scaffold is structurally sound.

(k) Scaffold components made of dissimilar metals shall not be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that required by subsection (1)(a) of this section.

(3) "Criteria for supported scaffolds."

(a) Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) shall be restrained from tipping by guying, tying, bracing, or equivalent means, as follows:

(i) Guys, ties, and braces shall be installed at locations where horizontal members support both inner and outer legs.

(ii) Guys, ties, and braces shall be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4:1 height and be repeated

vertically at locations of horizontal members every 20 feet (6.1 m) or less thereafter for scaffolds 3 feet (0.91 m) wide or less, and every 26 feet (7.9 m) or less thereafter for scaffolds greater than 3 feet (0.91 m) wide. The top guy, tie or brace of completed scaffolds shall be placed no further than the 4:1 height from the top. Such guys, ties and braces shall be installed at each end of the scaffold and at horizontal intervals not to exceed 30 feet (9.1 m) (measured from one end (not both) towards the other).

(b) Ties, guys, braces, or outriggers shall be used to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, is applied or is transmitted to the scaffold.

(c) Supported scaffold poles, legs, posts, frames, and uprights shall bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs.

(i) Footings shall be level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement.

(ii) Unstable objects shall not be used to support scaffolds or platform units.

(iii) Unstable objects shall not be used as working platforms.

(iv) Front-end loaders and similar pieces of equipment shall not be used to support scaffold platforms unless they have been specifically designed by the manufacturer for such use.

(v) Fork-lifts shall not be used to support scaffold platforms unless the entire platform is attached to the fork and the fork-lift is not moved horizontally while the platform is occupied.

(d) Supported scaffold poles, legs, posts, frames, and uprights shall be plumb and braced to prevent swaying and displacement.

(4) "Criteria for suspension scaffolds."

(a) All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, shall rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater).

(b) Suspension scaffold outrigger beams, when used, shall be made of structural metal or equivalent strength material, and shall be restrained to prevent movement.

(c) The inboard ends of suspension scaffold outrigger beams shall be stabilized by bolts or other direct connections to the floor or roof deck, or they shall have their inboard ends stabilized by counterweights, except masons' multi-point adjustable suspension scaffold outrigger beams shall not be stabilized by counterweights.

(i) Before the scaffold is used, direct connections shall be evaluated by a competent person who shall confirm, based on the evaluation, that the supporting surfaces are capable of supporting the loads to be imposed. In addition, masons' multi-point adjustable suspension scaffold connections shall be designed by an engineer experienced in such scaffold design.

(ii) Counterweights shall be made of nonflowable material. Sand, gravel and similar materials that can be easily dislocated shall not be used as counterweights.

(iii) Only those items specifically designed as counterweights shall be used to counterweight scaffold systems. Construction materials such as, but not limited to, masonry units and rolls of roofing felt, shall not be used as counterweights.

(iv) Counterweights shall be secured by mechanical means to the outrigger beams to prevent accidental displacement.

(v) Counterweights shall not be removed from an outrigger beam until the scaffold is disassembled.

(vi) Outrigger beams which are not stabilized by bolts or other direct connections to the floor or roof deck shall be secured by tiebacks.

(vii) Tiebacks shall be equivalent in strength to the suspension ropes.

(viii) Outrigger beams shall be placed perpendicular to its bearing support (usually the face of the building or structure). However, where the employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, the outrigger beam may be placed at some other angle, provided opposing angle tiebacks are used.

(ix) Tiebacks shall be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(x) Tiebacks shall be installed perpendicular to the face of the building or structure, or opposing angle tiebacks shall be installed. Single tiebacks installed at an angle are prohibited.

(d) Suspension scaffold outrigger beams shall be:

(i) Provided with stop bolts or shackles at both ends;

(ii) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(iii) Installed with all bearing supports perpendicular to the beam center line;

(iv) Set and maintained with the web in a vertical position; and

(v) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam shall be placed directly over the center line of the stirrup.

(e) Suspension scaffold support devices such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices shall be:

(i) Made of steel, wrought iron, or materials of equivalent strength;

(ii) Supported by bearing blocks; and

(iii) Secured against movement by tiebacks installed at right angles to the face of the building or structure, or opposing angle tiebacks shall be installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(iv) Tiebacks shall be equivalent in strength to the hoisting rope.

(f) When winding drum hoists are used on a suspension scaffold, they shall contain not less than four wraps of the suspension rope at the lowest point of scaffold travel. When other types of hoists are used, the suspension ropes shall be long enough to allow the scaffold to be lowered to the level

below without the rope end passing through the hoist, or the rope end shall be configured or provided with means to prevent the end from passing through the hoist.

(g) The use of repaired wire rope as suspension rope is prohibited.

(h) Wire suspension ropes shall not be joined together except through the use of eye splice thimbles connected with shackles or coverplates and bolts.

(i) The load end of wire suspension ropes shall be equipped with proper size thimbles and secured by eyesplicing or equivalent means.

(j) Ropes shall be inspected for defects by a competent person prior to each workshift and after every occurrence which could affect a rope's integrity. Ropes shall be replaced if any of the following conditions exist:

(i) Any physical damage which impairs the function and strength of the rope.

(ii) Kinks that might impair the tracking or wrapping of rope around the drum(s) or sheave(s).

(iii) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.

(iv) Abrasion, corrosion, scrubbing, flattening or peening causing loss of more than one-third of the original diameter of the outside wires.

(v) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(vi) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(k) Swaged attachments or spliced eyes on wire suspension ropes shall not be used unless they are made by the wire rope manufacturer or a qualified person.

(l) When wire rope clips are used on suspension scaffolds:

(i) There shall be a minimum of 3 wire rope clips installed, with the clips a minimum of 6 rope diameters apart;

(ii) Clips shall be installed according to the manufacturer's recommendations;

(iii) Clips shall be retightened to the manufacturer's recommendations after the initial loading;

(iv) Clips shall be inspected and retightened to the manufacturer's recommendations at the start of each workshift thereafter;

(v) U-bolt clips shall not be used at the point of suspension for any scaffold hoist;

(vi) When U-bolt clips are used, the U-bolt shall be placed over the dead end of the rope, and the saddle shall be placed over the live end of the rope.

(m) Suspension scaffold power-operated hoists and manual hoists shall be tested by a qualified testing laboratory.

(n) Gasoline-powered equipment and hoists shall not be used on suspension scaffolds.

(o) Gears and brakes of power-operated hoists used on suspension scaffolds shall be enclosed.

(p) In addition to the normal operating brake, suspension scaffold power-operated hoists and manually operated hoists shall have a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: An instantaneous change in momentum or an accelerated overspeed.

(q) Manually operated hoists shall require a positive crank force to descend.

(r) Two-point and multi-point suspension scaffolds shall be tied or otherwise secured to prevent them from swaying, as determined to be necessary based on an evaluation by a competent person. Window cleaners' anchors shall not be used for this purpose.

(s) Devices whose sole function is to provide emergency escape and rescue shall not be used as working platforms. This provision does not preclude the use of systems which are designed to function both as suspension scaffolds and emergency systems.

(5) "Access." This paragraph applies to scaffold access for all employees. Access requirements for employees erecting or dismantling supported scaffolds are specifically addressed in (i) of this subsection.

(a) When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface shall be used. Crossbraces shall not be used as a means of access.

(b) Portable, hook-on, and attachable ladders (additional requirements for the proper construction and use of portable ladders are contained in Part J of this chapter — Stairways and ladders):

(i) Portable, hook-on, and attachable ladders shall be positioned so as not to tip the scaffold;

(ii) Hook-on and attachable ladders shall be positioned so that their bottom rung is not more than 24 inches (61 cm) above the scaffold supporting level;

(iii) When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they shall have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground;

(iv) Hook-on and attachable ladders shall be specifically designed for use with the type of scaffold used;

(v) Hook-on and attachable ladders shall have a minimum rung length of 11 1/2 inches (29 cm); and

(vi) Hook-on and attachable ladders shall have uniformly spaced rungs with a maximum spacing between rungs of 16 3/4 inches.

(c) Stairway-type ladders shall:

(i) Be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level;

(ii) Be provided with rest platforms at 12-foot (3.7 m) maximum vertical intervals;

(iii) Have a minimum step width of 16 inches (41 cm), except that mobile scaffold stairway-type ladders shall have a minimum step width of 11 1/2 inches (30 cm); and

(iv) Have slip-resistant treads on all steps and landings.

(d) Stairtowers (scaffold stairway/towers) shall be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level.

(i) A stairrail consisting of a toprail and a midrail shall be provided on each side of each scaffold stairway.

(ii) The toprail of each stairrail system shall also be capable of serving as a handrail, unless a separate handrail is provided.

(iii) Handrails, and toprails that serve as handrails, shall provide an adequate handhold for employees grasping them to avoid falling.

(iv) Stairrail systems and handrails shall be surfaced to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(v) The ends of stairrail systems and handrails shall be constructed so that they do not constitute a projection hazard.

(vi) Handrails, and toprails that are used as handrails, shall be at least 3 inches (7.6 cm) from other objects.

(vii) Stairrails shall be not less than 28 inches (71 cm) nor more than 37 inches (94 cm) from the upper surface of the stairrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(viii) A landing platform at least 18 inches (45.7 cm) wide by at least 18 inches (45.7 cm) long shall be provided at each level.

(ix) Each scaffold stairway shall be at least 18 inches (45.7 cm) wide between stairrails.

(x) Treads and landings shall have slip-resistant surfaces.

(xi) Stairways shall be installed between 40 degrees and 60 degrees from the horizontal.

(xii) Guardrails meeting the requirements of subsection (7)(d) of this section shall be provided on the open sides and ends of each landing.

(xiii) Riser height shall be uniform, within 1/4 inch, (0.6 cm) for each flight of stairs. Greater variations in riser height are allowed for the top and bottom steps of the entire system, not for each flight of stairs.

(xiv) Tread depth shall be uniform, within 1/4 inch, for each flight of stairs.

(e) Ramps and walkways.

(i) Ramps and walkways 4 feet (1.2 m) or more above lower levels shall have guardrail systems which comply with Part K of this chapter—Floor openings, wall openings and stairways:

(ii) No ramp or walkway shall be inclined more than a slope of one vertical to three horizontal (20 degrees above the horizontal).

(iii) If the slope of a ramp or a walkway is steeper than one vertical in eight horizontal, the ramp or walkway shall have cleats not more than fourteen inches (35 cm) apart which are securely fastened to the planks to provide footing.

(f) Integral prefabricated scaffold access frames shall:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm);

(iii) Not be used as work platforms when rungs are less than 11 1/2 inches in length, unless each affected employee uses fall protection, or a positioning device, which complies with WAC 296-155-24510;

(iv) Be uniformly spaced within each frame section;

(v) Be provided with rest platforms at 20-foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and

(vi) Have a maximum spacing between rungs of 16 3/4 inches (43 cm). Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed 16 3/4 inches (43 cm).

(g) Steps and rungs of ladder and stairway type access shall line up vertically with each other between rest platforms.

(h) Direct access to or from another surface shall be used only when the scaffold is not more than 14 inches (36 cm) horizontally and not more than 24 inches (61 cm) vertically from the other surface.

(i) Access for employees erecting or dismantling supported scaffolds shall be in accordance with the following:

(i) The employer shall provide safe means of access for each employee erecting or dismantling a scaffold where the provision of safe access is feasible and does not create a greater hazard. The employer shall have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use a safe means of access. This determination shall be based on site conditions and the type of scaffold being erected or dismantled.

(ii) Hook-on or attachable ladders shall be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(iii) When erecting or dismantling tubular welded frame scaffolds, (end) frames, with horizontal members that are parallel, level and are not more than 22 inches apart vertically may be used as climbing devices for access, provided they are erected in a manner that creates a usable ladder and provides good hand hold and foot space.

(iv) Cross braces on tubular welded frame scaffolds shall not be used as a means of access or egress.

(6) "Use."

(a) Scaffolds and scaffold components shall not be loaded in excess of their maximum intended loads or rated capacities, whichever is less.

(b) The use of shore or lean-to scaffolds is prohibited.

(c) Scaffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(d) Any part of a scaffold damaged or weakened such that its strength is less than that required by subsection (1)(a) of this section shall be immediately repaired or replaced, braced to meet those provisions, or removed from service until repaired.

(e) Scaffolds shall not be moved horizontally while employees are on them, unless they have been designed by a registered professional engineer specifically for such movement or, for mobile scaffolds, where the provisions of WAC 296-155-484(23) are followed.

(f) The clearance between scaffolds and power lines shall be as follows: Scaffolds shall not be erected, used, dismantled, altered, or moved such that they or any conductive material handled on them might come closer to exposed and energized power lines than as follows:

<u>*Insulated Lines Voltage</u>	<u>Minimum distance</u>	<u>Alternatives</u>
<u>Less than 300 volts.</u>	<u>3 feet (0.9 m)</u>	
<u>*300 volts to 50 kv.</u>	<u>10 feet (3.1 m)</u>	
<u>More than 50 kv.....</u>	<u>10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.</u>	<u>2 times the length of the line insulator, but never less than 10 feet (3.1 m).</u>

*Uninsulated lines

<u>Voltage</u>	<u>Minimum distance</u>	<u>Alternatives</u>
<u>Less than 50 kv.....</u>	<u>10 feet (3.1 m).</u>	
<u>More than 50 kv.....</u>	<u>10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.</u>	<u>2 times the length of the line insulator, but never less than 10 feet (3.1 m).</u>

Exception to subsection (6)(f): Scaffolds and materials may be closer to power lines than specified above where such clearance is necessary for performance of work, and only after the utility company, or electrical system operator, has been notified of the need to work closer and the utility company, or electrical system operator, has deenergized the lines, relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

(g) Scaffolds shall be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities shall be performed only by experienced and trained employees selected for such work by the competent person.

(h) Employees shall be prohibited from working on scaffolds covered with snow, ice, or other slippery material except as necessary for removal of such materials.

(i) Where swinging loads are being hoisted onto or near scaffolds such that the loads might contact the scaffold, tag lines or equivalent measures to control the loads shall be used.

(j) Suspension ropes supporting adjustable suspension scaffolds shall be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.

(k) Suspension ropes shall be shielded from heat-producing processes. When acids or other corrosive substances are used on a scaffold, the ropes shall be shielded, treated to protect against the corrosive substances, or shall be of a material that will not be damaged by the substance being used.

(l) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on the scaffold and those employees are protected by a personal fall arrest system or wind screens. Wind screens shall not be used unless the scaffold is secured against the anticipated wind forces imposed.

(m) Debris shall not be allowed to accumulate on platforms.

(n) Makeshift devices, such as but not limited to boxes and barrels, shall not be used on top of scaffold platforms to increase the working level height of employees.

(o) Ladders shall not be used on scaffolds to increase the working level height of employees, except on large area

PERMANENT

scaffolds where employers have satisfied the following criteria:

(i) When the ladder is placed against a structure which is not a part of the scaffold, the scaffold shall be secured against the sideways thrust exerted by the ladder;

(ii) The platform units shall be secured to the scaffold to prevent their movement;

(iii) The ladder legs shall be on the same platform or other means shall be provided to stabilize the ladder against unequal platform deflection; and

(iv) The ladder legs shall be secured to prevent them from slipping or being pushed off the platform.

(p) Platforms shall not deflect more than 1/60 of the span when loaded.

(q) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, the following precautions shall be taken, as applicable:

(i) An insulated thimble shall be used to attach each suspension wire rope to its hanging support (such as cornice hook or outrigger). Excess suspension wire rope and any additional independent lines from grounding shall be insulated;

(ii) The suspension wire rope shall be covered with insulating material extending at least 4 feet (1.2 m) above the hoist. If there is a tail line below the hoist, it shall be insulated to prevent contact with the platform. The portion of the tail line that hangs free below the scaffold shall be guided or retained, or both, so that it does not become grounded;

(iii) Each hoist shall be covered with insulated protective covers;

(iv) In addition to a work lead attachment required by the welding process, a grounding conductor shall be connected from the scaffold to the structure. The size of this conductor shall be at least the size of the welding process work lead, and this conductor shall not be in series with the welding process or the work piece;

(v) If the scaffold grounding lead is disconnected at any time, the welding machine shall be shut off; and

(vi) An active welding rod or uninsulated welding lead shall not be allowed to contact the scaffold or its suspension system.

(7) "Fall protection."

(a) Each employee on a scaffold more than 10 feet (3.1 m) above a lower level shall be protected from falling to that lower level. Subsection (7)(a)(i) through (vii) of this section establish the types of fall protection to be provided to the employees on each type of scaffold. Subsection (7)(b) of this section addresses fall protection for scaffold erectors and dismantlers.

Note to subsection (7)(a): The fall protection requirements for employees installing suspension scaffold support systems on floors, roofs, and other elevated surfaces are set forth in Parts C-1 and K of this chapter.

(i) Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold shall be protected by a personal fall arrest system;

(ii) Each employee on a single-point or two-point adjustable suspension scaffold shall be protected by both a personal fall arrest system and guardrail system;

(iii) Each employee on a crawling board (chicken ladder) shall be protected by a personal fall arrest system, a guardrail system (with minimum 200 pound toprail capacity), or by a three-fourth inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board;

(iv) Each employee on a self-contained adjustable scaffold shall be protected by a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by the frame structure, and by both a personal fall arrest system and a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by ropes;

(v) Each employee on a walkway located within a scaffold shall be protected by a guardrail system (with minimum 200 pound toprail capacity) installed within 9 1/2 inches (24.1 cm) of and along at least one side of the walkway;

(vi) Each employee performing overhand bricklaying operations from a supported scaffold shall be protected from falling from all open sides and ends of the scaffold (except at the side next to the wall being laid) by the use of a personal fall arrest system or guardrail system (with minimum 200 pound toprail capacity);

(vii) For all scaffolds not otherwise specified in (a)(i) through (vi) of this subsection, each employee shall be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of (d) of this subsection.

(b) The employer shall have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of such protection is feasible and does not create a greater hazard. The maximum feasible fall protection shall be used.

(c) In addition to meeting the requirements of chapter 296-155 WAC, Part C-1, personal fall arrest systems used on scaffolds shall be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member. Vertical lifelines shall not be used when overhead components, such as overhead protection or additional platform levels, are part of a single-point or two-point adjustable suspension scaffold.

(i) When vertical lifelines are used, they shall be fastened to a fixed safe point of anchorage, shall be independent of the scaffold, and shall be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other piping systems, electrical conduit, outrigger beams, or counterweights.

(ii) When horizontal lifelines are used, they shall be secured to two or more structural members of the scaffold, or they may be looped around both suspension and independent suspension lines (on scaffolds so equipped) above the hoist and brake attached to the end of the scaffold. Horizontal lifelines shall not be attached only to the suspension ropes.

(iii) When lanyards are connected to horizontal lifelines or structural members on a single-point or two-point adjustable suspension scaffold, the scaffold shall be equipped with

additional independent support lines and automatic locking devices capable of stopping the fall of the scaffold in the event one or both of the suspension ropes fail. The independent support lines shall be equal in number and strength to the suspension ropes.

(iv) Vertical lifelines, independent support lines, and suspension ropes shall not be attached to each other, nor shall they be attached to or use the same point of anchorage, nor shall they be attached to the same point on the scaffold or personal fall arrest system.

(d) Guardrail systems installed to meet the requirements of this section shall comply with the following provisions (guardrail systems built in accordance with Appendix A to this part will be deemed to meet the requirements of (d)(vii), (viii), and (ix) of this subsection):

(i) Guardrail systems shall be installed along all open sides and ends of platforms. Guardrail systems shall be installed before the scaffold is released for use by employees other than erection/dismantling crews.

(ii) The top edge height of toprails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required shall be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of (d) of this subsection.

(iii) When midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members are used, they shall be installed between the top edge of the guardrail system and the scaffold platform.

(iv) When midrails are used, they shall be installed at a height approximately midway between the top edge of the guardrail system and the platform surface.

(v) When screens and mesh are used, they shall extend from the top edge of the guardrail system to the scaffold platform, and along the entire opening between the supports.

(vi) When intermediate members (such as balusters or additional rails) are used, they shall not be more than 19 inches (48 cm) apart.

(vii) Each toprail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

(viii) When the loads specified in (d)(vii) of this subsection are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in (d)(ii) of this subsection.

(ix) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along the midrail or other member of at least 75 pounds (333 n) for guardrail systems with a

minimum 100 pound toprail capacity, and at least 150 pounds (666 n) for guardrail systems with a minimum 200 pound toprail capacity.

(x) Suspension scaffold hoists and nonwalk-through stirrups may be used as end guardrails, if the space between the hoist or stirrup and the side guardrail or structure does not allow passage of an employee to the end of the scaffold.

(xi) Guardrails shall be surfaced to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(xii) The ends of all rails shall not overhang the terminal posts except when such overhang does not constitute a projection hazard to employees.

(xiii) Steel or plastic banding shall not be used as a toprail or midrail.

(xiv) Manila or plastic (or other synthetic) rope being used for top rails or mid rails shall be inspected by a competent person as frequently as necessary to ensure that it continues to meet the strength requirements of subsection (7) of this section.

(xv) Crossbraces may be used in lieu of either the toprail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass.

(8) "Falling object protection."

(a) In addition to wearing hardhats each employee on a scaffold shall be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. When the falling objects are too large, heavy or massive to be contained or deflected by any of the above-listed measures, the employer shall place such potential falling objects away from the edge of the surface from which they could fall and shall secure those materials as necessary to prevent their falling.

(b) Where there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, the following provisions apply:

(i) The area below the scaffold to which objects can fall shall be barricaded, and employees shall not be permitted to enter the hazard area; or

(ii) A toeboard shall be erected along the edge of platforms above lower levels for a distance sufficient to protect employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards; or

(iii) Where tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, paneling or screening extending from the toeboard or platform to the top of the guardrail shall be erected for a distance sufficient to protect employees below; or

(iv) A guardrail system shall be installed with openings small enough to prevent passage of potential falling objects; or

(v) A canopy structure, debris net, or catch platform strong enough to withstand the impact forces of the potential falling objects shall be erected over the employees below.

(c) Canopies, when used for falling object protection, shall comply with the following criteria:

(i) Canopies shall be installed between the falling object hazard and the employees.

(ii) When canopies are used on suspension scaffolds for falling object protection, the scaffold shall be equipped with additional independent support lines equal in number to the number of points supported, and equivalent in strength to the strength of the suspension ropes.

(iii) Independent support lines and suspension ropes shall not be attached to the same points of anchorage.

(d) Where used, toeboards shall be:

(i) Capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard (toeboards built in accordance with Appendix A to this part will be deemed to meet this requirement); and

(ii) At least three and one-half inches (9 cm) high from the top edge of the toeboard to the level of the walking/working surface. Toeboards shall be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 cm) clearance above the walking/working surface. Toeboards shall be solid or with openings not over one inch (2.5 cm) in the greatest dimension.

NEW SECTION

WAC 296-155-484 Additional requirements applicable to specific types of scaffolds. In addition to the applicable requirements of WAC 296-155-483, the following requirements apply to the specific types of scaffolds indicated. Scaffolds not specifically addressed by WAC 296-155-484, such as but not limited to systems scaffolds, must meet the requirements of WAC 296-155-483.

(1) "Pole scaffolds."

(a) When platforms are being moved to the next level, the existing platform shall be left undisturbed until the new bearers have been set in place and braced, prior to receiving the new platforms.

(b) Crossbracing shall be installed between the inner and outer sets of poles on double pole scaffolds.

(c) Diagonal bracing in both directions shall be installed across the entire inside face of double-pole scaffolds used to support loads equivalent to a uniformly distributed load of 50 pounds (222 kg) or more per square foot (929 square cm).

(d) Diagonal bracing in both directions shall be installed across the entire outside face of all double- and single-pole scaffolds.

(e) Runners and bearers shall be installed on edge.

(f) Bearers shall extend a minimum of 3 inches (7.6 cm) over the outside edges of runners.

(g) Runners shall extend over a minimum of two poles, and shall be supported by bearing blocks securely attached to the poles.

(h) Braces, bearers, and runners shall not be spliced between poles.

(i) Where wooden poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides, and shall extend at least 2 feet (0.6 m) on either side of the splice, overlap the abutted ends

equally, and have at least the same cross-sectional areas as the pole. Splice plates of other materials of equivalent strength may be used.

(j) Pole scaffolds over 60 feet in height shall be designed by a registered professional engineer, and shall be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for pole scaffolds under 60 feet in height.

(2) "Tube and coupler scaffolds."

(a) When platforms are being moved to the next level, the existing platform shall be left undisturbed until the new bearers have been set in place and braced prior to receiving the new platforms.

(b) Transverse bracing forming an "X" across the width of the scaffold shall be installed at the scaffold ends and at least at every third set of posts horizontally (measured from only one end) and every fourth runner vertically. Bracing shall extend diagonally from the inner or outer posts or runners upward to the next outer or inner posts or runners. Building ties shall be installed at the bearer levels between the transverse bracing and shall conform to the requirements of WAC 296-155-483 (3)(a).

(c) On straight run scaffolds, longitudinal bracing across the inner and outer rows of posts shall be installed diagonally in both directions, and shall extend from the base of the end posts upward to the top of the scaffold at approximately a 45 degree angle. On scaffolds whose length is greater than their height, such bracing shall be repeated beginning at least at every fifth post. On scaffolds whose length is less than their height, such bracing shall be installed from the base of the end posts upward to the opposite end posts, and then in alternating directions until reaching the top of the scaffold. Bracing shall be installed as close as possible to the intersection of the bearer and post or runner and post.

(d) Where conditions preclude the attachment of bracing to posts, bracing shall be attached to the runners as close to the post as possible.

(e) Bearers shall be installed transversely between posts, and when coupled to the posts, shall have the inboard coupler bear directly on the runner coupler. When the bearers are coupled to the runners, the couplers shall be as close to the posts as possible.

(f) Bearers shall extend beyond the posts and runners, and shall provide full contact with the coupler.

(g) Runners shall be installed along the length of the scaffold, located on both the inside and outside posts at level heights (when tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners).

(h) Runners shall be interlocked on straight runs to form continuous lengths, and shall be coupled to each post. The bottom runners and bearers shall be located as close to the base as possible.

(i) Couplers shall be of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(j) Tube and coupler scaffolds over 125 feet in height shall be designed by a registered professional engineer, and shall be constructed and loaded in accordance with such design. Nonmandatory Appendix A to this part contains

examples of criteria that will enable an employer to comply with design and loading requirements for tube and coupler scaffolds under 125 feet in height.

(3) "Fabricated frame scaffolds" (tubular welded frame scaffolds).

(a) When moving platforms to the next level, the existing platform shall be left undisturbed until the new end frames have been set in place and braced prior to receiving the new platforms.

(b) Frames and panels shall be braced by cross, horizontal, or diagonal braces, or combination thereof, which secure vertical members together laterally. The cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, and square. All brace connections shall be secured.

(c) Frames and panels shall be joined together vertically by coupling or stacking pins or equivalent means.

(d) Where uplift can occur which would displace scaffold end frames or panels, the frames or panels shall be locked together vertically by pins or equivalent means.

(e) Brackets used to support cantilevered loads shall:

(i) Be seated with side-brackets parallel to the frames and end-brackets at 90 degrees to the frames;

(ii) Not be bent or twisted from these positions; and

(iii) Be used only to support personnel, unless the scaffold has been designed for other loads by a qualified engineer and built to withstand the tipping forces caused by those other loads being placed on the bracket-supported section of the scaffold.

(f) Scaffolds over 125 feet (38.0 m) in height above their base plates shall be designed by a registered professional engineer, and shall be constructed and loaded in accordance with such design.

(4) "Plasterers', decorators', and large area scaffolds." Scaffolds shall be constructed in accordance with subsection (1), (2), or (3) of this section, as appropriate.

(5) "Bricklayers' square scaffolds (squares)."

(a) Scaffolds made of wood shall be reinforced with gussets on both sides of each corner.

(b) Diagonal braces shall be installed on all sides of each square.

(c) Diagonal braces shall be installed between squares on the rear and front sides of the scaffold, and shall extend from the bottom of each square to the top of the next square.

(d) Scaffolds shall not exceed three tiers in height, and shall be so constructed and arranged that one square rests directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier, and shall be nailed down or otherwise secured to prevent displacement.

(6) "Horse scaffolds."

(a) Scaffolds shall not be constructed or arranged more than two tiers or 10 feet (3.0 m) in height, whichever is less.

(b) When horses are arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(c) When horses are arranged in tiers, the legs of each horse shall be nailed down or otherwise secured to prevent displacement.

(d) When horses are arranged in tiers, each tier shall be crossbraced.

(7) "Form scaffolds and carpenters' bracket scaffolds."

(a) Each bracket, except those for wooden bracket-form scaffolds, shall be attached to the supporting formwork or structure by means of one or more of the following: Nails; a metal stud attachment device; welding; hooking over a secured structural supporting member, with the form wales either bolted to the form or secured by snap ties or tie bolts extending through the form and securely anchored; or, for carpenters' bracket scaffolds only, by a bolt extending through to the opposite side of the structure's wall.

(b) Wooden bracket-form scaffolds shall be an integral part of the form panel.

(c) Folding type metal brackets, when extended for use, shall be either bolted or secured with a locking-type pin.

(8) "Roof bracket scaffolds."

(a) Scaffold brackets shall be constructed to fit the pitch of the roof and shall provide a level support for the platform.

(b) Brackets (including those provided with pointed metal projections) shall be anchored in place by nails unless it is impractical to use nails. When nails are not used, brackets shall be secured in place with first-grade manila rope of at least three-fourth inch (1.9 cm) diameter, or equivalent.

(9) "Outrigger scaffolds."

(a) The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of anchorage, shall be not less than one and one-half times the outboard end in length.

(b) Outrigger beams fabricated in the shape of an I-beam or channel shall be placed so that the web section is vertical.

(c) The fulcrum point of outrigger beams shall rest on secure bearings at least 6 inches (15.2 cm) in each horizontal dimension.

(d) Outrigger beams shall be secured in place against movement, and shall be securely braced at the fulcrum point against tipping.

(e) The inboard ends of outrigger beams shall be securely anchored either by means of braced struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both.

(f) The entire supporting structure shall be securely braced to prevent any horizontal movement.

(g) To prevent their displacement, platform units shall be nailed, bolted, or otherwise secured to outriggers.

(h) Scaffolds and scaffold components shall be designed by a registered professional engineer and shall be constructed and loaded in accordance with such design.

(10) "Pump jack scaffolds."

(a) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(b) Poles shall be secured to the structure by rigid triangular bracing or equivalent at the bottom, top, and other points as necessary. When the pump jack has to pass bracing already installed, an additional brace shall be installed approximately 4 feet (1.2 m) above the brace to be passed, and shall be left in place until the pump jack has been moved and the original brace reinstalled.

(c) When guardrails are used for fall protection, a workbench may be used as the toprail only if it meets all the

requirements in WAC 296-155-483 (7)(d)(ii), (vii), (viii), and (xiii).

(d) Work benches shall not be used as scaffold platforms.

(e) When poles are made of wood, the pole lumber shall be straight-grained, free of shakes, large loose or dead knots, and other defects which might impair strength.

(f) When wood poles are constructed of two continuous lengths, they shall be joined together with the seam parallel to the bracket.

(g) When two by fours are spliced to make a pole, mending plates shall be installed at all splices to develop the full strength of the member.

(11) "Ladder jack scaffolds."

(a) Platforms shall not exceed a height of 20 feet (6.1 m).

(b) All ladders used to support ladder jack scaffolds shall meet the requirements of Part J of this chapter — Stairways and ladders, except that job-made ladders shall not be used to support ladder jack scaffolds.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails and ladder rungs or on the ladder rungs alone. If bearing on rungs only, the bearing area shall include a length of at least 10 inches (25.4 cm) on each rung.

(d) Ladders used to support ladder jacks shall be placed, fastened, or equipped with devices to prevent slipping.

(e) Scaffold platforms shall not be bridged one to another.

(12) "Window jack scaffolds."

(a) Scaffolds shall be securely attached to the window opening.

(b) Scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(c) Window jacks shall not be used to support planks placed between one window jack and another, or for other elements of scaffolding.

(13) "Crawling boards (chicken ladders)."

(a) Crawling boards shall extend from the roof peak to the eaves when used in connection with roof construction, repair, or maintenance.

(b) Crawling boards shall be secured to the roof by ridge hooks or by means that meet equivalent criteria (e.g., strength and durability).

(14) "Step, platform, and trestle ladder scaffolds."

(a) Scaffold platforms shall not be placed any higher than the second highest rung or step of the ladder supporting the platform.

(b) All ladders used in conjunction with step, platform and trestle ladder scaffolds shall meet the pertinent requirements of Part J of this chapter — Stairways and ladders, except that job-made ladders shall not be used to support such scaffolds.

(c) Ladders used to support step, platform, and trestle ladder scaffolds shall be placed, fastened, or equipped with devices to prevent slipping.

(d) Scaffolds shall not be bridged one to another.

(15) "Single-point adjustable suspension scaffolds."

(a) When two single-point adjustable suspension scaffolds are combined to form a two-point adjustable suspension scaffold, the resulting two-point scaffold shall

comply with the requirements for two-point adjustable suspension scaffolds in subsection (16) of this section.

(b) The supporting rope between the scaffold and the suspension device shall be kept vertical unless all of the following conditions are met:

(i) The rigging has been designed by a qualified person; and

(ii) The scaffold is accessible to rescuers; and

(iii) The supporting rope is protected to ensure that it will not chafe at any point where a change in direction occurs; and

(iv) The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.

(c) Boatswains' chair tackle shall consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-eighth (5/8) inch (1.6 cm) diameter first-grade manila rope, or other rope which will satisfy the criteria (e.g., strength and durability) of manila rope.

(d) Boatswains' chair seat slings shall be reeved through four corner holes in the seat; shall cross each other on the underside of the seat; and shall be rigged so as to prevent slippage which could cause an out-of-level condition.

(e) Boatswains' chair seat slings shall be a minimum of five-eighth (5/8) inch (1.6 cm) diameter fiber, synthetic, or other rope which will satisfy the criteria (e.g., strength, slip resistance, durability, etc.) of first grade manila rope.

(f) When a heat-producing process such as gas or arc welding is being conducted, boatswains' chair seat slings shall be a minimum of three-eighth (3/8) inch (1.0 cm) wire rope.

(g) Noncross-laminated wood boatswains' chairs shall be reinforced on their underside by cleats securely fastened to prevent the board from splitting.

(16) "Two-point adjustable suspension scaffolds (swing stages)." The following requirements do not apply to two-point adjustable suspension scaffolds used as masons' or stonemasons' scaffolds. Such scaffolds are covered by subsection (17) of this section.

(a) Platforms shall not be more than 36 inches (0.9 m) wide unless designed by a qualified person to prevent unstable conditions.

(b) The platform shall be securely fastened to hangers (stirrups) by U-bolts or by other means which satisfy the requirements of WAC 296-155-483(1).

(c) The blocks for fiber or synthetic ropes shall consist of at least one double and one single block. The sheaves of all blocks shall fit the size of the rope used.

(d) Platforms shall be of the ladder-type, plank-type, beam-type, or light-metal type. Light metal-type platforms having a rated capacity of 750 pounds or less and platforms 40 feet (12.2 m) or less in length shall be tested and listed by a nationally recognized testing laboratory.

(e) Two-point scaffolds shall not be bridged or otherwise connected one to another during raising and lowering operations unless the bridge connections are articulated (attached), and the hoists properly sized.

(f) Passage may be made from one platform to another only when the platforms are at the same height, are abutting, and walk-through stirrups specifically designed for this purpose are used.

(17) "Multi-point adjustable suspension scaffolds, stonemasons' multi-point adjustable suspension scaffolds, and masons' multi-point adjustable suspension scaffolds."

(a) When two or more scaffolds are used they shall not be bridged one to another unless they are designed to be bridged, the bridge connections are articulated, and the hoists are properly sized.

(b) If bridges are not used, passage may be made from one platform to another only when the platforms are at the same height and are abutting.

(c) Scaffolds shall be suspended from metal outriggers, brackets, wire rope slings, hooks, or means that meet equivalent criteria (e.g., strength, durability).

(18) "Catenary scaffolds."

(a) No more than one platform shall be placed between consecutive vertical pickups, and no more than two platforms shall be used on a catenary scaffold.

(b) Platforms supported by wire ropes shall have hook-shaped stops on each end of the platforms to prevent them from slipping off the wire ropes. These hooks shall be so placed that they will prevent the platform from falling if one of the horizontal wire ropes breaks.

(c) Wire ropes shall not be tightened to the extent that the application of a scaffold load will overstress them.

(d) Wire ropes shall be continuous and without splices between anchors.

(19) "Float (ship) scaffolds."

(a) The platform shall be supported by a minimum of two bearers, each of which shall project a minimum of 6 inches (15.2 cm) beyond the platform on both sides. Each bearer shall be securely fastened to the platform.

(b) Rope connections shall be such that the platform cannot shift or slip.

(c) When only two ropes are used with each float:

(i) They shall be arranged so as to provide four ends which are securely fastened to overhead supports.

(ii) Each supporting rope shall be hitched around one end of the bearer and pass under the platform to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(20) "Interior hung scaffolds."

(a) Scaffolds shall be suspended only from the roof structure or other structural member such as ceiling beams.

(b) Overhead supporting members (roof structure, ceiling beams, or other structural members) shall be inspected and checked for strength before the scaffold is erected.

(c) Suspension ropes and cables shall be connected to the overhead supporting members by shackles, clips, thimbles, or other means that meet equivalent criteria (e.g., strength, durability).

(21) "Needle beam scaffolds."

(a) Scaffold support beams shall be installed on edge.

(b) Ropes or hangers shall be used for supports, except that one end of a needle beam scaffold may be supported by a permanent structural member.

(c) The ropes shall be securely attached to the needle beams.

(d) The support connection shall be arranged so as to prevent the needle beam from rolling or becoming displaced.

(e) Platform units shall be securely attached to the needle beams by bolts or equivalent means. Cleats and

overhang are not considered to be adequate means of attachment.

(22) "Multi-level suspended scaffolds."

(a) Scaffolds shall be equipped with additional independent support lines, equal in number to the number of points supported, and of equivalent strength to the suspension ropes, and rigged to support the scaffold in the event the suspension rope(s) fail.

(b) Independent support lines and suspension ropes shall not be attached to the same points of anchorage.

(c) Supports for platforms shall be attached directly to the support stirrup and not to any other platform.

(23) "Mobile scaffolds."

(a) Scaffolds shall be braced by cross, horizontal, or diagonal braces, or combination thereof, to prevent racking or collapse of the scaffold and to secure vertical members together laterally so as to automatically square and align the vertical members. Scaffolds shall be plumb, level, and squared. All brace connections shall be secured.

(i) Scaffolds constructed of tube and coupler components shall also comply with the requirements of subsection (2) of this section;

(ii) Scaffolds constructed of fabricated frame components shall also comply with the requirements of subsection (3) of this section.

(b) Scaffold casters and wheels shall be locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold is used in a stationary manner.

(c) Manual force used to move the scaffold shall be applied as close to the base as practicable, but not more than 5 feet (1.5 m) above the supporting surface.

(d) Power systems used to propel mobile scaffolds shall be designed for such use. Forklifts, trucks, similar motor vehicles or add-on motors shall not be used to propel scaffolds unless the scaffold is designed for such propulsion systems.

(e) Scaffolds shall be stabilized to prevent tipping during movement.

(f) Employees shall not be allowed to ride on scaffolds unless the following conditions exist:

(i) The surface on which the scaffold is being moved is within 3 degrees of level, and free of pits, holes, and obstructions;

(ii) The height to base width ratio of the scaffold during movement is two to one or less, unless the scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements such as those listed in (ANSI/SIA A92.5 and A92.6);

(iii) Outrigger frames, when used, are installed on both sides of the scaffold;

(iv) When power systems are used, the propelling force is applied directly to the wheels, and does not produce a speed in excess of 1 foot per second (.3 mps); and

(v) No employee is on any part of the scaffold which extends outward beyond the wheels, casters, or other supports.

(g) Platforms shall not extend outward beyond the base supports of the scaffold unless outrigger frames or equivalent devices are used to ensure stability.

(h) Where leveling of the scaffold is necessary, screw jacks or equivalent means shall be used.

(i) Caster stems and wheel stems shall be pinned or otherwise secured in scaffold legs or adjustment screws.

(j) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(k) Before a scaffold is moved, each employee on the scaffold shall be made aware of the move.

(24) "Repair bracket scaffolds."

(a) Brackets shall be secured in place by at least one wire rope at least 1/2 inch (1.27 cm) in diameter.

(b) Each bracket shall be attached to the securing wire rope (or ropes) by a positive locking device capable of preventing the unintentional detachment of the bracket from the rope, or by equivalent means.

(c) Each bracket, at the contact point between the supporting structure and the bottom of the bracket, shall be provided with a shoe (heel block or foot) capable of preventing the lateral movement of the bracket.

(d) Platforms shall be secured to the brackets in a manner that will prevent the separation of the platforms from the brackets and the movement of the platforms or the brackets on a completed scaffold.

(e) When a wire rope is placed around the structure in order to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds, the wire rope shall meet the requirements of Part C-1 of this chapter, but shall be at least 5/16 inch (0.8 cm) in diameter.

(f) Each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems shall be protected from damage due to contact with edges, corners, protrusions, or other discontinuities of the supporting structure or scaffold components.

(g) Tensioning of each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems shall be by means of a turnbuckle at least 1 inch (2.54 cm) in diameter, or by equivalent means.

(h) Each turnbuckle shall be connected to the other end of its rope by use of an eyesplice thimble of a size appropriate to the turnbuckle to which it is attached.

(i) U-bolt wire rope clips shall not be used on any wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems.

(j) The employer shall ensure that materials shall not be dropped to the outside of the supporting structure.

(k) Scaffold erection shall progress in only one direction around any structure.

(25) "Stilts." Stilts, when used, shall be used in accordance with the following requirements:

(a) An employee may wear stilts on a scaffold only if it is a large area scaffold.

(b) When an employee is using stilts on a large area scaffold where a guardrail system is used to provide fall protection, the guardrail system shall be increased in height by an amount equal to the height of the stilts being used by the employee.

(c) Surfaces on which stilts are used shall be flat and free of pits, holes and obstructions, such as debris, as well as other tripping and falling hazards.

(d) Stilts shall be properly maintained. Any alteration of the original equipment shall be approved by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

~~WAC 296-155-485 ((Scaffolding. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to Part J chapter 296-155 WAC.~~

~~(a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in Part J chapter 296-24 WAC apply within the construction industry.~~

~~(b) Scaffolds shall be erected in accordance with requirements of this section.~~

~~(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.~~

~~(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.~~

~~(e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.~~

~~(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2 inch mesh, or the equivalent.~~

~~(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.~~

~~(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.~~

~~(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.~~

~~(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2 x 10-inch or wider planks shall be as shown in Table J-1.~~

~~(k) The maximum permissible span for 1 1/4 x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.~~

~~(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of two 2 inch by 10 inch planks in width or a minimum of 18 inches.~~

~~(m) An access ladder or equivalent safe access shall be provided.~~

~~(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.~~

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) Welding, burning, riveting, or open flame work shall not be performed on any staging suspended by means of fiber or synthetic rope unless suspended components are well insulated to protect against damaging contacts. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (10) and (21) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(v) Factory built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(w) Materials being hoisted onto a scaffold shall have a tag line.

(x) Employees shall not work on scaffolds during storms or high winds.

(y) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16 x 2 inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2 inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2 inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2 inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2 inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet 6 inches. Other structural metals, when used, must be

designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.

(i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Fabricated tubular welded frame scaffolds:

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, serew legs, ladders, etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(e) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturers letter of approval shall be available at the jobsite.

(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.

(5) Outrigger scaffolds, general:

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or

loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(6) Masons' adjustable multiple point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7 inch, 15.3 pound steel I beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2 inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2 inch planking, or material of equivalent

strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(o) When channel iron outrigger beams are used instead of I beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two point suspension scaffolds.

(a) Two point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4 inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved full body harness attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick-acting safety device, in case either or both of the main suspension lines should break. The lanyard of the full-body harness shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8 inch tenons mortised into the side stringers at least 7/8 inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2 x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2 x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1 x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

(l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone-setters' adjustable multiple-point suspension scaffolds:

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other, but shall be maintained at even height with platforms abutting closely.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds:

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.

(g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(10) Boatswain's chairs:

(a) The chair seat shall not be less than 12 x 24 inches, and 1 inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8 inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8 inch wire rope when an employee is conducting a heat producing process, such as gas welding.

(d) The employee shall be protected by a full body harness and lifeline in accordance with chapter 296-155 WAC, Part C 1. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8 inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds:

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8 inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2 x 10 inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

(12) Bricklayers' square scaffolds:

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1 x 6 inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10 inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation:

(13) Horse scaffolds:

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(14) Needle beam scaffold:

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4 x 6 inch timbers. Rope supports shall

be equivalent in strength to 1 inch diameter first grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2 inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a full body harness and lifeline in accordance with chapter 296-155 WAC, Part C-1.

(15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall be within any 8 foot section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, full body harnesses and lifelines shall be used in accordance with chapter 296-155 WAC, Part C-1.

(18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless full body harnesses with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

All roofing brackets must be installed and used in accordance with the requirements of chapter 296-155 WAC, Part K.

(20) Crawling boards or chicken ladders.

All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(3).

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4 inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2 x 4 inch, or 1 x 10 inch rough,

"selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1 inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections and shall be well insulated to protect against damaging contacts of arcs, flames, or other mechanical objects. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt or harness and lifeline, in accordance with chapter 296-155 WAC, Part C 1.

(22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2 x 10 inch nominal scaffold grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2 x 10 inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure four form scaffolds:

(i) Figure four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1 x 6 inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2 x 10 inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking type pin when extended for use.

(ii) "Clip on" or "hook over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(23) Pump jack scaffolds:

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds;

(ii) Be capable of supporting without failure at least four times the maximum intended load; and

(iii) Shall not have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet

above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight grained, clear, free of cross grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three eighths inch or one half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296 155 480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless full body harnesses with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(24) Factory built scaffold units. Factory built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

(25) Water bracket scaffolds.

(a) Water brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Water hook or hooks shall be a minimum of 4 inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen

inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4 inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2 inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.)

Reserved.

NEW SECTION

WAC 296-155-487 Manually propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms shall be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, shall be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, shall not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface shall also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability shall be clearly outlined in the special warnings section of

the operating instructions and users shall follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions shall require their use and such outriggers or stabilizers shall be provided and used.

(e) The platform width shall not be less than eighteen inches and shall be provided with a surface to minimize slipping.

(f) The platform shall be provided with a guardrail or other structure around its upper periphery and the guardrail shall be approximately forty-two inches high, plus or minus three inches, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system shall be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail shall withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts shall withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform shall be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform shall include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way shall have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs shall be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform shall have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components shall have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a

broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above shall apply.

(f) The control system shall be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(7) Directional controls.

(a) All directional controls shall be marked for the direction they control and shall be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls shall be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems shall comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system shall be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform shall be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information shall be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer shall clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) shall be provided with each work platform and shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load shall be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers responsibilities shall be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel shall be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition shall be removed from service until repaired.

(d) Repairs shall be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators shall be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms shall be made only with written permission of the manufacturer or any other equivalent entity.

NEW SECTION

WAC 296-155-488 Self propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground shall sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test shall include

the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a midrail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches. Proper access shall be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface shall be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) Directional controls shall move in the direction of the function they control. The controls shall be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum. They shall be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers. The lines shall be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator shall limit travel speed according to conditions. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

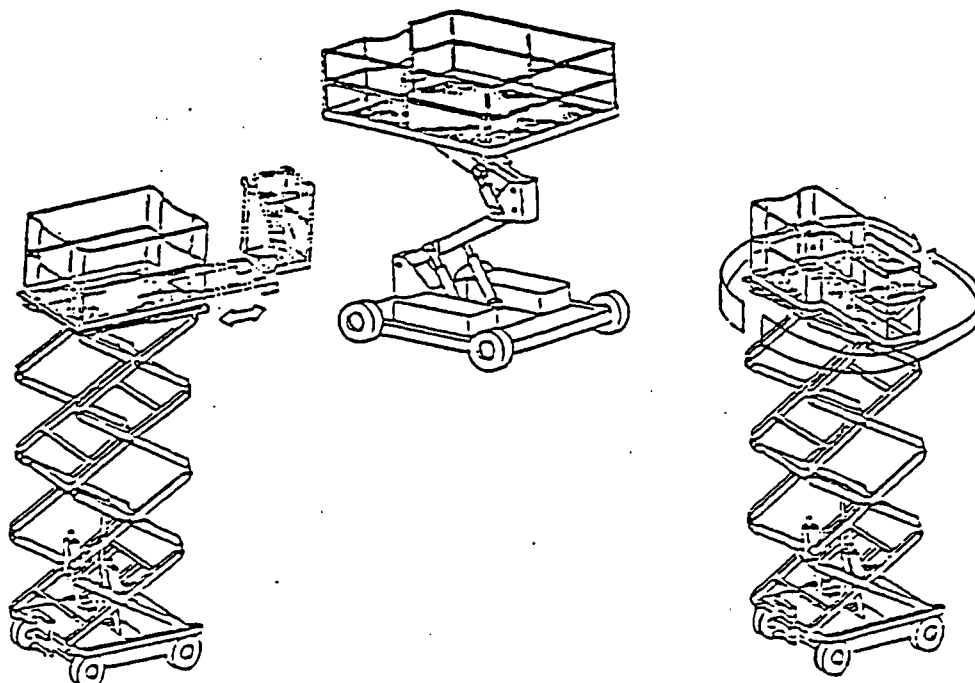


Fig. 1
Examples of Work Platforms

NEW SECTION

WAC 296-155-489 Boom supported elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1992.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1992.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

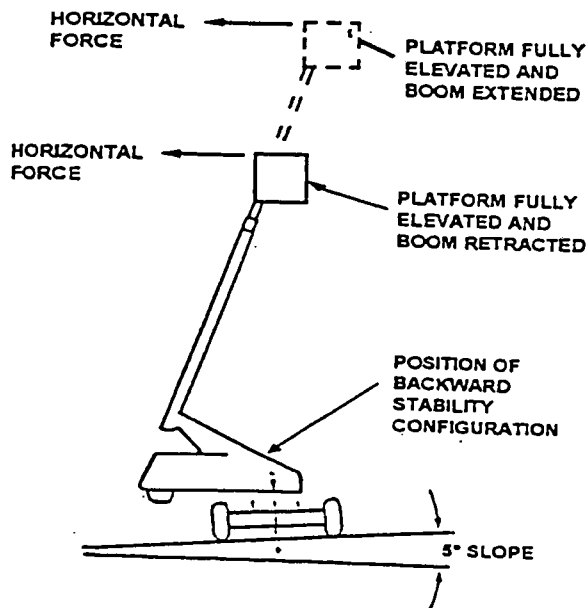
(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.



(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and

midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.

(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1990 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operators shall immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1992 and this standard.

NEW SECTION

WAC 296-155-490 Aerial lifts. (1) "General requirements."

(a) Unless otherwise provided in this section, aerial lifts acquired for use on or after January 22, 1973, shall be designed and constructed in conformance with the applicable requirements of the American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix. Aerial lifts acquired before January 22, 1973, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of

vehicle-mounted aerial devices used to elevate personnel to job-sites above ground:

- (i) Extensible boom platforms;
- (ii) Aerial ladders;
- (iii) Articulating boom platforms;
- (iv) Vertical towers; and
- (v) A combination of any such devices.

Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(2) "Specific requirements."

(a) Ladder trucks and tower trucks:

(i) Aerial ladders shall be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(ii) A full body harness shall be worn and a lanyard attached to the ladder rail or tower when working from ladder trucks or tower trucks.

(b) Extensible and articulating boom platforms.

(i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A full body harness shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subsection (1)(a) and (b) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless

permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in (b)(viii) of this subsection.

(c) Electrical tests. All electrical tests shall conform to the requirements of ANSI A92.2-1990 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in A92.2-1990; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subsection (2)(c).

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1990, section 4.9 Bursting Safety Factor shall apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

Note: Nonmandatory Appendix C to this part lists examples of national consensus standards that are considered to provide employee protection equivalent to that provided through the application of ANSI A92.2-1990, where appropriate. Copies may be obtained from the American National Standards Institute.

NEW SECTION

WAC 296-155-493 Training. This section supplements and clarifies the requirements of WAC 296-155-100 (1)(c) and 296-155-110 (3)(g) as these relate to the hazards of work on scaffolds.

(1) The employer shall have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training shall include the following areas, as applicable:

(a) The nature of any electrical hazards, fall hazards and falling object hazards in the work area;

(b) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used;

(c) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(d) The maximum intended load and the load-carrying capacities of the scaffolds used; and

(e) Any other pertinent requirements of this subpart.

(2) The employer shall have each employee who is involved in erecting, disassembling, moving, operating,

repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training shall include the following topics, as applicable:

- (a) The nature of scaffold hazards;
- (b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question;
- (c) The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;
- (d) Any other pertinent requirements of this subpart.

(3) When the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use or dismantling of scaffolds, the employer shall retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations:

- (a) Where changes at the worksite present a hazard about which an employee has not been previously trained; or
- (b) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained; or
- (c) Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency.

NEW SECTION

WAC 296-155-494 Non-Mandatory Appendix A to Part J-1, Scaffold Specifications. This Appendix provides non-mandatory guidelines to assist employers in complying with the requirements of Part J-1 of this chapter. An employer may use these guidelines and tables as a starting point for designing scaffold systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-155-483(1). Scaffold components which are not selected and loaded in accordance with this Appendix, and components for which no specific guidelines or tables are given in this Appendix (e.g., joints, ties, components for wood pole scaffolds more than 60 feet in height, components for heavy-duty horse scaffolds, components made with other materials, and components with other dimensions, etc.) must be designed and constructed in accordance with the capacity requirements of WAC 296-155-483(1), and loaded in accordance with WAC 296-155-483 (4)(a).

Index to Appendix A for Part J-1

- 1. General guidelines and tables.
- 2. Specific guidelines and tables.

(a) Pole scaffolds:

Single-pole wood pole scaffolds.
Independent wood pole scaffolds.

- (b) Tube and coupler scaffolds.
- (c) Fabricated frame scaffolds.
- (d) Plasterers', decorators' and large area scaffolds.
- (e) Bricklayers' square scaffolds.
- (f) Horse scaffolds.
- (g) Form scaffolds and carpenters' bracket scaffolds.

- (h) Roof bracket scaffolds.
- (i) Outrigger scaffolds (one level).
- (j) Pump jack scaffolds.
- (k) Ladder jack scaffolds.
- (l) Window jack scaffolds.
- (m) Crawling boards (chicken ladders).
- (n) Step, platform and trestle ladder scaffolds.
- (o) Single-point adjustable suspension scaffolds.
- (p) Two-point adjustable suspension scaffolds.
- (q)(1) Stonesetters' multi-point adjustable suspension scaffolds.
- (q)(2) Masons' multi-point adjustable suspension scaffolds.
- (r) Catenary scaffolds.
- (s) Float (ship) scaffolds.
- (t) Interior hung scaffolds.
- (u) Needle beam scaffolds.
- (v) Multi-level suspension scaffolds.
- (w) Mobile scaffolds.
- (x) Repair bracket scaffolds.
- (y) Stilts.
- (z) Tank builders' scaffolds.

1. General Guidelines and Tables

(a) The following tables, and the tables in Part 2 — Specific guidelines and tables, assume that all load-carrying timber members (except planks) of the scaffold are a minimum of 1,500 lb-f/in(2) (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Softwood Lumber Standards, dated January 1970, except that, where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(b) Solid sawn wood used as scaffold planks shall be selected for such use following the grading rules established by a recognized lumber grading association or by an independent lumber grading inspection agency. Such planks shall be identified by the grade stamp of such association or agency. The association or agency and the grading rules under which the wood is graded shall be certified by the Board of Review, American Lumber Standard Committee, as set forth in the American Softwood Lumber Standard of the U.S. Department of Commerce.

(i) Allowable spans shall be determined in compliance with the National Design Specification for Wood Construction published by the National Forest Products Association; paragraph 5 of ANSI A10.8-1988 Scaffolding-Safety Requirements published by the American National Standards Institute; or for 2 x 10 inch (nominal) or 2 x 9 inch (rough) solid sawn wood planks, as shown in the following table:

Maximum intended nominal load (lb/ft ²)	Maximum permissible span using full thickness undressed lumber (ft)	Maximum permissible span using nominal thickness lumber (ft)
25.....	10	8
50.....	8	6
75.....	6	

(ii) The maximum permissible span for 1 1/4 x 9-inch or wider wood plank of full thickness with a maximum intended load of 50 lb/ft.(2) shall be 4 feet.

(c) Fabricated planks and platforms may be used in lieu of solid sawn wood planks. Maximum spans for such units shall be as recommended by the manufacturer based on the maximum intended load being calculated as follows:

Rated load capacity	Intended load
Light-duty.....	* 25 pounds per square foot applied uniformly over the entire span area.
Medium-duty.....	* 50 pounds per square foot applied uniformly over the entire span area.
Heavy-duty.....	* 75 pounds per square foot applied uniformly over the entire span area.
One-person.....	* 250 pounds placed at the center of the span (total 250 pounds).
Two-person.....	* 250 pounds placed 18 inches to the left and right of the center of the span (total 500 pounds).
Three-person.....	* 250 pounds placed at the center of the span and 250 pounds placed 18 inches to the left and right of the center of the span (total 750 pounds).

Note: Platform units used to make scaffold platforms intended for light-duty use shall be capable of supporting at least 25 pounds per square foot applied uniformly over the entire unit-span area, or a 250-pound point load placed on the unit at the center of the span, whichever load produces the greater shear force.

(d) Guardrails shall be as follows:

- (i) Toprails shall be equivalent in strength to 2 inch by 4 inch lumber; or
 - 1 1/4 inch x 1/8 inch structural angle iron; or
 - 1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.
- (ii) Midrails shall be equivalent in strength to 1 inch by 6 inch lumber; or
 - 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron; or
 - 1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.
- (iii) Toeboards shall be equivalent in strength to 1 inch by 4 inch lumber; or
 - 1 1/4 inch x 1 1/4 inch structural angle iron; or
 - 1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.
- (iv) Posts shall be equivalent in strength to 2 inch by 4 inch lumber; or
 - 1 1/4 inch x 1 1/4 inch x 1/8 structural angle iron; or
 - 1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.
- (v) Distance between posts shall not exceed 8 feet.
- (e) Overhead protection shall consist of 2 inch nominal planking laid tight, or 3/4-inch plywood.
- (f) Screen installed between toeboards and midrails or top rails shall consist of No. 18 gauge U.S. Standard wire one inch mesh.
 - 2. Specific guidelines and tables.
 - (a) Pole Scaffolds.

Single Pole Wood Pole Scaffolds

	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load (lbs/ft²)....	25.....	25.....	50.....	75
Poles or uprights	2 x 4 in...	4 x 4 in...	4 x 4 in....	4 x 6 in.
Maximum pole spacing (longitudinal)	6 feet....	10 feet....	8 feet.....	6 feet
Maximum pole spacing (transverse)	5 feet....	5 feet.....	5 feet.....	5 feet
Runners.....	1 x 4 in...	1 1/4 x 9 in.	2 x 10 in...	2 x 10 in.
Bearers and maximum spacing of bearers:				
3 feet.....	2 x 4 in...	2 x 4 in...	2 x 10 in.. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
5 feet.....	2 x 6 in. or 3 x 4 in...	2 x 6 in. or 3 x 4 in.. (rough)	2 x 10 in. or 3 x 4 in....	2 x 10 in. or 3 x 5 in.
6 feet.....	2 x 10 in. or 3 x 4 in....	2 x 10 in. or 3 x 5 in.
8 feet.....	2 x 10 in. or 3 x 4 in....	
Planking.....	1 1/4 x 9 in.	2 x 10 in..	2 x 10 in....	2 x 10 in.

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Maximum vertical spacing of horizontal members	7 feet.....	9 feet.....	7 feet.....	6 ft. 6 in.
Bracing horizontal....	1 x 4 in....	1 x 4 in....	1 x 6 in. or 1 1/4 x 4 in	2 x 4 in.
Bracing diagonal	1 x 4 in....	1 x 4 in....	1 x 4 in.....	2 x 4 in.
Tie-ins.....	1 x 4 in....	1 x 4 in....	1 x 4 in.....	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers shall be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

Independent Wood Pole Scaffolds

	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load.....	25 lbs/ft ²	25 lbs/ft ²	50 lbs/ft ²	75 lbs/ft ²
Poles or uprights	2 x 4 in....	4 x 4 in....	4 x 4 in....	4 x 4 in.
Maximum pole spacing (longitudinal)	6 feet.....	10 feet.....	8 feet.....	6 feet.
Maximum (transverse)..	6 feet.....	10 feet.....	8 feet.....	8 feet.
Runners.....	1 1/4 x 4 in	1 1/4 x 9 in	2 x 10 in....	2 x 10 in.
Bearers and maximum spacing of bearers:				
3 feet.....	2 x 4 in....	2 x 4 in....	2 x 10 in.... (rough).	2 x 10 in.
6 feet.....	2 x 6 in. or 3 x 4 in...	2 x 10 in.. (rough) or 3 x 8 in.	2 x 10 in....	2 x 10 in. (rough)
8 feet.....	2 x 6 in. or 3 x 4 in...	2 x 10 in.. (rough) or 3 x 8 in.	2 x 10 in.....	
10 feet.....	2 x 6 in. or 3 x 4 in...	2 x 10 in. (rough) or 3 x 3 in...		
Planking.....	1 1/4 x 9 in.	2 x 10 in..	2 x 10 in....	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet.....	7 feet.....	6 feet.....	6 feet.
Bracing horizontal....	1 x 4 in....	1 x 4 in....	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in....	1 x 4 in....	1 x 4 in.....	2 x 4 in.
Tie-ins.....	1 x 4 in....	1 x 4 in....	1 x 4 in.....	1 x 4 in.

Note: All members except planking are used on edge. All wood bearers shall be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.

(b) Tube and coupler scaffolds.

Minimum Size of Members

	Light duty	Medium duty	Heavy duty
Maximum intended load.....	25 lbs/ft ²	50 lbs/ft ²	75 lbs/ft ²
Posts, runners and braces.....	Nominal 2 in. (1.90 inches)	Nominal 2 in. (1.90 inches)	Nominal 2 in. (1.90 inches)

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Bearers.....	OD steel tube or pipe. Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 10 ft.	OD steel tube or pipe. Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 7 ft. or Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 8 ft.(*)	OD steel tube or pipe. Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 6 ft.
Maximum runner spacing vertically.....	6 ft. 6 in.	6 ft. 6 in.	6 ft. 6 in.

(*) Bearers shall be installed in the direction of the shorter dimension.

Note: Longitudinal diagonal bracing shall be installed at an angle of 45 deg. (+/- 5 deg.).

Maximum Number of Planked Levels

Number of Working Levels:	Maximum number of additional planked levels			Maximum height of scaffold (in feet)
	Light duty	Medium duty	Heavy duty	
1.....	16	11	6	125
2.....	11	1	0	125
3.....	6	0	0	125
4.....	1	0	0	125

(c) "Fabricated frame scaffolds." Because of their prefabricated nature, no additional guidelines or tables for these scaffolds are being adopted in this Appendix.

(d) "Plasterers', decorators', and large area scaffolds." The guidelines for pole scaffolds or tube and coupler scaffolds (Appendix A (a) and (b)) may be applied.

(e) "Bricklayers' square scaffolds."

Maximum intended load: 50 lb/ft.(2)(*)

Footnote(*) The squares shall be set not more than 8 feet apart for light duty scaffolds and not more than 5 feet apart for medium duty scaffolds.

Maximum width: 5 ft.

Maximum height: 5 ft.

Gussets: 1 x 6 in.

Braces: 1 x 8 in.

Legs: 2 x 6 in.

Bearers (horizontal members): 2 x 6 in.

(f) Horse scaffolds.

Maximum intended load (light duty): 25 lb/ft.(2)(**)

Footnote(**) Horses shall be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Maximum intended load (medium duty): 50 lb/ft.(2)(**)

Footnote(**) Horses shall be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Horizontal members or bearers:

Light duty: 2 x 4 in.

Medium duty: 3 x 4 in.

Legs: 2 x 4 in.

Longitudinal brace between legs: 1 x 6 in.

Gusset brace at top of legs: 1 x 8 in.

Half diagonal braces: 2 x 4 in.

(g) "Form scaffolds and carpenters' bracket scaffolds."

(1) Brackets shall consist of a triangular-shaped frame made of wood with a cross-section not less than 2 inches by 3 inches, or of 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron.

(2) Bolts used to attach brackets to structures shall not be less than 5/8 inches in diameter.

(3) Maximum bracket spacing shall be 8 feet on centers.

(4) No more than two employees shall occupy any given 8 feet of a bracket or form scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(5) Wooden figure-four scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers (two): 1 x 6 in.

Braces: 1 x 6 in.

Maximum length of bearers (unsupported): 3 ft. 6 in.

(i) Outrigger bearers shall consist of two pieces of 1 x 6 inch lumber nailed on opposite sides of the vertical support.

(ii) Bearers for wood figure-four brackets shall project not more than 3 feet 6 inches from the outside of the form support, and shall be braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the bearer at least 3 feet from the form at an angle of approximately 45 degrees, and the lower end shall be nailed to a vertical support.

(6) Metal bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 inch

Bearers: As designed.

Braces: As designed.

(7) Wood bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

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Bearers: 2 x 6 in.

Maximum scaffold width: 3 ft 6 in.

Braces: 1 x 6 in.

(h) "Roof bracket scaffolds." No specific guidelines or tables are given.

(i) "Outrigger scaffolds (single level)." No specific guidelines or tables are given.

(j) "Pump jack scaffolds." Wood poles shall not exceed 30 feet in height. Maximum intended load — 500 lbs between poles; applied at the center of the span. Not more than two employees shall be on a pump jack scaffold at one time between any two supports. When 2 x 4's are spliced together to make a 4 x 4 inch wood pole, they shall be spliced with "10 penny" common nails no more than 12 inches center to center, staggered uniformly from the opposite outside edges.

(k) "Ladder jack scaffolds." Maximum intended load — 25 lb/ft(2). However, not more than two employees shall occupy any platform at any one time. Maximum span between supports shall be 8 feet.

(l) "Window jack scaffolds." Not more than one employee shall occupy a window jack scaffold at any one time.

(m) "Crawling boards (chicken ladders)." Crawling boards shall be not less than 10 inches wide and 1 inch thick, with cleats having a minimum 1 x 1 1/2 inch cross-sectional area. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches.

(n) "Step, platform, and trestle ladder scaffolds." No additional guidelines or tables are given.

(o) "Single-point adjustable suspension scaffolds." Maximum intended load — 250 lbs. Wood seats for boat-

swains' chairs shall be not less than 1 inch thick if made of nonlaminated wood, or 5/8 inches thick if made of marine quality plywood.

(p) "Two-point adjustable suspension scaffolds."

(1) In addition to direct connections to buildings (except window cleaners' anchors) acceptable ways to prevent scaffold sway include angulated roping and static lines. Angulated roping is a system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building. Static lines are separate ropes secured at their top and bottom ends closer to the plane of the building face than the outermost edge of the platform. By drawing the static line taut, the platform is drawn against the face of the building.

(2) On suspension scaffolds designed for a working load of 500 pounds, no more than two employees shall be permitted on the scaffold at one time. On suspension scaffolds with a working load of 750 pounds, no more than three employees shall be permitted on the scaffold at one time.

(3) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inches in diameter, with 7/8 inch tenons mortised into the side stringers at least 7/8 inch. The stringers shall be tied together with tie rods not less than 1/4 inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than 5/8 inch apart, except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with the following table:

Schedule for Ladder-Type Platforms

Length of Platform	12 feet.....	14 & 16 feet.....	18 & 20 feet
Side stringers, minimum cross section (finished sizes):			
At ends.....	1 3/4 x 2 3/4 in.	1 3/4 x 2 3/4 in.	1 3/4 x 3 in.
At middle.....	1 3/4 x 3 3/4 in.	1 3/4 x 3 3/4 in.	1 3/4 x 4 in.
Reinforcing strip (minimum).....	A 1/8 x 7/8 inch steel reinforcing strip shall be attached to the side or underside, full length.		
Rungs.....	Rungs shall be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter tenons, and the maximum spacing shall be 12 inches to center.		
Tie rods:			
Number (minimum)	3.....	4.....	4
Diameter (minimum).....	1/4 inch.....	1/4 inch.....	1/4 inch
Flooring, minimum finished size....	1/2 x 2 3/4 in...	1/2 x 2 3/4 in...	1/2 x 2 3/4 in.

Schedule for Ladder-Type Platforms

Length of Platform.....	22 & 24 ft.....	28 & 30 ft.
Side stringers, minimum cross section (finished sizes):		
At ends.....	1 3/4 x 3 in.....	1 3/4 x 3 1/2 in.

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At middle.....	1 3/4 x 4 1/4 in....	1 3/4 x 5 in.
Reinforcing strip (minimum).....	A 1/8 x 7/8 inch steel reinforcing strip shall be attached to the side or underside, full length.	
Rungs.....	Rungs shall be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter tenons, and the maximum spacing shall be 12 inches to center.	
Tie rods:		
Number (minimum).....	5.....	6
Diameter (minimum).....	1/4 in.....	1/4 in.
Flooring, minimum finished size.....	1/2 x 2 3/4 in.....	1/2 x 2 3/4 in.

(4) Plank-Type Platforms. Plank-type platforms shall be composed of not less than nominal 2 x 8 inch unspliced planks, connected together on the underside with cleats at intervals not exceeding 4 feet, starting 6 inches from each end. A bar or other effective means shall be securely fastened to the platform at each end to prevent the platform from slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(5) Beam-Type Platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2 x 6 inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed to the cross beams. Floor-boards shall not be spaced more than 1/2 inch apart.

(q)(1) "Multi-point adjustable suspension scaffolds and stonemasons' multi-point adjustable suspension scaffolds." No specific guidelines or tables are given for these scaffolds.

(q)(2) "Masons' multi-point adjustable suspension scaffolds." Maximum intended load — 50 lb/ft(2). Each outrigger beam shall be at least a standard 7 inch, 15.3 pound steel I-beam, at least 15 feet long. Such beams shall not project more than 6 feet 6 inches beyond the bearing point. Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams.

(r) "Catenary scaffolds."

(1) Maximum intended load — 500 lbs.

(2) Not more than two employees shall be permitted on the scaffold at one time.

(3) Maximum capacity of come-along shall be 2,000 lbs.

(4) Vertical pickups shall be spaced not more than 50 feet apart.

(5) Ropes shall be equivalent in strength to at least 1/2 inch (1.3 cm) diameter improved plow steel wire rope.

(s) "Float (ship) scaffolds."

(1) Maximum intended load — 750 lbs.

(2) Platforms shall be made of 3/4 inch plywood, equivalent in rating to American Plywood Association Grade B-B, Group I, Exterior.

(3) Bearers shall be made from 2 x 4 inch, or 1 x 10 inch rough lumber. They shall be free of knots and other flaws.

(4) Ropes shall be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(t) Interior hung scaffolds.

Bearers (use on edge): 2 x 10 in.

Maximum intended load: Maximum span

25 lb/ft.(2): 10 ft.

50 lb/ft.(2): 10 ft.

75 lb/ft.(2): 7 ft.

(u) "Needle beam scaffolds."

Maximum intended load: 25 lb/ft.(2)

Beams: 4 x 6 in.

Maximum platform span: 8 ft.

Maximum beam span: 10 ft.

(1) Ropes shall be attached to the needle beams by a scaffold hitch or an eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(2) Ropes shall be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(v) "Multi-level suspension scaffolds." No additional guidelines or tables are being given for these scaffolds.

(w) "Mobile Scaffolds." Stability test as described in the ANSI A92 series documents, as appropriate for the type of scaffold, can be used to establish stability for the purpose of WAC 296-155-484 (23)(f)(ii).

(x) "Repair bracket scaffolds." No additional guidelines or tables are being given for these scaffolds.

(y) "Stilts." No specific guidelines or tables are given.

(z) "Tank builder's scaffold."

(1) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be no more than 10 feet 6 inches.

(2) Not more than three employees shall occupy a 10 feet 6 inch span of scaffold planking at any time.

(3) A taut wire or synthetic rope supported on the scaffold brackets shall be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with WAC 296-155-483 (7)(d), shall be installed in order to reduce that open space to less than 12 inches (30.48 cm).

(4) Scaffold planks of rough full-dimensioned 2-inch (5.1 cm) x 12-inch (30.5 cm) Douglas Fir or Southern Yellow Pine of Select Structural Grade shall be used. Douglas Fir planks shall have a fiber stress of at least 1900 lb/in(2) (130,929 n/cm(2)) and a modulus of elasticity of at least 1,900,000 lb/in(2) (130,929,000 n/cm(2)), while Yellow Pine planks shall have a fiber stress of at least 2500 lb/in(2) (172,275 n/cm(2)) and a modulus of elasticity of at least 2,000,000 lb/in(2) (137,820,000 n/cm(2)).

PERMANENT

(5) Guardrails shall be constructed of a taut wire or synthetic rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall comply with WAC 296-155-483 (7)(d) guardrail supports shall be located at no greater than 10 feet 6 inch intervals.

NEW SECTION

WAC 296-155-496 Non-Mandatory Appendix C to Part J-1, List of National Consensus Standards. ANSI/SIA A92.2-1990 Vehicle-Mounted Elevating and Rotating Aerial Devices

ANSI/SIA A92.3-1990 Manually Propelled Elevating Aerial Platforms

ANSI/SIA A92.5-1990 Boom Supported Elevating Work Platforms

ANSI/SIA A92.6-1990 Self-Propelled Elevating Work Platforms

ANSI/SIA A92.7-1990 Airline Ground Support Vehicle-Mounted Vertical Lift Devices

ANSI/SIA A92.8-1993 Vehicle-Mounted Bridge Inspection and Maintenance Devices

ANSI/SIA A92.9-1993 Mast-Climbing Work Platforms

NEW SECTION

WAC 296-155-497 Non-Mandatory Appendix D to Part J-1, List of Training Topics for Scaffold Erectors and Dismantlers. This Appendix D is provided to serve as a guide to assist employers when evaluating the training needs of employees erecting or dismantling supported scaffolds.

The Agency believes that employees erecting or dismantling scaffolds should be trained in the following topics:

- * General Overview of Scaffolding
 - * regulations and standards
 - * erection/dismantling planning
 - * PPE and proper procedures
 - * fall protection
 - * materials handling
 - * access
 - * working platforms
 - * foundations
 - * guys, ties and braces
- * Tubular Welded Frame Scaffolds
 - * specific regulations and standards
 - * components
 - * parts inspection
 - * erection/dismantling planning
 - * guys, ties and braces
 - * fall protection
 - * general safety
 - * access and platforms
 - * erection/dismantling procedures
 - * rolling scaffold assembly
 - * putlogs
- * Tube and Clamp Scaffolds
 - * specific regulations and standards
 - * components
 - * parts inspection
 - * erection/dismantling planning
 - * guys, ties and braces

- * fall protection
- * general safety
- * access and platforms
- * erection/dismantling procedures
- * buttresses, cantilevers, & bridges
- * System Scaffolds
 - * specific regulations and standards
 - * components
 - * parts inspection
 - * erection/dismantling planning
 - * guys, ties and braces
 - * fall protection
 - * general safety
 - * access and platforms
 - * erection/dismantling procedures
 - * buttresses, cantilevers, & bridges

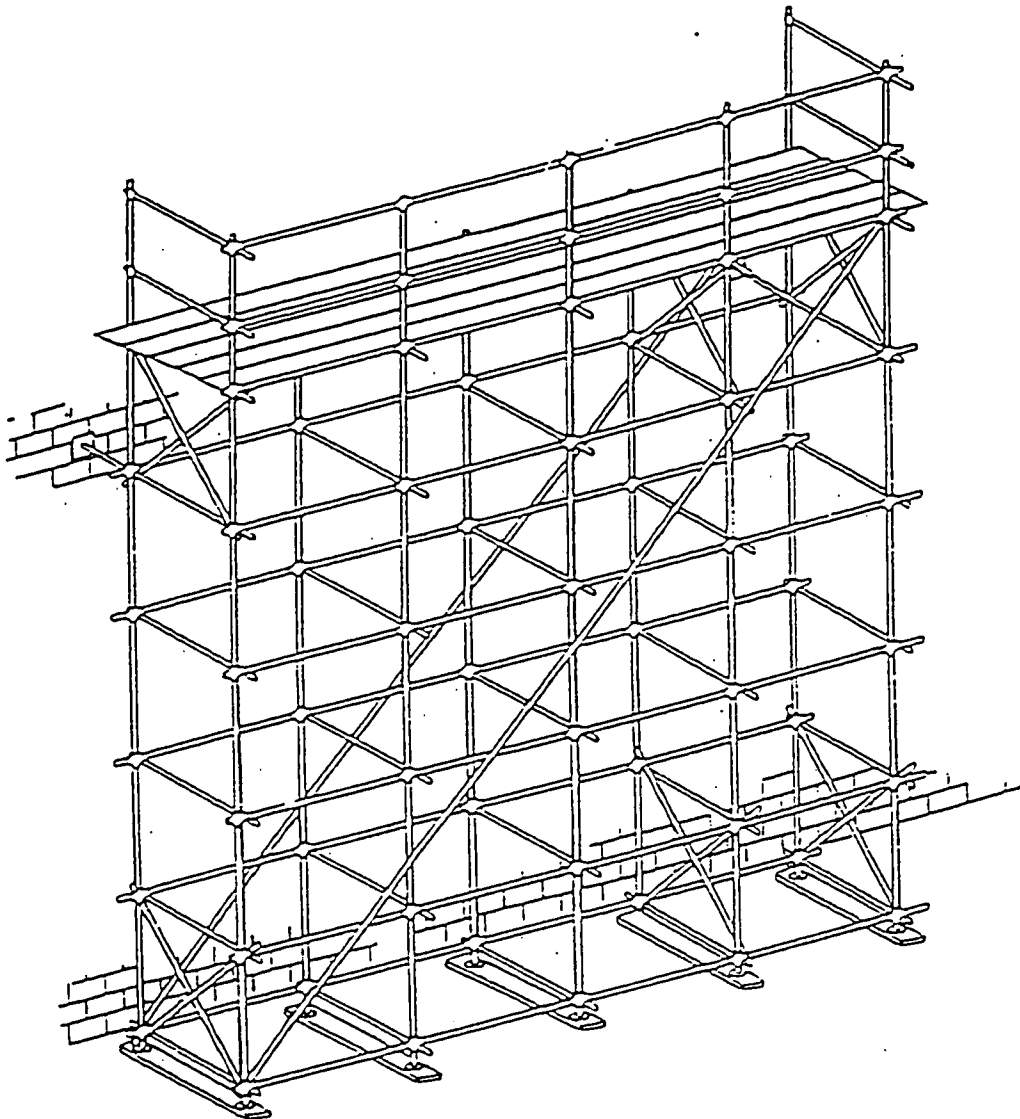
Scaffold erectors and dismantlers should all receive the general overview, and, in addition, specific training for the type of supported scaffold being erected or dismantled.

NEW SECTION

WAC 296-155-498 Non-Mandatory Appendix E to Part J-1, Drawings and Illustrations. This Appendix provides drawings of particular types of scaffolds and scaffold components, and graphic illustrations of bracing patterns and tie spacing patterns.

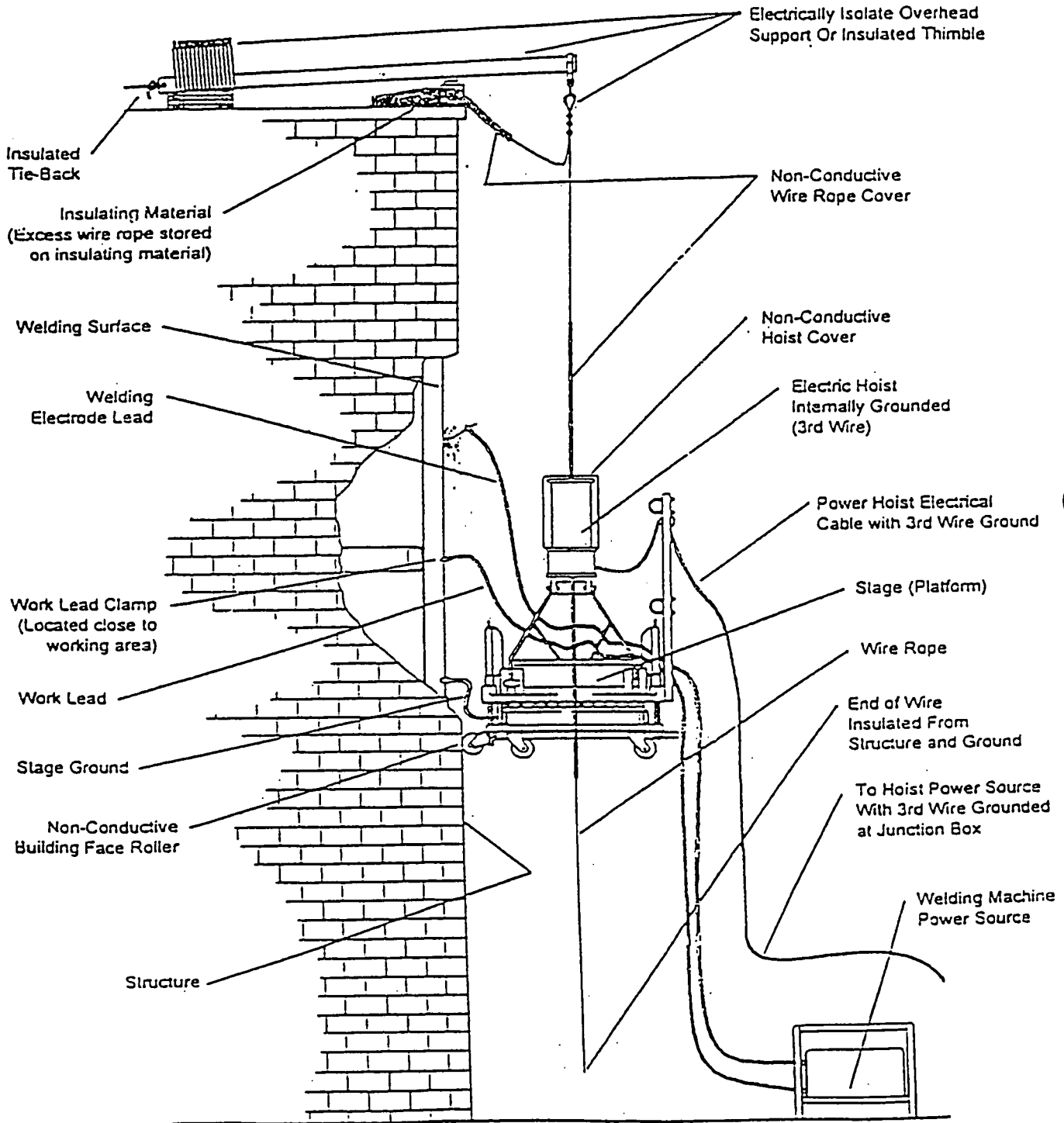
This Appendix is intended to provide visual guidance to assist the user in complying with the requirements of Part J-1, chapter 296-155 WAC.

BRACING – TUBE & COUPLER SCAFFOLDS



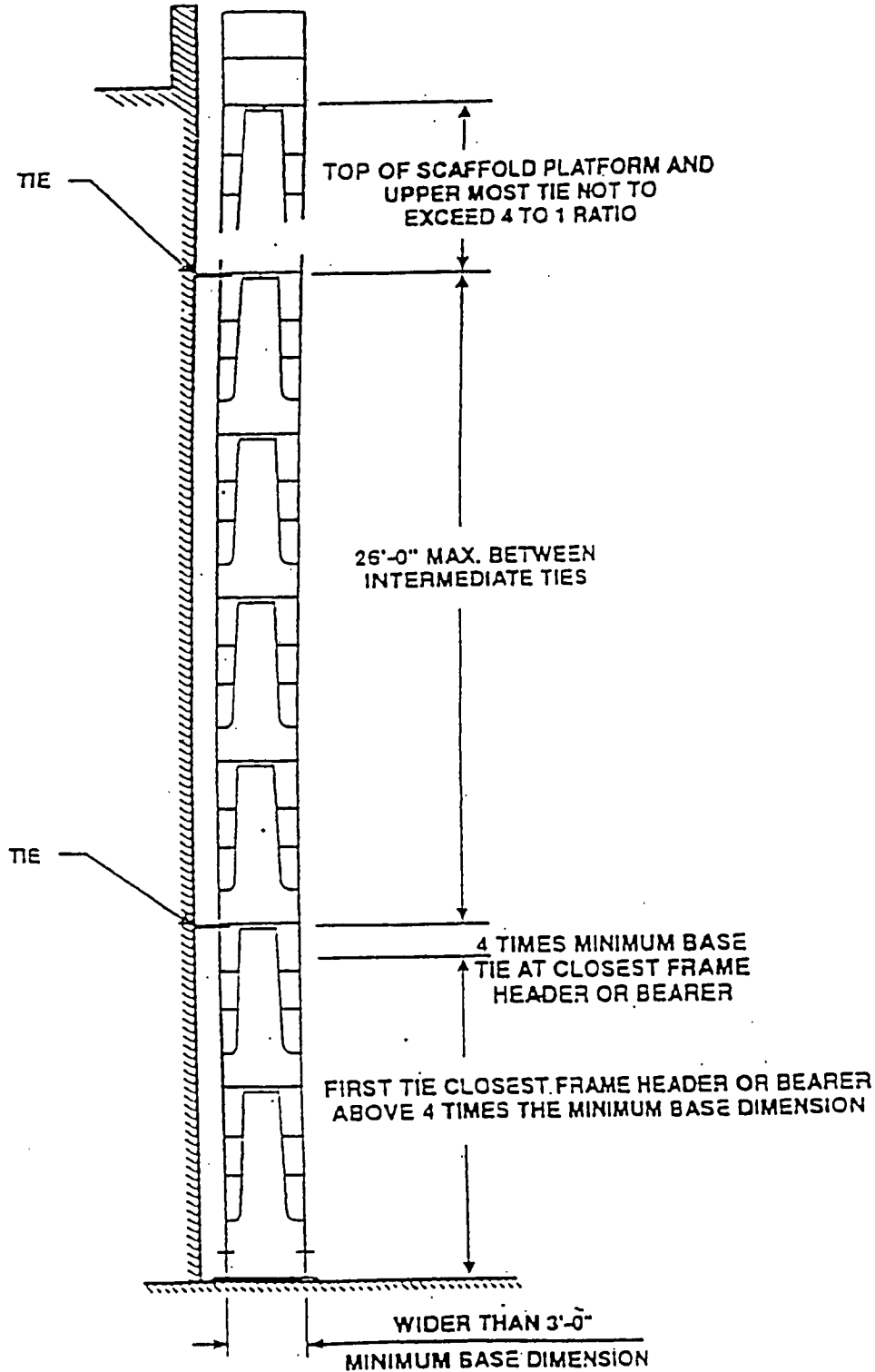
PERMANENT

SUSPENDED SCAFFOLD PLATFORM WELDING PRECAUTIONS



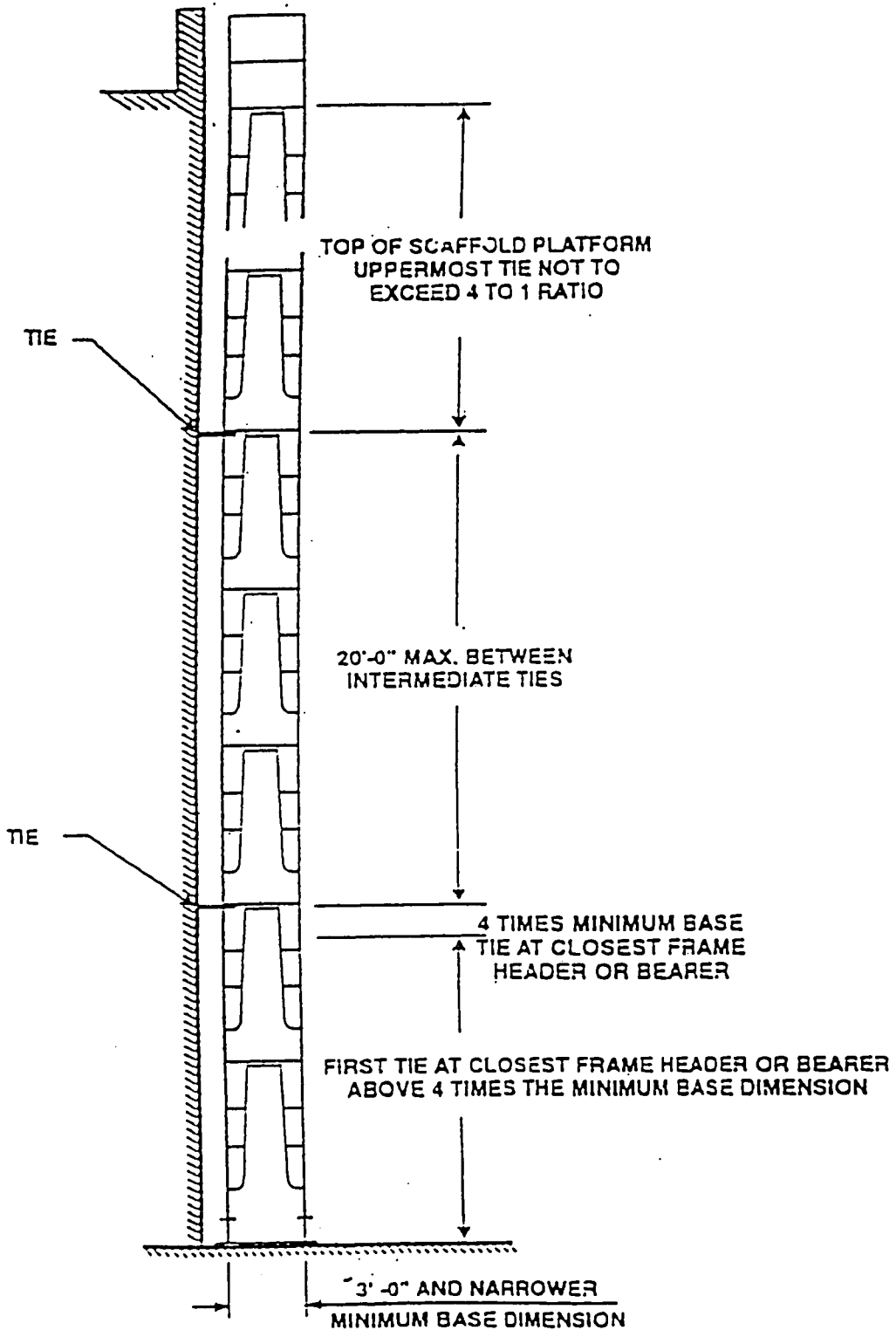
PERMANENT

MAXIMUM VERTICAL TIE SPACING WIDER THAN 3'-0" BASES



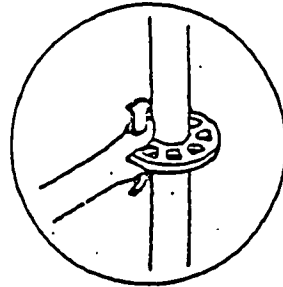
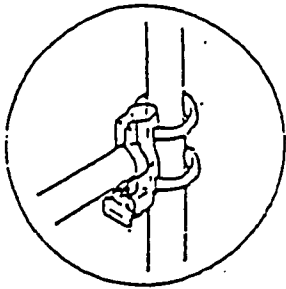
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MAXIMUM VERTICAL TIE SPACING 3'-0" AND NARROWER BASES

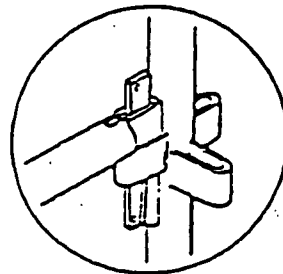
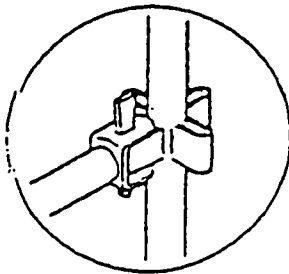


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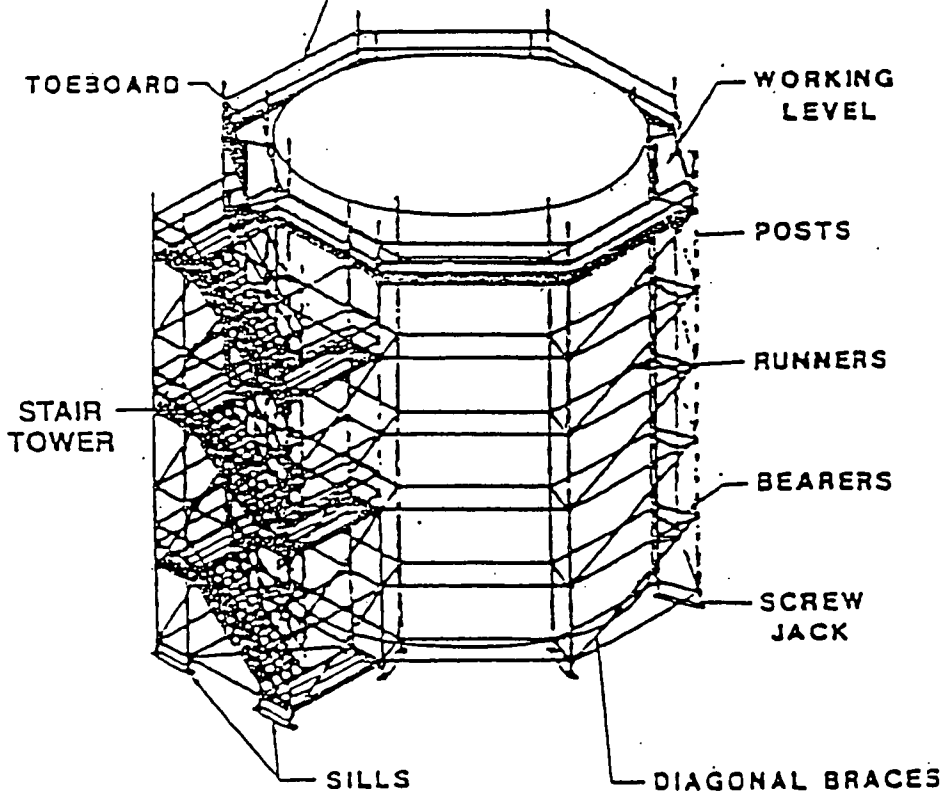
SYSTEM SCAFFOLD



JOINT CONNECTIONS
VARY ACCORDING
TO MANUFACTURER



GUARD RAIL SYSTEM



PERMANENT

SPID[®] DNS IND 65
 KD19 S-DRY (7)
 SCAFFOLD PLANK

Grade stamp courtesy of Southern Pine Inspection Bureau

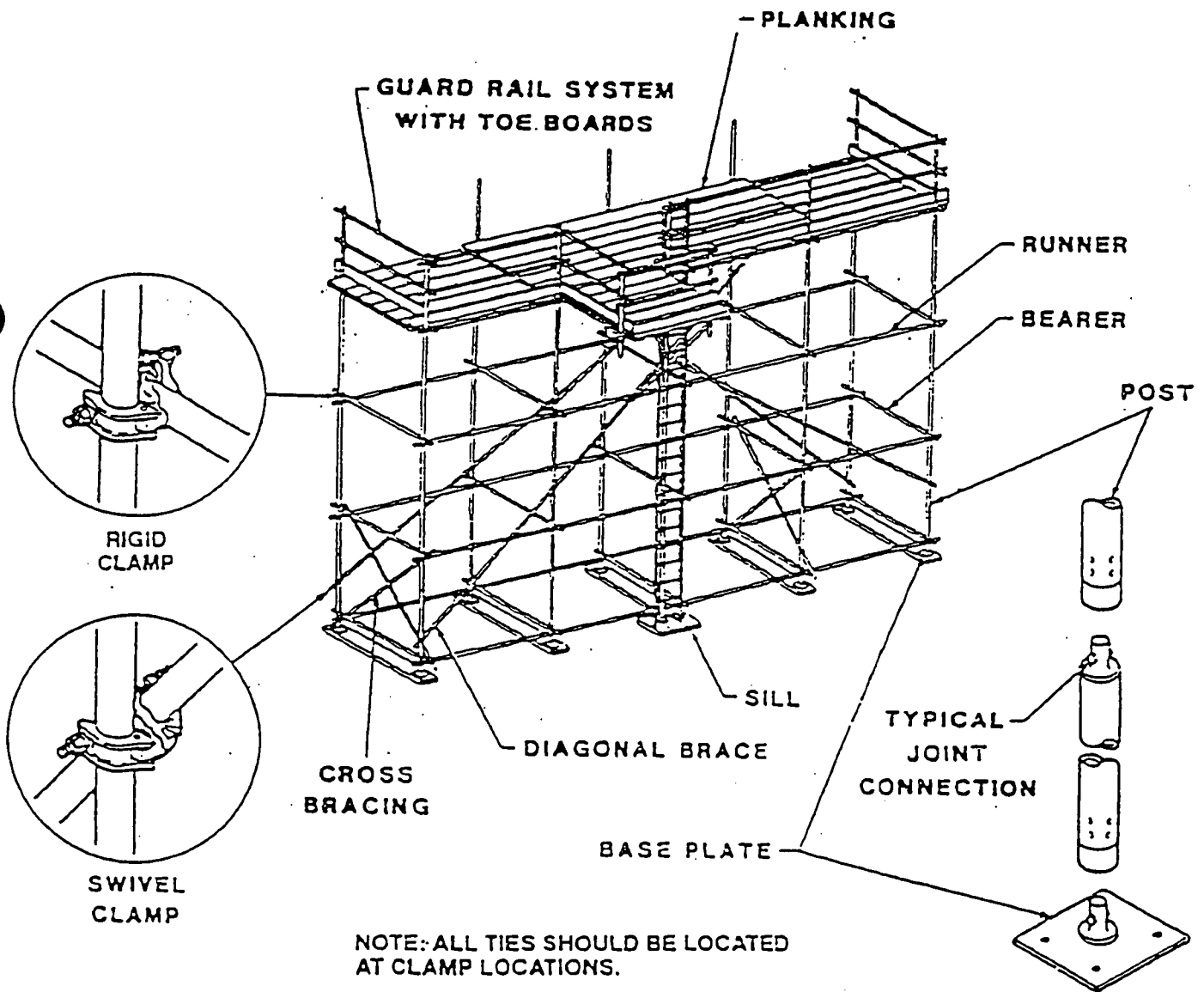
MILL 10

 SEL STR
 SCAF PLK
 D. FIR S. DRY

Grade stamp courtesy of West Coast Lumber Inspection Bureau

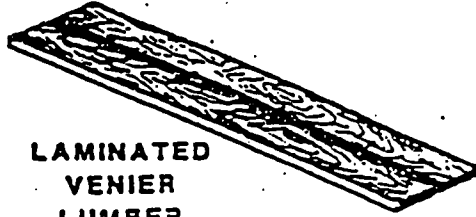
PERMANENT

TUBE and COUPLER SCAFFOLD

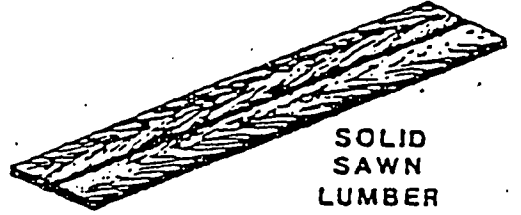


PERMANENT

SCAFFOLDING WORK SURFACES

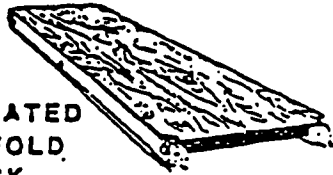


LAMINATED
VENIER
LUMBER
(LVL)

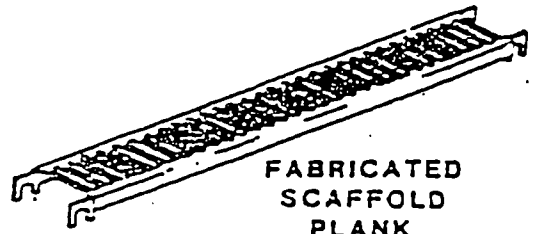


SOLID
SAWN
LUMBER

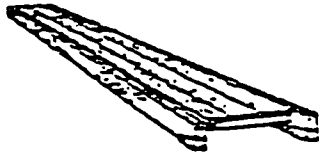
SCAFFOLD PLANKS



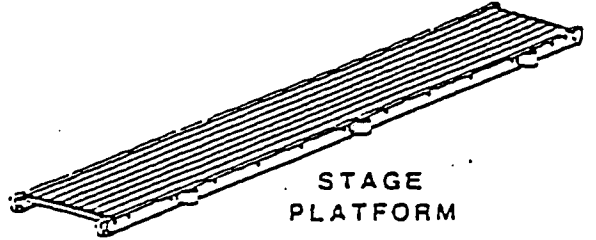
FABRICATED
SCAFFOLD
DECK



FABRICATED
SCAFFOLD
PLANK



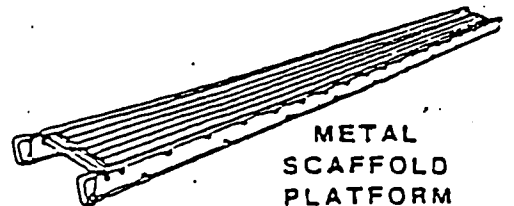
DECORATOR PLANK



STAGE
PLATFORM



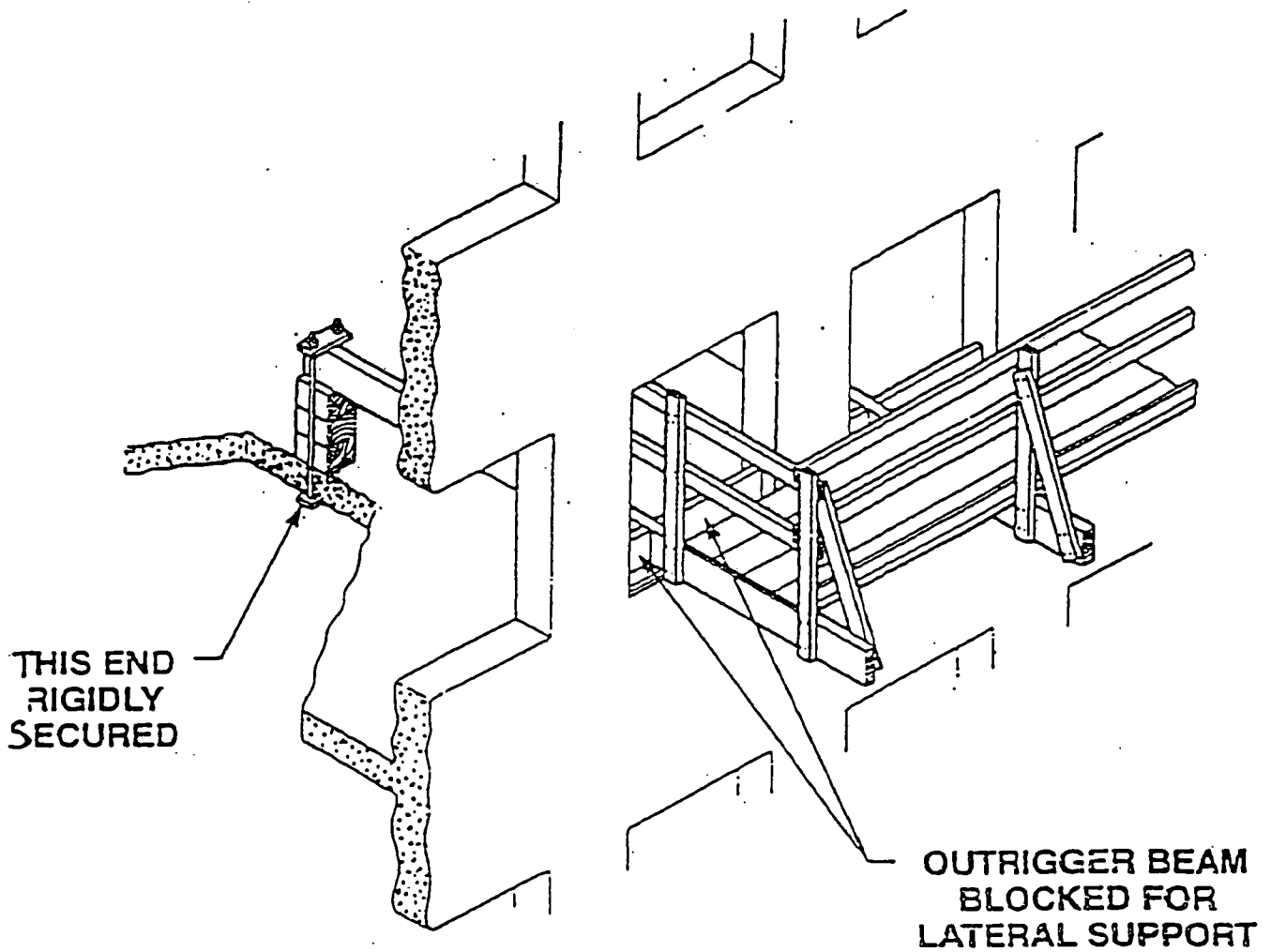
WOOD
SCAFFOLD
PLATFORM



METAL
SCAFFOLD
PLATFORM

PERMANENT

OUTRIGGER SCAFFOLD



PERMANENT

NEW SECTION

WAC 296-155-528 Crane or derrick suspended personnel platforms. (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (4)(b)) and applying the fifty percent derating of the crane capacity which is required by (f) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems contained in chapter 296-155 WAC, Part K and body harness anchorages are contained in chapter 296-155 WAC, Part C-1.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of chapter 296-155 WAC, Part K and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of chapter 296-155 WAC, Part C-1.

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of chapter 296-155 WAC, Part C-1.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of chapter 296-155 WAC, Part C-1.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stored on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After proof testing, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (2)(c).

(h) Except over water, employees occupying the personnel platform shall use a full body harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage as specified in chapter 296-155 WAC, Part C-1. When working over water, the requirements of WAC 296-155-235 shall apply.

No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(e) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-605 Equipment. (1) General requirements.

(a) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(b) All tire servicing of multi-piece and single-piece rim wheels are subject to the requirements of WAC 296-155-61701 through 296-155-61713.

(c)(i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed required otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(d) The use, care and charging of all batteries shall conform to the requirements of part I of this chapter.

(e) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this part.

(f) All equipment covered by this part shall comply with the requirements of WAC 296-155-525 ~~((2)(e))~~ (3)(a) when working or being moved in the vicinity of power lines or energized transmitters.

(g) Where traffic is diverted onto dusty surfaces, good visibility shall be maintained by the suppression of dust, through the periodic application of oil or water to the grade surface, as required.

(h) No equipment, vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 ~~((2)(e))~~ (3)(a).

(2) Specific requirements. (Reserved.)

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-615 Material handling equipment.

(1) Earthmoving equipment; general.

(a) These rules apply to the following types of earthmoving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(b) Seat belts.

(i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(c) Access roadways and grades.

(i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control run-away vehicles.

(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum perfor-

mance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	_____	SAE J319b-1971
Self-propelled graders	_____	SAE J236-1971
Trucks and wagons	_____	SAE J166-1971
Front end loaders and dozer	_____	SAE J237-1971

(e) Fenders. Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.

(f) Rollover protective structures (ROPS). See Part V of this chapter for requirements for rollover protective structures and overhead protection.

(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(h) Specific effective dates—Brakes and fenders. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(i) Audible alarms.

(i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.

(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.

PERMANENT

(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(k) Tractor motors shall be cranked only by operators or other experienced persons.

(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.

(m) Riders, except mechanics and persons in training to operate equipment, shall not be allowed on equipment unless a seat with a seatbelt is provided and used.

(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.

(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.

(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.

(q) Operator shall not leave controls of tractor with master clutch engaged.

(r) Personnel shall not get on or off machine while machine is in motion.

(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.

(t) Respirators shall be worn by operators when subject to harmful dust exposure.

(2) Excavating and other equipment.

(a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(b) For the purposes of this part and of Part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(3) Lifting and hauling equipment (other than equipment covered under Part L of this chapter). Industrial trucks (including forklifts) shall meet the requirements of WAC 296-155-605 and the following:

(a) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(b) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags,

or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(c) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(d) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(e) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 502 of American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

(f) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

(g) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(h) When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(i) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(ii) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(iii) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(iv) An operator shall be at the controls of the forklift equipment while persons are on the platform.

(v) The operator shall be in the normal operating position while raising or lowering the platform.

(vi) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

(vii) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(viii) All platforms shall be visually inspected daily or before each use by the person in charge of the work being performed, and shall be tested as frequently as is necessary to maintain minimum safety factors.

(ix) Whenever a truck, except for high lift order picker trucks, is equipped with vertical hoisting controls elevatable with the lifting carriage or forks, the following precautions shall be taken for the protection of personnel being elevated.

(A) Provide a platform secured to the lifting carriage and/or forks.

(B) Provide means whereby personnel on the platform can shut off power to the truck.

(C) Provide such protection from falling objects as indicated necessary by the operating conditions.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-683 Concrete finishing. (1) ~~((Scaffolding)) Scaffolds~~ for use of cement finishers shall comply with ~~((all applicable subsections of WAC 296-155-485))~~ the requirements of chapter 296-155 WAC, Part J-1, Scaffolds.

(2) Where grinders, chippers, and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to a structure or held in with weighted drop lines.

(3) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.

(4) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.

(5) Eye protection shall be worn by workers engaged in grinding, chipping, or sacking concrete as required by WAC 296-155-215.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-688 Vertical slip forms. (1) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(2) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for this purpose. Such rods must be adequately braced where not encased in concrete.

(3) Forms shall be designed to prevent excessive distortion of the structure during the jacking operation.

(4) All vertical slip forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(5) Jacks and vertical supports shall be positioned in such a manner that the loads do not exceed the rated capacity of the jacks.

(6) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to support the slip forms whenever failure of the power supply or lifting mechanism occurs.

(7) The form structure shall be maintained within all design tolerances specified for plumbness during the jacking operation.

(8) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(9) Workers placing reinforcing steel shall ~~((wear a full body harness tied off by lanyards or otherwise securely fastened))~~ comply with the requirements of chapter 296-155 WAC, Part C-1 when working above the scaffold level.

(10) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

(11) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(12) While the slide is in operation, the form structure shall be maintained in line and plumb.

(13) A field supervisor experienced in slip form construction shall be present on the deck at all times.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-689 Placing and removal of forms.

(1) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(2) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(3) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(4) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be ~~((required to wear a full body harness))~~ protected from falls in accordance with chapter 296-155 WAC, Part C-1 during forming and stripping operations.

(5) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(6) Workers or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(7) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-700 General requirements. (1)

Erection gangs on structural steel erection shall work under the direction of experienced crew leader.

(2) Workers shall not ride on steel being hoisted, nor slide down ropes, columns or ladders.

(3) Wire rope slings shall be used when lifting loads. Care shall be taken to avoid sharp bends by using wood or similar type padding between wire rope and load. Reinforcing steel shall not be lifted by bundling ties.

(4) If float scaffolds are used during steel erection, they shall be used in accordance with WAC ((296-155-485(24)) 296-155-484(19)).

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

- (a) Air monitoring;
- (b) Ventilation;
- (c) Confined space entry procedures;
- (d) Permit-required confined space entry procedures;
- (e) Illumination;
- (f) Communications;
- (g) Flood control;
- (h) Mechanical equipment;
- (i) Personal protective equipment;

- (j) Explosives;
- (k) Fire prevention and protection; and
- (l) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the jobsite. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer shall provide self-rescuers having current approval from the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration to be immediately available to all employees at work stations in underground areas where

employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators shall be in accordance with the requirements of chapter 296-62 WAC, Part E.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On jobsites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the jobsite or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On jobsites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the jobsite or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of fire fighting equipment. Qualifications shall be reviewed not less than annually.

(d) On jobsites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the jobsite.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in chapter 296-155 WAC, Part H, shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-62 WAC, Part H, shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of jobsite: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the jobsite, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby jobsites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume

and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC, Part H.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device approved by MSHA-NIOSH as protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of chapter 296-62 WAC, Part E.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, Part H, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the

face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in chapter 296-155 WAC, Part B-1. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the department of labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book.

PERMANENT

Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

- (i) Be constructed of fire-resistant materials; and
- (ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of chapter 296-155 WAC, Part B-1, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot

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work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of

exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment, including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in chapter 296-155 WAC, Part L.

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to

underground construction for motor vehicle transportation of employees are found in chapter 296-155 WAC, Part M.

(f) Conveyor lockout.

(i) Conveyors shall be de-energized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect person cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in person cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is ham-

pered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This subsection applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC ((~~296-155-48533~~) 296-155-528) contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC ((~~296-155-48533~~) 296-155-528(2)) do not apply to the routine access of employees to the underground via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This subsection does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalperson at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalperson who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration,

misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can

communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to chapter 296-155 WAC, Part L, for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83

m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-155-48503 Table J-1.
- WAC 296-155-48504 Table J-2.
- WAC 296-155-48505 Table J-3.
- WAC 296-155-48506 Table J-4.
- WAC 296-155-48507 Table J-5.
- WAC 296-155-48508 Table J-6.
- WAC 296-155-48509 Table J-7.
- WAC 296-155-48510 Table J-8.
- WAC 296-155-48511 Table J-9.
- WAC 296-155-48512 Table J-10.
- WAC 296-155-48513 Table J-11.
- WAC 296-155-48514 Table J-12.
- WAC 296-155-48515 Table J-13.
- WAC 296-155-48516 Table J-14.
- WAC 296-155-48517 Table J-15.
- WAC 296-155-48518 Table J-16.
- WAC 296-155-48519 Table J-17.
- WAC 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers).
- WAC 296-155-48525 Manually propelled elevating work platforms.
- WAC 296-155-48527 Self propelled elevating work platforms.

- WAC 296-155-48529 Boom supported elevating work platforms.
- WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices.
- WAC 296-155-48533 Crane or derrick suspended personnel platforms.
- WAC 296-155-48536 Forklift elevated work platforms.

WSR 98-05-060
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed February 13, 1998, 4:35 p.m.]

Date of Adoption: February 4, 1998.

Purpose: Consolidation of the administrative procedures and requirements for forty-three health care provider's credentials to a single, uniform process.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-328-100, 246-802-020, 246-808-106, 246-808-160, 246-808-185, 246-810-020, 246-810-022, 246-812-140, 246-815-040, 246-815-150, 246-815-300, 246-817-201, 246-822-110, 246-828-050, 246-828-520, 246-828-540, 246-828-560, 246-830-050, 246-830-465, 246-830-470, 246-830-480, 246-834-500, 246-836-090, 246-840-100, 246-840-110, 246-840-115, 246-843-155, 246-843-160, 246-843-250, 246-843-320, 246-845-100, 246-847-060, 246-847-200, 246-851-020, 246-851-100, 246-851-220, 246-851-240, 246-851-510, 246-853-040, 246-853-240, 246-853-270, 246-853-275, 246-861-120, 246-863-050, 246-869-050, 246-907-020, 246-915-060, 246-918-006, 246-918-085, 246-919-030, 246-919-305, 246-919-400, 246-919-410, 246-919-420, 246-919-440, 246-922-275, 246-922-280, 246-922-320, 246-924-120, 246-924-290, 246-924-320, 246-924-490, 246-926-160, 246-928-090, 246-930-400, 246-930-430, 246-933-180, 246-933-430 and 246-933-470; and amending WAC 246-328-200, 246-328-990, 246-802-025, 246-802-090, 246-802-250, 246-802-990, 246-808-105, 246-808-150, 246-808-155, 246-808-165, 246-808-180, 246-808-215, 246-808-990, 246-810-080, 246-810-130, 246-810-990, 246-812-120, 246-812-160, 246-812-990, 246-815-020, 246-815-100, 246-815-140, 246-815-990, 246-817-110, 246-817-150, 246-817-210, 246-817-990, 246-822-120, 246-822-990, 246-824-020, 246-824-040, 246-824-071, 246-824-073, 246-824-075, 246-824-170, 246-824-990, 246-826-050, 246-826-230, 246-826-990, 246-828-295, 246-828-300, 246-828-370, 246-828-510, 246-828-530, 246-828-990, 246-830-035, 246-830-460, 246-830-990, 246-834-060, 246-834-065, 246-834-170, 246-834-200, 246-834-260, 246-836-080, 246-836-410, 246-836-990, 246-840-010, 246-840-020, 246-840-040, 246-840-080, 246-840-090, 246-840-120, 246-840-340, 246-840-350, 246-840-360, 246-840-365, 246-840-410, 246-840-440, 246-840-450, 246-840-990, 246-841-610, 246-841-990, 246-843-150, 246-843-162, 246-843-180, 246-843-230, 246-843-330, 246-843-990, 246-845-990, 246-847-055, 246-847-065, 246-847-068, 246-847-070, 246-847-190, 246-847-990, 246-849-110, 246-849-210, 246-849-220, 246-849-260, 246-849-990, 246-851-090, 246-851-430, 246-851-990, 246-853-045, 246-853-060, 246-853-080, 246-853-210, 246-853-230, 246-853-990, 246-854-050, 246-854-080, 246-854-110, 246-855-100, 246-861-010, 246-861-020, 246-863-030, 246-863-070, 246-863-080, 246-863-090, 246-863-

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

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Number of Sections Adopted on the Agency's own Initiative: New 50, amended 156, repealed 69.

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Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 50, amended 156, repealed 69.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1998

Bruce Miyahara
Secretary

Chapter 246-12 WAC
ADMINISTRATIVE PROCEDURES AND REQUIREMENTS FOR CREDENTIALLED HEALTH CARE PROVIDERS

PART 1
GENERAL PROVISIONS

NEW SECTION

WAC 246-12-001 Purpose and scope. The rules in this chapter are intended to ensure consistent application of administrative procedures and requirements for licensure, certification and registration of health care practitioners credentialed under the Uniform Disciplinary Act (RCW 18.130.040), except those credentialed under chapter 18.73 RCW (emergency medical services). Within the rules there are several references to additional requirements which may be unique to a profession. Examples are the renewal cycle, fees, continuing education or competency requirements. Refer to individual profession's laws and rules for further guidance and information. Health profession laws and rules are available in public libraries and in publications by the department of health.

NEW SECTION

WAC 246-12-010 Definitions. (1) "Business": A business is an adult family home provider owned by a corporation regulated under chapter 18.48 RCW; a pharmaceutical firm regulated under chapter 18.64 RCW; or a nursing pool regulated under chapter 18.52C RCW; or a health care assistant regulated under chapter 18.135 RCW.

(2) "Credential": A credential is a license, certification, or registration issued to a person to practice a regulated health care profession. Whether the credential is a license, certification or registration is determined by the law regulating the profession.

(3) "Declaration": A declaration is a statement signed by the practitioner on a form provided by the department of health for verifying continuing education, AIDS training, or other requirements. When required, declarations must be completed and signed to be effective verification to the department.

(4) "Disciplinary suspension": The regulatory entity places the credential in disciplinary suspension status when there is a finding of unprofessional conduct. Refer to the Uniform Disciplinary Act (RCW 18.130.160).

(5) "Mandated suspension": The department of health places the credential in mandated suspension status when a law requires suspension of a credential under certain circumstances. This suspension is nondiscretionary for the department of health. Examples of mandated suspension are default on a student loan and failure to pay child support. The practitioner may not practice while on mandated suspension. The credential must be returned to active status before the practitioner may practice. See Part 6 of this chapter.

(6) "Practitioner": A practitioner is an individual health care provider listed under the Uniform Disciplinary Act, RCW 18.130.040.

(7) "Regulatory entities": A "regulatory entity" is a board, commission, or the secretary of the department of health designated as the authority to regulate one or more professions or occupations in this state. Practitioner health care practice acts and the Uniform Disciplinary Act (UDA) designate whether it is a board, commission, or the secretary of the department of health which has the authority to adopt rules, discipline health care providers, and determine requirements for initial licensure and continuing education requirements.

The regulatory entity determines whether disciplinary action should be taken on a credential for unprofessional conduct. These actions may include revocation, suspension, practice limitations or conditions upon the practitioner.

(8) "Renewal": Every credential requires renewal. The renewal cycle is either one year or two years, depending on the profession.

(9) "Secretary": The secretary is the secretary of the department of health or his or her designee.

(10) "Status": All credentials are subject to the Uniform Disciplinary Act (UDA) regardless of status. A credential status may be in any one of the following:

(a) Most credentials are in "active" status. These practitioners are authorized to practice the profession. These practitioners need to renew the credential each renewal cycle. See Part 2 of this chapter.

(b) The department of health places the credential in "expired" status if the credential is not renewed on time. While in expired status, the practitioner is not authorized to practice. Practice on an expired status is a violation of law and subject to disciplinary action. See Part 2 of this chapter.

(c) A practitioner may place the credential in "inactive" status if authorized by the regulatory entity. This means the practitioner is not practicing the profession. See Part 4 of this chapter.

(d) A practitioner may place the credential in "retired active" status if authorized by the regulatory entity. This means the practitioner can practice only intermittently or in emergencies. See Part 5 of this chapter.

PART 2 INITIAL AND RENEWAL CREDENTIALING OF PRACTITIONERS

NEW SECTION

WAC 246-12-020 How to obtain an initial credential. (1) An initial credential for a practitioner is issued once all eligibility requirements are met.

(2) To obtain an initial credential, the practitioner must:

(a) Pay applicable application, examination and licensing fees;

(b) Submit an application on forms approved by the secretary;

(c) Submit supporting documentation required by the regulatory entity.

(3) The initial credential will expire on the practitioner's birthday, except for faculty or postgraduate education credentials authorized by law. Initial credentials issued within ninety days of the practitioner's birthday do not expire until the practitioner's next birthday.

NEW SECTION

WAC 246-12-030 How to renew a credential. (1) The expiration date for all credentials is the practitioner's birthday, except for faculty or postgraduate education credentials authorized by law.

(2) A credential period may be one or two years. To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(3) To renew a credential, the practitioner must:

(a) Pay the renewal fee;

(b) Pay the substance abuse monitoring surcharge, if required by the profession; and

(c) Provide written declarations or documentation, if required for the profession.

(4) Prior to the credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the credential renewal requirement.

(5) Renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

NEW SECTION

WAC 246-12-040 How to return to active status when a credential has expired. (1) The credential status is expired if the practitioner does not renew on or before the expiration date. Any renewal that is postmarked or presented to the department after midnight on the expiration date is, late, and subject to a **late renewal penalty fee**. The practitioner must not practice until the credential is returned to active status.

(2) A credential is returned to active status by complying with the following:

(a) Expired for one renewal cycle or less:

(i) Pay the late renewal penalty fee;

(ii) Pay the current renewal fee;

(iii) Pay the current substance abuse monitoring surcharge, if required by the profession;

(iv) Provide written declarations or documentation, if required for the profession; and

(v) Comply with current continuing education or continuing competency requirements if required by the profession.

(b) Expired for more than one renewal cycle but less than three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(vii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(viii) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential; and

(ix) Provide other written declarations or documentation, if required for the profession.

(c) Expired for over three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Satisfy other competency requirements of the regulatory entity, if required;

(vii) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(viii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(ix) Provide a written declaration that continuing education or competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential;

(x) Provide other written declarations or documentation, if required for the profession; and

(xi) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

PART 3**INITIAL AND RENEWAL CREDENTIALING OF BUSINESSES**NEW SECTION

WAC 246-12-060 How to obtain an initial business credential. An initial credential for a business is issued once all eligibility requirements are met. To obtain an initial credential, the business must:

(1) Pay all applicable application and license fees;

(2) Submit an application on forms approved by the secretary;

(3) Submit supporting documentation required by the regulatory entity.

NEW SECTION

WAC 246-12-070 How to renew a business credential. (1) A business expires on a date determined by the regulatory entity.

(2) A credential period may be one or two years. Refer to the profession laws and rules to determine the renewal cycle and expiration date.

(3) To renew a credential the business must:

(a) Pay the renewal fee; and

(b) Provide written declarations or documentation, if required for the profession.

(4) Prior to the credential expiration date, courtesy renewal notices are mailed to the address on file. Businesses should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the credential renewal requirement.

(5) Renewal fees are accepted by the department within ninety days prior to the expiration date.

NEW SECTION

WAC 246-12-080 When a business credential expires. (1) The business credential expires if the credential is not renewed on or before the expiration date. The business must not open for business or otherwise operate until the credential is renewed.

(2) A business credential is renewed by complying with the following:

(a) Expired for three years or less:

(i) Pay the late renewal penalty fee;

(ii) Pay the current renewal fee for each renewal cycle where the credential was expired; and

(iii) Provide written declarations or documentation, if required for the profession.

(b) Expired more than three years:

- (i) Comply with the qualifications and procedures for initial credentialing; and
- (ii) Pay initial credentialing fee.

PART 4 INACTIVE CREDENTIAL

NEW SECTION

WAC 246-12-090 How to obtain an inactive credential. A practitioner may obtain an inactive credential if authorized by the regulatory entity. Refer to the profession rules to determine if this status is available.

(1) To obtain an inactive credential the practitioner must submit a letter notifying the department of health of the intent to obtain an inactive credential.

(2) A practitioner may apply for an inactive credential if he or she meets the following criteria:

- (a) Holds an active Washington state credential;
- (b) Is in good standing; and
- (c) Will not practice in Washington.

(3) The practitioner may obtain an inactive credential at any time the criteria in subsection (2) of this section are met. The fee for the initial inactive credential will be due when the active credential expires. Portions of the current renewal fee will not be prorated or refunded for the remaining active renewal cycle.

NEW SECTION

WAC 246-12-100 How to renew an inactive credential. (1) The expiration for all credentials is the practitioner's birthday. To renew an inactive credential, the practitioner must:

- (a) Pay the inactive credential renewal fee; and
- (b) Pay the substance abuse monitoring surcharge, if required by the profession.

(2) To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(3) Inactive credential renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(4) Prior to the inactive credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the inactive credential renewal requirement.

NEW SECTION

WAC 246-12-110 How to return to active status from inactive status. To change an inactive credential to an active credential status the practitioner must:

- (1) Notify the department in writing of the change;
- (2) Pay the appropriate current active renewal fee;
- (3) Pay the current substance abuse monitoring surcharge, if required by the profession.

(4) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(5) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(6) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession;

(7) Provide other written declarations or documentation, if required for the profession;

(8) Satisfy other competency requirements of the regulatory entity; if required; and

(9) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

PART 5 RETIRED ACTIVE CREDENTIAL

NEW SECTION

WAC 246-12-120 How to obtain a retired active credential. A practitioner may obtain a retired active status credential if authorized by the regulatory entity. Refer to the profession rules to determine if this status is available.

(1) To obtain a retired active credential the practitioner must submit a letter notifying the department of health of the intent to practice only on an intermittent or emergency basis.

(2) A practitioner may apply for a retired active credential (refer to RCW 18.130.250) if he or she meets the following criteria:

- (a) Holds an active Washington state credential;
- (b) Is in good standing; and either
- (c) Will practice no more than ninety days each year in Washington state; or

(d) Will practice only in emergency circumstances such as earthquakes, floods, times of declared war or other states of emergency.

(3) The practitioner may obtain a retired active credential at any time the criteria in subsection (2) of this section are met. The fee for the initial retired active credential will be due when the active credential expires. Portions of the current renewal fee will not be prorated or refunded for the remaining active renewal cycle.

(4) The profession may define specific practice settings in which services may be provided. Refer to the laws and rules of the profession to determine if specific practice settings are identified.

NEW SECTION

WAC 246-12-130 How to renew a retired active credential. (1) The expiration for all credentials is the practitioner's birthday. To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(2) To renew a retired active credential, the practitioner must:

- (a) Pay the retired active credential renewal fee;
- (b) Pay the substance abuse monitoring surcharge, if required by the profession;

(c) Provide a written declaration stating that he or she practiced only intermittently or in an emergency during the previous renewal cycle;

(d) Provide a written declaration stating that continuing education or competency requirements have been met, if required for the profession; and

(e) Provide other written declarations or documentation, if required for the profession.

(3) Retired active credential renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(4) Prior to the retired active credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the retired active credential renewal requirement.

NEW SECTION

WAC 246-12-140 How to return to active status from retired active status. To change a retired active credential to an active credential status the practitioner must:

(1) Notify the department in writing of the change;

(2) Pay the appropriate current active renewal fee;

(3) Pay the current substance abuse monitoring surcharge, if required by the profession.

(4) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(5) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(6) Provide a written declaration that continuing education and competency requirements have been met, if required for the profession;

(7) Provide other written declarations or documentation, if required for the profession;

(8) Satisfy other competency requirements of the regulatory entity, if required; and

(9) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

PART 6 CREDENTIAL SUSPENSIONS

NEW SECTION

WAC 246-12-160 How to return to active status following a mandated suspension. (1) The department of health places the credential in mandated suspension status when a law requires suspension of a credential under certain circumstances. This suspension is not discretionary for the department of health. Examples of mandated suspension are default on a student loan and failure to pay child support. The practitioner may not practice while on mandated suspension. The credential must be returned to active status before the practitioner may practice.

(2) A credential is returned to active status by complying with the following:

(a) Meet all the requirements outlined in the order mandating the suspension;

(b) Pay the current renewal fee, if due;

(c) Pay the substance abuse monitoring surcharge if required by the profession;

(d) Pay a "return from mandated suspension fee" of two hundred forty-five dollars. Standard renewal fees are not required during the period of the suspension;

(e) Provide written declaration that all continuing education and competency requirements for the entire suspension period have been met, if required by the profession;

(f) Provide other written declarations or documentation, if required for the profession; and

(g) If the mandated suspension was for more than three years the practitioner must also comply with any specific requirements identified in rule by that profession's regulatory entity.

NEW SECTION

WAC 246-12-165 How to return to active status following a disciplinary suspension. (1) The regulatory entity may place a credential on disciplinary suspension when there is a finding of unprofessional conduct. The practitioner may not practice while on suspension unless the suspension is stayed. The credential must be returned to active status before the practitioner may practice.

(2) A credential is returned to active status by complying with the following:

(a) Meet all the requirements outlined in the disciplinary order;

(b) Pay the current renewal fee, if due. Standard renewal fees are not required during the period of the suspension unless the suspension is stayed;

(c) Pay the substance abuse monitoring surcharge if required by the profession;

(d) Provide written declaration that all continuing education and competency requirements for the entire suspension period have been met, if required by the profession; and

(e) Provide other written declarations or documentation, if required for the profession.

PART 7 CONTINUING EDUCATION

NEW SECTION

WAC 246-12-170 When is continuing education required? Continuing education is required for renewal of a credential only if authorized in law. The regulatory entity defines the continuing education requirements. Practitioners should refer to the laws and rules relating to their profession to determine if continuing education is required.

NEW SECTION

WAC 246-12-180 How to prove compliance. If continuing education is required for renewal, the practitioner must verify compliance by submitting a signed declaration of compliance.

PERMANENT

NEW SECTION

WAC 246-12-190 Auditing for compliance. Up to twenty-five percent of the practitioners are randomly audited for continuing education compliance after the credential is renewed. It is the practitioner's responsibility to submit documentation of completed continuing education activities at the time of the audit. Failure to comply with the audit documentation request or failure to supply acceptable documentation within sixty days may result in disciplinary action.

NEW SECTION

WAC 246-12-200 What is acceptable audit documentation? Practitioners must:

- (1) Prove compliance which may include course or program certificates of training or transcripts. Refer to the rules of your profession for more specific guidance.
- (2) Keep records for four years documenting attendance description of learning.

NEW SECTION

WAC 246-12-210 When is a practitioner exempt from continuing education? A practitioner may be excused from or granted an extension of continuing education requirements due to illness or other extenuating circumstances. The profession's regulatory entity determines when the requirements may be waived or may grant an extension.

NEW SECTION

WAC 246-12-220 How credit hours for continuing education courses are determined. A credit hour is defined as time actually spent in a course or other activities as determined by the regulatory entity as fulfilling continuing education requirements. A credit hour for time actually spent in a course can not be less than fifty minutes.

NEW SECTION

WAC 246-12-230 Carrying over of continuing education credits. Continuing education hours in excess of the required hours earned in a reporting period cannot be carried forward to the next reporting cycle.

NEW SECTION

WAC 246-12-240 Taking the same course more than once during a reporting cycle. The same course taken more than once during a reporting cycle will only be counted once.

**PART 8
AIDS PREVENTION AND INFORMATION
EDUCATION REQUIREMENTS**

NEW SECTION

WAC 246-12-250 Definitions. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section with the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

NEW SECTION

WAC 246-12-260 Who must obtain AIDS education? All practitioners must demonstrate completion of four or seven clock hours of AIDS education prior to initially obtaining a health care credential. Refer to the specific profession rules to determine the number of hours of AIDS education and training that are required.

NEW SECTION

WAC 246-12-270 Acceptable AIDS education and training. (1) The regulatory entity will accept education and training that is consistent with the model curriculum available from the office on AIDS.

(2) AIDS education and training must include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

NEW SECTION

WAC 246-12-280 What is acceptable documentation? Practitioners must:

- (1) Provide a written declaration that the minimum education and training has been completed;
- (2) Keep records for two years documenting training and description of learning; and
- (3) Be prepared to validate, through submission of these records, that training has taken place.

**PART 9
DUPLICATE CREDENTIALS OR WALL CERTIFICATES**

NEW SECTION

WAC 246-12-290 How to obtain a duplicate credential or wall certificate. Practitioners may obtain a duplicate credential or wall certificate by providing a written request and paying a fee established by the secretary.

**PART 10
PRACTITIONER NAME AND ADDRESS CHANGES**

NEW SECTION

WAC 246-12-300 Name changes. It is the responsibility of each practitioner to maintain his or her correct name on file with the department. Requests for name changes must be submitted in writing along with acceptable documentation. Acceptable documentation includes a copy of a marriage certificate, divorce decree or court order of legal name change.

NEW SECTION

WAC 246-12-310 Address changes. It is the responsibility of each practitioner to maintain his or her current address on file with the department. Requests for address changes may be made either by telephone or in writing. The mailing address on file with the department will be used for mailing of all official matters to the practitioner.

NEW SECTION

WAC 246-12-320 Other information. Refer to WAC 246-01-100 and 246-11-060 for more information on maintaining a current address with the department.

**PART 11
FEES, PAYMENTS AND REFUNDS**

NEW SECTION

WAC 246-12-330 General information. The costs of health care professional credentialing programs must be fully supported by members of that profession. The amount of all fees are established by the secretary and set by rule. Fees can be found in rules pertaining to each profession.

NEW SECTION

WAC 246-12-340 Refund of fees. Fees submitted with applications for initial credentialing, examinations, renewal, and other fees associated with the licensing and regulation of the profession are nonrefundable.

NEW SECTION

WAC 246-12-350 Making payments. (1) Make checks or money orders payable to the department of health. (2) Practitioners should include their credential number on the check, draft or money order. (3) Applicants should include profession for which they are applying on the check, draft or money order. (4) Send check, draft or money order to:

Department of Health
P.O. Box 1099
Olympia, Washington 98507-1099

NEW SECTION

WAC 246-12-360 Other information. Refer to RCW 43.70.250, 43.70.320 and WAC 246-08-560 for more information relating to fees and refunds.

AMENDATORY SECTION (Amending WSR 96-14-070, filed 6/28/96, effective 7/1/96)

WAC 246-328-200 HIV/AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for registration. Persons applying for registration shall successfully complete the HIV/AIDS education requirements of subsection (3) of this section.~~

~~(3) HIV/AIDS education and training requirements.~~

~~(a) The department shall accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The department shall accept the department of social and health services fundamentals of caregiving training or modified fundamentals of caregiving as meeting HIV/AIDS education requirements.~~

~~(4) Persons applying for registration shall attest to the department that HIV/AIDS education and training is successfully completed. If the person applying is a corporation, the corporation must verify and certify that the resident manager has successfully completed the minimum education and training.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-14-070, filed 6/28/96, effective 7/1/96)

WAC 246-328-990 ((Fees for)) Adult family home provider or resident manager fees and renewal cycle. ~~((The fees charged by the health professions quality assurance division of the department of health are listed below. The initial registration fee for an individual who is an adult family home provider or resident manager shall include the first month up to, but not including, the birth date month following initial registration. The initial registration fee for a corporation that is an adult family home provider shall include the first month up to July 1 following initial registration, the initial registration fee of \$90.00 shall be prorated by the department of health at \$7.50 per month.))~~ (1) Registrations of an individual who is a provider or resident manager must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Registrations of a corporation that is a provider must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 3.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Initial registration	\$90.00
Registration renewal	85.00
Late renewal penalty	50.00
<u>Expired registration reissuance</u>	<u>50.00</u>
Duplicate registration	15.00
Certification of registration	15.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-328-100 Registration.

PERMANENT

AMENDATORY SECTION (Amending Order 295B, filed 8/13/92, effective 9/13/92)

WAC 246-802-025 Inactive status. ~~((1) A certified acupuncturist, in good standing, who practices exclusively out of state or is on sabbatical, may place his or her license on inactive status by submitting to the department:~~

- ~~(a) A written request for inactive status; and~~
- ~~(b) The inactive renewal fee specified in WAC 246-802-990.~~

~~(2) An acupuncturist may request that an inactive license be made active by submitting to the department:~~

- ~~(a) A written request to activate the inactive license;~~
- ~~(b) The renewal fee specified in WAC 246-802-990;~~
- ~~(c) An updated consultation plan.)~~ A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 295B, filed 8/13/92, effective 9/13/92)

WAC 246-802-090 Examinations. (1) An examination shall be given twice yearly for qualified applicants.

(2) An applicant for certification as an acupuncturist shall pass the following examinations:

- (a) National Commission for Certification of Acupuncturists (NCCA) written examination;
 - (b) NCCA point location examination; and
 - (c) NCCA-approved clean needle technique course.
- (3) An applicant may take and pass the examinations in subsection (1) of this section in a language other than English if that applicant:
- (a) Holds a degree or diploma or transfers from an institution in an English-speaking country; or
 - (b) Passes the test of English as a foreign language with a minimum score of 550.
- ~~((4) Application fees are nonrefundable.))~~

AMENDATORY SECTION (Amending Order 295B, filed 8/13/92, effective 9/13/92)

WAC 246-802-250 AIDS prevention and information education requirements. ~~((1) Definitions:~~

- ~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~
- ~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

- ~~(3) AIDS education and training.~~
- ~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and~~

~~psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

- ~~(c) Documentation. The applicant shall:~~
- ~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~
- ~~(ii) Keep records for two years documenting attendance and description of the learning;~~
- ~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 95-01-038, filed 12/12/94, effective 1/1/95)

WAC 246-802-990 Acupuncture fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

- (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.
- (2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application ((nonrefundable))	\$200.00
((Annual)) License renewal	240.00
Inactive license renewal	110.00
Late renewal penalty	100.00
Expired license reissuance	120.00
Expired inactive license reissuance	55.00
Duplicate license	15.00
Certification of license	25.00
Acupuncture training program application	500.00

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 246-802-020 License renewal registration date and fee.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-105 Chiropractic licensure—Initial eligibility and application requirements. To be eligible for Washington state chiropractic licensure, the applicant shall complete an application provided by the commission, and shall include written documentation to meet the eligibility criteria for such licensure.

- (1) Eligibility. An applicant shall provide proof that they:
 - (a) Graduated from an accredited chiropractic college approved by the commission and show satisfactory evidence

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of completion of a resident course of study of at least four thousand classroom hours of instruction.

(b) Successfully completed National Board of Chiropractic Examiners test parts I and II.

(c) Completed not less than one-half the requirements for a baccalaureate degree at an accredited and approved college or university if the applicant matriculated after January 1, 1975. Applicants who matriculated prior to January 1, 1975, must show proof of high school graduation or its equivalent.

(2) Application procedure. Each applicant shall submit:

(a) Completed official application including two recent photos.

(b) The ~~((nonrefundable))~~ examination fee. ~~((Fees must be in U.S. funds and made payable, by check or money order, to the department of health.))~~ (Refer to WAC 246-808-990 for fee schedule.)

(c) Official transcripts from prechiropractic schools showing successful completion of at least two years of liberal arts and sciences study.

(d) An official transcript and diploma certified by the registrar, from an approved chiropractic college.

(e) An official certificate of proficiency sent directly to the commission from the National Board of Chiropractic Examiners, parts I and II.

(f) Verification of licensure status from all states where applicant has been issued a license to practice chiropractic. Verification is required whether license is active or inactive.

(g) ~~((Certification of completion of four hours of AIDS education and training as further defined by WAC 246-808-106.))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-150 Commission approved continuing education. (1) ~~Licensed chiropractors ((shall be responsible for obtaining twenty-five hours of commission approved continuing education each year with proof (transcripts, certificates) to be submitted with annual renewal of their license))~~ must complete twenty-five hours of continuing education as required in chapter 246-12 WAC, Part 7.

(2) The commission approves the following subject material for continuing chiropractic education credit:

- (a) Diagnosis and treatment of the spine or immediate articulations within the scope of practice;
- (b) X-ray/diagnostic imaging;
- (c) Adjustive technique;
- (d) Detection of a subluxation;
- (e) Physical examination;
- (f) Hygiene;
- (g) Symptomatology;
- (h) Neurology;
- (i) Spinal pathology;
- (j) Spinal orthopedics;
- (k) Patient/case management;
- (l) Impairment within the scope of practice;
- (m) CPR - once every three years;
- (n) Dietary advice; and
- (o) Chiropractic philosophy.

(3) Subject matter not approved for continuing education credit:

- (a) Business management;
- (b) Subject matter not directly relating to the chiropractic clinical scope of practice;
- (c) Practice building; and
- (d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

(4) A formal video continuing education program that meets the requirements of this section is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

(5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to the participants.

(6) ~~((Credit for hours of continuing education in a commission approved continuing education program can be counted only once per year toward the annual continuing education requirement regardless of the number of times that program is attended.))~~ Licensed chiropractors serving as teachers or lecturers in commission approved continuing education programs receive credit on the same basis as the doctors attending the program.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-155 Prior approval not required. (1) It shall be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The commission shall accept any continuing chiropractic education that falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for, nor expect to receive, prior commission approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

~~((3) The commission shall conduct a random compliance audit of renewal applicants. If the commission determines that the applicant has not obtained continuing chiropractic education that falls within the subject matter defined in WAC 246-808-150 and the guidelines for symposium approval in WAC 246-808-150, then the application for renewal shall be denied.))~~

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-165 Exemptions. In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of chiropractic services to consumers) or failure to renew, or other extenuating circumstances, each case shall be considered by the commission on an individual basis. When circumstances justify it, the commission may grant a time extension. In the case of permanent retirement or illness, the commission may grant

indefinite waiver of continuing chiropractic education as a requirement for relicensure, provided an affidavit is received indicating the chiropractor is not providing chiropractic services to consumers. If such permanent illness or retirement status is changed or consumer chiropractic services resumed, it is incumbent upon the licensed chiropractor to immediately notify the commission and meet continuing chiropractor education requirements for relicensure. Continuing chiropractic education hours shall be prorated for the portion of ~~((that three year))~~ the period involving resumption of such services.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-180 ~~((Lapsed and inactive))~~ **Expired licenses—Requirements for reinstating ((or activating)) a license.** ~~((1) A licensee who allows their chiropractic license to lapse for more than three years must pay all back renewal fees plus penalty fee and submit proof of continuing education courses during the time the license was lapsed. If the licensee cannot submit proof of continuing education courses during the time the license was lapsed, reexamination of the former licensee as provided in RCW 18.25.040 and 18.25.070(2) shall be required.~~

~~(2) A licensee who has placed their chiropractic license on inactive status and now requests to activate the license shall submit to the commission, in writing, a request to activate their license from inactive status. A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the commission's discretion. The request to activate a license must include the following:~~

- ~~(a) An applicable fee, per WAC 246-808-990;~~
- ~~(b) Updated chronology from date license was placed into inactive status;~~
- ~~(c) Proof of four hours of AIDS education as defined in WAC 246-808-106;~~
- ~~(d) Documentation of any continuing education courses taken during the time their license was inactive.)~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years and the practitioner can submit proof of continuing education, the practitioner must:

- (a) Successfully complete the jurisprudence examination given by the department;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for more than three years and the practitioner cannot submit proof of continuing education courses during the time the license was expired, the practitioner must:

- (a) Successfully pass the examination as provided in RCW 18.25.040 and 18.25.070(2);

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

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WAC 246-808-181 Inactive credential. (1) A chiropractor may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active status the practitioner must:

- (a) Take and pass the jurisprudence examination given by the department; and
- (b) Meet the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-215 Registration of chiropractic x-ray technicians. (1) Chiropractic doctors shall employ only commission registered technicians to operate x-ray equipment.

(2) Application. An x-ray technician may apply for registration by submitting to the commission:

(a) Proof of satisfactory completion of a course of classroom instruction of at least forty-eight hours which has been approved by the commission in accordance with subsection (4) of this section; and

(b) Verification of passing a proficiency examination in radiologic technology, which is approved by the commission. A passing grade shall be seventy-five percent or a standardized score approved by the commission. If the applicant fails the initial examination, the applicant may reapply to take the examination one additional time without additional classroom instruction. If the applicant fails a second examination, the applicant shall complete an additional sixteen hours of classroom instruction prior to reapplying for a third examination.

(3) Exceptions. An applicant who holds a current active registration, license, or certification from a national certifying agency or other governmental licensing agency whose standards for registration, licensure or certification are equal to or exceed the standards under these rules may register without examination.

(4) Course approval. An individual may request commission approval of a course of classroom instruction for x-ray technicians by submitting the following information to the commission no later than ninety days prior to the first day of instruction:

(a) An outline of the course of instruction, which shall include:

- (i) Physics and equipment;
- (ii) Principles of radiographic exposure;
- (iii) Radiation protection;
- (iv) Anatomy and physiology; and
- (v) Radiographic positioning and procedures.

(b) Proficiency examination;

(c) Verification that the course instructor has on-campus or postgraduate faculty status in the field of radiology with a commission approved chiropractic college; and

(d) Any other information deemed necessary by the commission to make a determination.

(5) Continuing education. ~~((A))~~ **Registered chiropractic x-ray technicians** ~~((shall submit an affidavit certifying the))~~ must demonstrate completion of six hours of continuing education ~~((over the preceding year when applying for~~

annual renewal)) as provided in chapter 246-12 WAC, Part 7.

~~((a))~~ The commission approves continuing education of subject matter listed in subsection (4) of this section. Prior approval of continuing education programs is not required by the commission.

~~((b) The commission shall conduct random audits. If the commission determines that the applicant has not obtained continuing education that falls within the subject matter defined in subsection (4), the commission shall deny renewal of the registration.))~~

AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-990 Chiropractic fees and renewal cycle. ~~((The following fees shall be charged by the department of health:))~~ (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for chiropractic license:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Original license	200.00
Temporary permit application	150.00
Temporary practice permit	50.00
Preceptorship	100.00
License renewal	300.00
Late renewal penalty	150.00
Expired license reissuance	150.00
Inactive license renewal	150.00
Expired inactive license reissuance	75.00
Duplicate license	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for chiropractic x-ray technician registration:

((Chiropractic x-ray technician)) Application	25.00
((Chiropractic x-ray technician)) Original registration	25.00
Renewal	40.00
Late renewal penalty	25.00
Expired registration reissuance	40.00
Duplicate registration	15.00
Certification of registration	25.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-808-106 AIDS prevention and information education requirements.
- WAC 246-808-160 License renewal—Affidavit of compliance with continuing education requirements.
- WAC 246-808-185 License renewal form.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-080 AIDS prevention and information education requirements. ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health in rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Persons applying for registration or certification must submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Documentation. The applicant must:~~

~~(i) Certify, on forms provided, that the minimum education and training was completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the training;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance took place.)) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-130 ~~((Canceled certification—Reapplication.))~~ **Expired credential.** (1) If the certification has expired for three years or less the individual must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If a certification has been expired for more than three years ~~((or more, the certification is canceled. The certified counselor must reapply with the department, pay any current fees, and))~~ the individual may be required to meet all the requirements of a new applicant ~~((This section does not apply to anyone in a temporary retirement status))~~ and must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-990 Fees and renewal cycle. ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:))~~ (1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

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Title	Fee
(2) The following nonrefundable fees will be charged	
for registered counselor:	
Application and registration	\$ 40.00
Renewal	37.00
Late renewal penalty	37.00
<u>Expired registration reissuance</u>	<u>37.00</u>
Duplicate registration	15.00
((Verification)) <u>Certification of registration</u>	15.00
(3) The following nonrefundable fees will be charged	
for registered hypnoterapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
<u>Expired registration reissuance</u>	<u>65.00</u>
Duplicate registration	15.00
((Verification)) <u>Certification of registration</u>	15.00
(4) The following nonrefundable fees will be charged	
for certified marriage and family therapist:	
Application	100.00
Initial certification	125.00
Examination administration	50.00
Renewal	200.00
Late renewal penalty	100.00
<u>Expired certification reissuance</u>	<u>100.00</u>
Duplicate certification	15.00
((Verification)) <u>Certification of certificate</u>	15.00
Wall certificate	15.00
(5) The following nonrefundable fees will be charged for	
certified mental health counselor:	
Application	75.00
Initial certification	60.00
Renewal	65.00
Late renewal penalty	50.00
<u>Expired certification reissuance</u>	<u>50.00</u>
Duplicate certification	15.00
((Verification)) <u>Certification of certificate</u>	15.00
Wall certificate	15.00
(6) The following nonrefundable fees will be charged	
for certified social worker:	
Application	50.00
Initial certification	50.00
Renewal	65.00
Late renewal penalty	50.00
<u>Expired certification reissuance</u>	<u>50.00</u>
Duplicate certification	15.00
((Verification)) <u>Certification of certificate</u>	15.00
Wall certificate	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-810-020 Expiration of registration or certification.
- WAC 246-810-022 Current address.

AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements. To be eligible for Washington state denturist licensure, the applicant shall complete an application and shall include written documentation to meet eligibility criteria. Each applicant shall provide:

(1) A signed, notarized application and required fee. ~~((Fees are set by the secretary and are nonrefundable. Fees must be in United States funds and made payable by check or money order, to the department of health.))~~ (Refer to WAC 246-812-990 for fee schedule.)

(2) Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.

~~(3) ((Proof of seven hours of AIDS education and training as further defined by WAC 246-812-130.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-160 ~~((Lapsed and inactive licenses—Requirements for reinstating or activating a))~~ Expired license. ~~((1) A licensee who allows their denturist license to lapse for more than three years must pay a penalty fee per WAC 246-812-990.~~

~~(2) A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the secretary's discretion.~~

~~(3) A licensee who has placed their denturist license on inactive status and later requests to activate the license shall submit to the secretary, in writing, a request to activate their license from inactive status. The request to activate a license must include the following:~~

~~(a) An applicable fee, per WAC 246-812-990.~~

~~(b) Updated chronology from date license was placed into inactive status.~~

~~(c) Proof of four hours of AIDS education refresher training.))~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.25.040;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

NEW SECTION

WAC 246-812-161 Inactive credential. A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

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AMENDATORY SECTION (Amending WSR 95-22-062, filed 10/30/95, effective 11/30/95)

WAC 246-812-990 Denturist fees and renewal cycle.

((The following fees shall be charged by the department of health and are nonrefundable:))

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application ((includes the initial license which expires the following June 30))	\$ 1,000)) \$ 1,000.00
Examination	((1,500)) 1,500.00
Reexamination, written	((500)) 500.00
Reexamination, practical	((500)) 500.00
License renewal	((2,750)) 2,750.00
Late renewal penalty	((300)) 300.00
Expired license reissuance	300.00
Inactive license renewal	((1,500)) 1,500.00
Expired inactive license reissuance	300.00
Duplicate license	((15)) 15.00
Certification of license	((25)) 25.00
Multiple location licenses	((50)) 50.00

NEW SECTION

WAC 246-812-995 Conversion to a birthday renewal cycle. (1) The biennial license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will renew their license every other year on their birthday at the current renewal rate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-812-140 Application for licensure—
AIDS education requirements.

AMENDATORY SECTION (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

WAC 246-815-020 Dental hygiene examination eligibility. (1) To be eligible to take the Washington dental hygiene examination, the applicant must meet the following requirements:

(a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health pursuant to WAC 246-815-030.

~~(b) ((The applicant must have completed the AIDS prevention and information education required by WAC 246-815-040.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(c) The applicant must demonstrate knowledge of Washington law pertaining to the practice of dental hygiene.

(d) The applicant must complete the required application materials and pay the required ~~((nonrefundable))~~ fee.

(2) Applications for the dental hygiene examination are available from the department of health dental hygiene program. The completed application must be received by the department of health sixty days prior to the examination. The application must include:

(a) The required ~~((nonrefundable))~~ examination fee.

(b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.

(c) Two photographs of the applicant taken within one year preceding the application.

(3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. Applicants who will successfully complete the dental hygiene education program within forty-five days preceding the examination for which they are applying may provide documentation of successful completion by inclusion of their names on a verified list of students successfully completing the program from the dean or director of the education program. No other proof of successful completion is acceptable. An applicant may complete the application and be scheduled for the examination, but will not be admitted to the examination if the department of health has not received the required proof of successful completion.

AMENDATORY SECTION (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

WAC 246-815-100 Licensure by interstate endorsement of credentials. A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29.045 provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the department of health pursuant to WAC 246-815-030.

(2) The applicant has been issued a valid, current, nonlimited license by successful completion of a dental hygiene examination in another state. The other state's current licensing standards must be substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and minimum level of competency standards.

(a) Written tests - the written tests include:

(i) The National Board of Dental Hygiene examination.

(ii) A state written test covering the current dental hygiene subjects that are tested for Washington state.

(b) Practical tests - all portions shall be graded anonymously by calibrated practicing dental hygienists or dental

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hygienists and dentists. The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on pregraded patients and/or dentoforms. Examiners will be calibrated to the established standard of minimum level of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions. The current Washington state patient selection criteria for examination will be used as the basis of comparison at the time of application for licensure by interstate endorsement of credentials. The practical tests include:

(i) Patient evaluation clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(ii) Prophylaxis clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(iii) Anesthesia clinical competency test which includes what is currently tested for the Washington state dental hygiene examination.

(iv) Restorative test which includes what is currently tested for the Washington state dental hygiene examination.

(3) The applicant holds a valid current license, and has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, Veterans' Bureau, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.

(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.

(5) ~~((The applicant has completed the AIDS prevention and information education required by WAC 246-815-040.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(6) The applicant demonstrates to the secretary knowledge of Washington law pertaining to the practice of dental hygiene.

(7) The applicant completes the required application materials and pays the required ~~((nonrefundable))~~ application fee. Applications for licensure by interstate endorsement are available from the department of health dental hygiene program.

(8) If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional ~~((nonrefundable))~~ examination fee as well as the licensure by interstate endorsement ~~((nonrefundable))~~ fee shall be required.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-140 Continuing education for dental hygienists. (1) Purposes. The secretary of the department of health in consultation with the dental hygiene examining committee has determined that the public health, safety and welfare will be served by requiring all holders of dental hygiene licenses granted under chapter 18.29 RCW to continue their education after receiving such licenses.

~~(2) ((Implementation. Notification of the continuing education requirements will be provided to licensees with renewal notices beginning January 1, 1991. Effective January 1, 1992, renewal of any current license or reinstatement of any license on lapsed or disciplinary status shall require evidence of completion of continuing education which meets the requirements of subsection[s] (3) & (4).~~

~~(3))~~ Requirements. ~~((AH))~~ Licensed dental ((hygiene licensees shall acquire)) hygienists must complete 15 clock hours of continuing education((, which shall include)) as required in chapter 246-12 WAC, Part 7. A ((nonexpired)) current CPR card((, in each year prior to their license renewal date)) must be maintained as part of this requirement. ~~((One clock hour is defined as sixty minutes.~~

~~(4))~~ (3) Acceptable continuing education. Continuing education must be dental related education for professional development as a dental hygienist. The 15 clock hours shall be obtained through continuing education courses, correspondence courses, college credit courses, dental hygiene examination standardization/calibration workshops and dental hygiene examination item writer workshops.

~~((5) Documentation. The licensee shall:~~

~~(a) Certify on forms provided, that the minimum continuing education has been completed in the year prior to their renewal date.~~

~~(b) Keep records for two years documenting attendance or completion and description of the information addressed in the course.~~

~~(c) Be prepared to validate, through submission of the records in (5)(b), attendance or completion of the requisite number of clock hours.~~

~~(6) The department of health may conduct random compliance audits of continuing education records. If the department determines that the licensee has not obtained continuing education as defined in (3) and (4) above, then the license renewal or reinstatement may be denied pursuant to RCW 18.130.180.))~~

AMENDATORY SECTION (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

WAC 246-815-990 Dental hygiene fees and renewal cycle. ~~((The following nonrefundable fees shall be charged:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination	\$100.00
Renewal	60.00
Late renewal penalty	50.00
Expired license reissuance	<u>50.00</u>

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Credentialing application	300.00
Temporary license application	115.00
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

((All fees shall be payable, in U.S. funds, by check or money order to "Washington state treasurer" or "department of health."))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-815-040	AIDS prevention and information education requirements.
WAC 246-815-150	Renewal of licenses.
WAC 246-815-300	Reinstatement of a dental hygiene expired license.

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-110 Dental licensure—Initial eligibility and application requirements. To be eligible for Washington state dental licensure, the applicant shall complete an application provided by the dental HPQAD of the department of health, and shall include written documentation to meet the eligibility criteria for the license for which he/she is applying. Each applicant shall provide:

(1) Completed application and fee. The applicant shall submit a signed, notarized application and required fee. ~~((Fees are set by the secretary of health and are nonrefundable. Fees must be in U.S. funds and made payable by check or money order, to the department of health.))~~ (Refer to WAC 246-817-990 for fee schedule.)

(2) Proof of graduation from a dental school approved by the DQAC. The DQAC adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in May 1993 and has approved all and only those dental schools which were accredited by the commission as of May 1993. Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved.

(3) Certification of successful completion of the National Board Dental Examination Parts I and II. An original scorecard or a certified copy of the scorecard shall be accepted.

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160.

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of

dental school graduation to present, whether or not engaged in activities related to dentistry.

~~(6) ((Proof of seven hours of AIDS education and training as further defined by WAC 246-817-201.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

(7) Certification of malpractice insurance if available, including dates of coverage and any claims history.

(8) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action.

(9) Proof of successful completion of an approved practical/clinical examination and a written jurisprudence examination or any other examination approved by and administered under the direction of the DQAC.

(10) Photograph. A recent photograph, signed and dated, shall be attached to the application.

(11) Inquiries from other sources may be conducted as determined by the DQAC, including but not limited to the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements.

(12) Additional requirements for each license type as further defined.

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions. (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the University of Washington, School of Dentistry.

(2) Applicants for faculty licensure shall submit a signed, notarized application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the University of Washington, School of Dentistry, or his designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.

~~(4) ((Faculty license renewal shall occur on an annual basis, on or before July 1. Courtesy notices shall be sent to the last address on record, prior to the renewal date.~~

~~(5))~~ Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the DQAC. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-210 ((Renewal of)) Expired license((s)). ~~((Under the annual birth date license renewal system, a late payment penalty provision shall be applied as follows:~~

~~(1) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license shall be mailed to the last address on file to every person holding a current license. The licensee must return the notice along with~~

current renewal fees prior to the expiration of said license. Should the licensee fail to renew his/her license prior to the expiration date then the individual is subject to the statutory penalty fee.

~~(2) If the licensee fails to renew his/her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.)~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

- (a) Comply with the current statutory conditions;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 95-16-122, filed 8/2/95, effective 9/1/95)

WAC 246-817-990 Dentist fees and renewal cycle. ~~((The following fees shall be charged by the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses.

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application by examination*	
Initial application	\$ 325.00
Original application - Without examination	
Initial application	350.00
Initial license	350.00
Faculty license application	325.00
Resident license application	60.00
License renewal:	
((Annual birthdate)) Renewal	215.00
Surcharge - impaired dentist	5.00
Late renewal penalty	110.00
Expired license reissuance	110.00
((Original application - License without examination	
Initial application	350.00
Initial license	350.00))
Duplicate license	15.00
Certification of license	25.00
Anesthesia permit	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

~~((All fees shall be made payable by check or money order, in U.S. funds, to the "department of health."~~

~~All application and renewal fees are nonrefundable. New fees shall become effective September 1, 1995.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-817-201 Application for licensure—
AIDS education requirements.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-822-120 Application requirements. (1) Individuals applying for certification as a certified dietitian must submit:

- (a) A completed application form with fee;
- (b) ~~((Verification of AIDS education and training as set forth in WAC 246-822-110; and))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8; and
- (c) Verification of current registration status with the commission on dietetic registration.

(2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:

- (a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;
- (b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor;
- (c) Take and pass the required written examination; and
- (d) ~~((Provide verification of AIDS education and training as set forth in WAC 246-822-110.))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Individuals applying for certification as a certified nutritionist must submit:

- (a) A completed application form with fee; and
- (b) Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or
- (c) Transcripts forwarded directly from the issuing college or university showing completion of a masters or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition; and
- (d) ~~((Verification of AIDS education and training as set forth in WAC 246-822-110.))~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

PERMANENT

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-822-990 Dietitian and nutritionist fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title	Fee
Application	\$100.00
Renewal	80.00
Late renewal penalty	25.00
<u>Expired certificate reissuance</u>	<u>50.00</u>
<u>Duplicate certificate</u>	<u>15.00</u>
Certification of certificate	25.00
((Duplicate	15.00))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-822-110 AIDS prevention and information education requirements.

AMENDATORY SECTION (Amending Order 155, filed 4/10/91, effective 5/11/91)

WAC 246-824-020 Registration of apprentices. (1) Registration of an apprentice shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a form provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one licensee.

(3) In determining whether or not an individual has completed his or her apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered: *Provided*, That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the secretary, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his or her apprenticeship, whether such training occurred before or after his or her formal registration with the secretary: *Provided, further*, That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: *Provided, further*, That before such training may be considered toward fulfillment of an apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the secretary.

(4) The licensee initially requesting the registration of an apprentice shall notify the secretary whenever he or she terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.

~~((5) After registration, the apprentice shall notify the secretary, in writing and within thirty days, of any name or address change.))~~

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-824-040 Application for examination. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) ~~((Examination fees are not refundable.))~~ If an applicant is unable to attend his or her scheduled examination, and so notifies the secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-824-071 Licensure by endorsement—Definitions. (1) For the purpose of licensure by endorsement the following definitions ~~((shall))~~ will apply:

(a) "Credential in another state" means the applicant holds a current valid license to practice as a dispensing optician in another state.

(b) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by either a national professional association or a state other than Washington state. The examination shall cover the same subject matter as the Washington state examination. The licensing law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.34.060.

(2) The department ~~((shall))~~ will issue a license by endorsement unless there is a basis for denial of the license or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160. A person applying for a license by endorsement ~~((shall))~~ must submit to the department:

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- (a) A completed application on a form provided by the department;
- (b) An application fee, and if the application is approved, an original license fee;
- (c) Evidence satisfactory to the department that the education and examination requirements of the other state are substantially equivalent to that of Washington;
- (d) A completed open-book state law examination provided by the department;
- (e) ~~((Proof of compliance with the AIDS prevention and information education requirements as listed in WAC 246-824-170-))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Written documentation shall be submitted directly from all states in which the applicant is or has been licensed, verifying the applicant is in good standing and not subject to charges or disciplinary action for unprofessional conduct or impairment.

(4) If licensure by endorsement is denied, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

(5) Endorsement application fees ~~((are non-refundable, but))~~ may be applied towards the examination fee if licensure by endorsement is denied.

~~((6) A license issued by endorsement is subject to annual renewal, penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990, and continuing education as provided for in WAC 246-824-075-))~~

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-824-073 Retired active ((license)) credential. ~~((1) A person holding a current Washington state dispensing optician license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:~~

~~(a) Practices no more than ninety days each year in Washington state;~~

~~(b) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purpose of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.~~

~~(2) An individual requesting a retired active license status shall submit a letter to the department declaring the intent to practice only on an intermittent or emergency basis, along with the active retired renewal fee specified in WAC 246-824-990. Active retired licenses will not be retroactively issued for prior years.~~

~~(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.34.120 and WAC 246-824-990. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal the dates and circumstances under which the licensee practiced during the previous year.~~

~~(4) An active retired license is subject to continuing education as established in WAC 246-824-075.~~

~~(5) To reinstate the license to an active license status the licensee shall notify the department in writing five days in~~

~~advance of the change and pay a reinstatement fee as specified in WAC 246-824-990.~~

~~((6) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license-))~~ A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

NEW SECTION

WAC 246-824-074 Inactive credential. A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 155, filed 4/10/91, effective 5/11/91)

WAC 246-824-075 Continuing education requirements for dispensing opticians. Purpose and scope. The purpose of these requirements is to ensure the continued high quality of services provided by the licensed dispensing optician. Continuing education consists of educational activities designed to review existing concepts and techniques and conveys information and knowledge about advances in the field of opticianry, so as to keep the licensed dispensing opticians abreast of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. ~~((As a prerequisite for license renewal, licensed dispensing opticians are required to have thirty hours of continuing education every three years. The credit hours will be measured as follows: Any single session covering not less than two hours and forty minutes will be assigned three credits; any single session covering not less than one hour and forty minutes will be assigned two credits; any single session covering not less than fifty minutes will be assigned one credit.))~~ Licensed dispensing opticians must complete thirty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.

(2) Fifteen of the credit hours ~~((shall))~~ must relate to contact lenses.

~~((Continuing education credit hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.~~

~~(2) Effective date of requirement. The effective date of the continuing education requirement will be upon the 1994 license renewal date or three years after initial licensure in Washington state, whichever is later.))~~

(3) Qualification of program for continuing education credit. Courses offered by the organizations and methods listed in this section will be presumed to qualify as continuing education courses. The secretary reserves the authority to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry. Qualifying organizations and methods for the purposes of this section shall include in-class training, correspondence courses, video and/or audio tapes offered by any of the following:

- (a) American board of opticianry;
- (b) National academy of opticianry;
- (c) Optical laboratories association;
- (d) National contact lens examiners;
- (e) Pacific coast contact lens society;
- (f) Contact lens society of America;

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- (g) Opticians association of Washington;
- (h) Opticianry colleges or universities approved by the secretary;
- (i) Speakers sponsored by any of the above organizations;
- (j) Any state or national opticianry association; and
- (k) Additional qualifying organizations or associations as approved by the secretary.

~~((4) Certification of compliance. Each licensee shall certify, on forms provided by the department, that the minimum continuing education and training requirements have been met. Each licensee shall be responsible for retaining copies of all records, certificates, or other evidence of continuing education course completion. In said documentation the licensee shall:~~

- ~~(a) Keep records documenting attendance course title and course content.~~
- ~~(b) Be prepared to validate, through submission of these records, that attendance has taken place.~~

~~The department may, at its discretion, require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements. Failure to comply with the continuing education requirements will be cause for a license to lapse. Any licensee whose license has lapsed shall pay a late penalty fee as established by rule for each year the license has lapsed and submit evidence of continuing education requirement compliance. Any licensee whose license has lapsed for a period of two years or more may reinstate his or her license by paying an examination fee and successfully passing the examination provided in RCW 18.34.070.))~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-824-170 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training:~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this~~

~~section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(e) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 94-08-078, filed 4/5/94, effective 5/6/94)

WAC 246-824-990 Dispensing optician fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(2) The following nonrefundable fees will be charged:~~

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	50.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
<u>Expired license reissuance</u>	<u>62.50</u>
Duplicate license	15.00
Certification of license	15.00
Apprentice registration	75.00
Endorsement application	100.00
Inactive license	35.00

NEW SECTION

WAC 246-824-995 Conversion to a birthday renewal cycle. (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-826-050 Renewal of health care assistants. Updated certification/delegation forms must be submitted within two years from the date of the most recent certification on file with the department of health. ~~((The department will send renewal forms to the delegation or facility's address on record approximately sixty days prior to the expiration date.))~~ It ~~((shall be))~~ is the responsibility of every health care facility and health care practitioner who certifies

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health care assistants to submit the renewal forms and fees on or before certification expiration date.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-826-230 AIDS prevention and information education requirements—Health care assistants. ((+))
Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989, persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training.

(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(4) Temporary emergency waiver of seven hours training requirement. The secretary may waive the minimum seven clock hour requirement of subsection (3)(a) of this section if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for one hundred twenty days only.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-826-990 Health care assistant fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:))

(1) Certificates must be renewed every two years as provided in WAC 246-826-050 and chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
First certification	\$35.00
Renewal	33.00
Expired certificate reissuance	33.00
Recertification	35.00
Duplicate	15.00

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

WAC 246-828-295 Inactive ((status license)) credential. ((An inactive license shall be issued to a currently licensed fitter and dispenser at the time of his or her annual renewal upon the department's receipt of the licensee's written request and payment of the inactive license fee. An inactive license may be returned to active status upon written request of the licensee in accordance with RCW 18.35.095. An inactive license shall be renewed annually on the licensee's birthdate by submitting to the department the inactive status fee.)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

WAC 246-828-300 ((Licensure renewal, late penalty, reexamination required.)) Expired license. ((+)) A license shall be renewed annually on or before the licensee's birthdate. An initial license shall expire on the licensee's next birthdate. Unless otherwise specified in statute, the secretary may prorate the renewal fee based on 1/12 of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.

(2) A licensee may renew his/her license at the annual renewal rate, for one year. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee.

(3) Failure to timely renew a license shall invalidate the license and all privileges granted by the license. Any licensee subject to the Uniform Disciplinary Act who submits a late renewal which is postmarked or presented to the department more than thirty days after its expiration date, shall be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7) for unlicensed practice.

(4) Late renewal penalty fees, reinstatement of licensure. A license holder who fails to renew his or her license on or before its expiration date may be issued a license to practice during the first three years that the license has been allowed to lapse. The licensee shall remit to the department a completed reinstatement application, late penalty fee, all back annual renewal fees, and proof of completion of the continuing education requirement for the time the license was lapsed. Late renewal penalty fees shall be based on the following formula:

If the annual renewal — The late renewal penalty fee is:

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From \$1 to \$50	100% of the renewal fee
From \$51 to \$100	\$50 flat fee
\$101 or more	50% of the renewal fee, but no more than \$300

(5) If a licensee has allowed his or her license to lapse for more than three years the licensee shall, before the license may be reinstated to active status, satisfactorily complete all portions of the licensing examination and pay the applicable examination and licensing fees.) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.35.050;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

WAC 246-828-370 AIDS prevention and information education requirements. ((1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989, persons who submit an application for a license to fit/dispense hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4) of this section.

(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989, and ending June 30, 1990, all persons making application of licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality;

and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 342B, filed 3/5/93, effective 4/5/93)

WAC 246-828-510 ((Basic requirement—Amount.))

Continuing education. ((In the one-year period immediately preceding the annual renewal of the license to practice the fitting and dispensing of hearing aids, the applicant shall complete or accumulate ten hours of acceptable continuing education:

(1) Measurement is in full academic hours only (a fifty-minute period equals one hour). A one-day course shall constitute eight hours of credit.

(2) Credit shall be granted only for class hours and not preparation hours.

(3) Acceptable courses taken after January 1, 1993, may be included in the first computation of continuing education hours necessary for renewal.

(4) The same course taken more than once during the renewal period shall be counted only once.) (1) Licensed hearing instrument fitter/dispensers must complete ten hours of continuing education as required in chapter 246-12 WAC, Part 7.

(2) A maximum of two hours may be in the area of practice management. Practice management includes, but is not limited to, marketing, computer recordkeeping, and personnel issues.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

WAC 246-828-530 Exceptions for continuing education. ((The following is an exception from the continuing education requirements. Upon a showing of good cause by a licensee to the secretary, the secretary, with advice from the board, may exempt such licensee from any, all, or part of the continuing education requirement. Good cause includes, but is not limited to, severe illness.)

An exception for continuing education requirements includes, but is not limited to, severe illness.

PERMANENT

AMENDATORY SECTION (Amending WSR 97-04-043, filed 1/31/97, effective 1/31/97)

WAC 246-828-990 Hearing aid fitter/dispenser ((fees)), audiologist and speech language pathologists fees and renewal cycle. ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:))~~ (1) Licenses and certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for fitter/dispensers:

Title of Fee	Fee
Fitter/dispenser:	
License application	\$125.00
Initial license	100.00
Renewal	200.00
Written Exam	100.00
Practical Exam	200.00
Apprentice permit	85.00
Inactive license	75.00
Late renewal penalty	100.00
<u>Expired license reissuance</u>	<u>100.00</u>
<u>Expired inactive license reissuance</u>	<u>50.00</u>
License verification	15.00
Wall certificate	15.00
Duplicate license	15.00

(3) The following nonrefundable fees will be charged for audiologists:

Certificate application	125.00
Initial certificate	100.00
Renewal	200.00
Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00
Inactive certificate	75.00
Late renewal penalty	100.00
<u>Expired certificate reissuance</u>	<u>100.00</u>
<u>Expired inactive certificate reissuance</u>	<u>50.00</u>
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00

(4) The following nonrefundable fees will be charged for speech/language pathologist:

Certificate application	125.00
Initial certificate	100.00
Renewal	200.00
Written Examination	100.00
Practical Examination	200.00
Interim permit	100.00
Inactive certificate	75.00
Late renewal penalty	100.00
<u>Expired certificate reissuance</u>	<u>100.00</u>
<u>Expired inactive certificate reissuance</u>	<u>50.00</u>
Certificate verification	15.00
Wall certificate	15.00
Duplicate certificate	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-828-050	Refunds on examination fee.
WAC 246-828-520	Effective date of requirement.
WAC 246-828-540	Qualification of program for continuing education credit.
WAC 246-828-560	Certification of compliance.

AMENDATORY SECTION (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

WAC 246-830-035 Licensing without examination.

(1) A license to practice massage shall be issued without examination provided an individual holds a current license to practice massage in another jurisdiction that has examination and education requirements substantially equivalent to those in Washington.

(2) An individual applying for a license without examination shall submit to the department:

(a) A completed application on a form provided by the department;

(b) The required nonrefundable application fee;

(c) Documentation that the examination and education requirements of the other jurisdiction are substantially equivalent to those in Washington;

(d) Successful completion of an open book test provided by the department which demonstrates a working knowledge of Washington law as contained in chapters 18.108 and 18.130 RCW, and chapter 246-830 WAC;

~~(e) ((Proof of compliance with WAC 246-830-050 AIDS, prevention and information education requirements.))~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(f) Written certification from all jurisdictions in which the applicant has practiced massage verifying that the applicant has a record of good standing and has not been the subject of any disciplinary action.

(3) Restrictions:

(a) All applicants shall be subject to the grounds for denial or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160;

(b) An individual who has failed the Washington state licensing examination shall not be eligible for licensing without examination.

(4) If application for licensing without examination is denied, the applicant may apply for licensing as set forth in RCW 18.108.070.

(5) A license issued without examination is subject to an original license fee and all other renewal requirements set forth in this chapter.

AMENDATORY SECTION (Amending WSR 94-13-181, filed 6/21/94, effective 7/22/94)

WAC 246-830-460 Continuing education requirement—Amount. ~~((The licensee shall demonstrate continued professional competency by completing sixteen hours of acceptable continuing education every two years.~~

PERMANENT

- ~~(1) Hours for continuing education shall be measured in full academic hours (a fifty minute period equals one hour).~~
- ~~(2) Continuing education credit shall be granted for class hours only and not preparation time-)) Licensed massage therapists must complete sixteen hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.~~

AMENDATORY SECTION (Amending WSR 95-11-108, filed 5/23/95, effective 6/23/95)

WAC 246-830-990 Massage fees and renewal cycle.
~~((The following fees shall be charged by the health professions quality assurance division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	\$ 65.00
Practical examination and reexamination	50.00
Initial license	55.00
Renewal	65.00
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>50.00</u>
<u>Certification of license</u>	<u>15.00</u>
Duplicate license	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-830-050 AIDS prevention and information education requirements.
- WAC 246-830-465 Effective date of requirement.
- WAC 246-830-470 Exemptions.
- WAC 246-830-480 Certification of compliance.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-834-060 Application for licensing examination. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 246-834-990, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of health(~~(- professional licensing services)).~~)

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 246-834-990 must be submitted. Only applicants so notified will be admitted to the examination.

~~(4) ((No fees submitted and processed by the department will be subject to refund.~~

~~(5))~~ (5) All applicants shall take the current state licensing examination for midwives.

~~((6))~~ (5) The minimum passing score on the licensing examination is 75 percent.

(6) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-065 Application for examination— Out-of-state education. (1) A midwife not licensed in the state of Washington may sit for the licensing examination without completing the required coursework or the midwife-in-training program provided the midwife meets the following requirements:

(a) Has completed a program preparing candidates to practice as a midwife provided such program is equivalent to the minimum course requirements of approved midwifery programs in Washington at the time of applicant's program completion. Proof of equivalency shall be submitted by the applicant with the application.

(b) The transcript of the applicant's completed midwifery program verifies that:

(i) All courses were completed with a grade of C (pass) or better; and

(ii) At least fifteen managed births were completed under the preceptorship of an experienced midwife approved by the candidate's educational program.

(c) If managed births completed under the preceptorship in ~~((4))~~(b)(ii) of this subsection are less than fifty, then affidavits of births the applicant has managed must be submitted in a sufficient number to prove that the applicant has managed a total of at least fifty births.

(2) The applicant shall submit to the department:

(i) A complete notarized application with the required fee. ~~((The fee is nonrefundable.))~~

(ii) Notarized copies of educational preparation or an official transcript verifying educational preparation or an official transcript verifying educational preparation to practice midwifery.

(iii) ~~((Affidavits))~~ Declarations of managed births as required in subsection (1)(c) of this section.

(3) Applicants must demonstrate completion of seven clock hours of AIDS education as provided in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-834-170 Reports to the ~~((director of)) department of ((licensing)) health by accredited midwifery educational programs.~~ (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the department of health shall include the reason for the proposed change.

(3) The secretary may require submission of additional reports.

PERMANENT

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-834-200 Appeal of department of (~~licensing~~) health decisions. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-834-260 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of health, whose address is:

Department of Health
 ((Professional Licensing Services))
Midwifery Program
 1300 S.E. Quince St.
 P.O. Box ((4099)) 47864
 Olympia, Washington 98504-7864

(5) "Midwife" means a person licensed pursuant to chapter 18.50 RCW.

(6) "Mentally or physically disabled midwife" means a midwife who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice midwifery with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 246-834-400 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Demonstrate competence to the standards established by the secretary;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-834-500 AIDS prevention and information education requirements.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-080 Continuing competency program. (1) ((Naturopathic physicians)) Licensed ((under these rules shall complete)) naturopathic physicians must demonstrate completion of 20 hours of continuing education ((each year

~~in courses approved by the director. Prior approval of courses shall be available by application to the secretary)) as provided in chapter 246-12 WAC, Part 7. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.~~

~~((2) In addition to the license renewal form and fee, the licensee shall submit an affidavit of compliance with the twenty-hour continuing education requirement on a form provided by the department. Failure to submit the sworn certification will result in nonrenewal of the license.~~

~~(3) It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may, in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.~~

~~(4) A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.~~

~~(5) Continuing education hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.~~

~~(6)) (2) In emergency situations, such as personal or family illness, the department may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-836-410 AIDS prevention and information education requirements. ((~~1~~) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training.~~

~~All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

- ~~(e) Documentation. The applicant shall:~~
- ~~(i) Certify, on forms provided, that the minimum education and training has been completed;~~
- ~~(ii) Keep records for two years documenting attendance and description of the learning;~~
- ~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. ~~((1) The following fees are payable to the department of health.))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Amount
Application (initial/retake)	\$ 50.00
((Pregraduate basic science examination	175.00
Clinical examinations (initial/retake)	275.00
Basic science examination (initial/retake)	125.00
Add-on examinations (initial/retake)	75.00))
State examination (initial/retake)	50.00
Initial license	50.00
License renewal	450.00
Late renewal penalty	225.00
<u>Expired license reissuance</u>	<u>225.00</u>
Duplicate license	15.00
Certification of license	15.00
Application for reciprocity	50.00

~~((2) Fees submitted to and processed by the department are nonrefundable.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-836-090 License reinstatement.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-010 Definitions. (1) ~~(("Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the commission of health by rule.~~

~~(2))~~ "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

~~((3))~~ (2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

~~((4))~~ (3) "Behavioral objectives" means the measurable outcomes of specific content.

~~((5))~~ (4) "Client" means the person who receives the services of the practical nurse or registered nurse.

~~((6))~~ (5) "Client advocate" means a supporter of client rights and choices.

~~((7))~~ (6) "Commission" means the Washington state nursing care quality assurance commission.

~~((8))~~ (7) "Competencies" means the tasks necessary to perform the standards.

~~((9))~~ (8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

~~((10))~~ (9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

~~((11))~~ (10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

~~((12))~~ (11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

PERMANENT

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

~~((13))~~ (12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

~~((14))~~ (13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

~~((15))~~ (14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

~~((16))~~ (15) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

~~((17))~~ (16) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

~~((18))~~ (17) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

~~((19))~~ (18) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.

~~((20))~~ (19) "Nursing student" is a person currently enrolled in an approved school of nursing.

~~((21))~~ "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(22) (20) "Philosophy" means the beliefs and principles upon which the curriculum is based.

~~((23))~~ (21) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

~~((24))~~ (22) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

~~((25))~~ (23) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

~~((26))~~ (24) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

~~((27))~~ (25) "Standards" means the overall behavior which is the desired outcome.

~~((28))~~ (26) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

~~((29))~~ (27) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-020 Documents which indicate authorization to practice nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a licensed practical nurse or registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure, confers the right to use the title licensed practical nurse or licensed registered nurse and the use of its abbreviation, L.P.N. or R.N., and to practice as a licensed practical nurse or registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the commission on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The commission requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-840-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state (~~who desires to retire temporarily from the practice of nursing in this state. The holder of an inactive license shall not practice nursing in this state~~), is in good standing and does not practice in Washington state. Refer to chapter 246-12 WAC, Part 4.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status.

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the commission as contained in WAC 246-840-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the commission as contained in WAC 246-840-410. This authorizes the ARNP to prescribe drugs within his or her scope of practice and is valid only with a current registered nurse license.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-040 Filing of application for licensing examination. (1) All applicants (~~shall~~) must file with the Washington state nursing commission a completed application, with the required fee sixty days prior to the anticipated date of examination. (~~The fee is not refundable.~~)

(2) Applicants (~~shall~~) must request the school of nursing to send an official transcript directly to the Washington state nursing commission. The transcript (~~shall~~) must contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(3) Applicants (~~shall~~) must also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(5) Applicants (~~shall~~) must submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) (~~Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of WAC 246-840-100.~~) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-080 Licensure of graduates of foreign schools of nursing. (1) Applicants for licensure educated in a country outside the United States or its territories (~~shall~~) must meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program (~~shall~~) must be equivalent to the minimum standards prevailing for commission or state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) (~~shall~~) must be satisfactorily completed in a state board approved school of nursing.

(b) Screening exams:

FOR PRACTICAL NURSES:

Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the commission's discretion and for good cause, to this requirement.

FOR REGISTERED NURSES:

Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Licensing exam for Practical or Registered Nurse (NCLEX-PN or NCLEX-RN) as provided in WAC 246-840-050: Provided, That those persons meeting

the requirements of WAC 246-840-090(7) are exempt from this requirement; or show evidence of having already successfully passed the state board licensing examination for practical or registered nurses in another jurisdiction or territory of the United States with the passing standard required in Washington.

(d) All other requirements of the statute and regulation ~~((shall))~~ must be met.

(2) Applicants for examination ~~((shall))~~ must:

(a) File with the nursing commission a completed license application with the required fee sixty days prior to the anticipated date of the examination. ~~((The fees are not refundable.))~~

(b) Request the school of nursing to submit an official transcript directly to the health professions quality assurance division of department of health. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) ~~((Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.))~~ Applicants must demonstrate completion of seven clock hours of AIDS education as provided in chapter 246-12 WAC, Part 8.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS or results of TOEFL exam.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

(h) Submit one recent passport sized photograph of the applicant unmounted and signed by the applicant across the front.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-090 Licensure by interstate endorsement. A license to practice as a nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

FOR PRACTICAL NURSE PROGRAMS:

(1) The applicant has graduated and holds a credential from:

(a) A commission or state board approved program preparing candidates for licensure as a practical nurse; or

(b) Its equivalent as determined by the commission, which program must fulfill the minimum requirement for commission or state board approved practical nursing programs in Washington at the time of graduation.

(2) Applicants shall have passed a state board constructed test, the SBTPE (state board test pool examination), or NCLEX in their original state of licensure.

(3) The applicant held or currently holds a license to practice as a practical nurse in another state or territory. If the license is lapsed or inactive for three years or more, the

applicant must successfully complete a commission approved refresher course before an active Washington license is issued.

(4) That grounds do not exist for denial under chapter 18.130 RCW.

(5) The applicant shall:

(a) Submit a completed application with the required fee. ~~((The fee is not refundable.))~~

(b) ~~((Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

FOR REGISTERED NURSE PROGRAMS:

(6) The applicant has graduated and holds a degree/diploma from a commission or state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for commission or state board approved schools of nursing in Washington at the time of the applicant's graduation.

(a) Applicants who were licensed prior to January 1, 1953, ~~((shall))~~ must have scored at least seventy-five percent on the commission or state board examination in the state of original licensure.

(i) Applicants licensed after January 1, 1953, but before June 1, 1982, ~~((shall))~~ must have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(ii) Applicants licensed after July 1, 1982, ~~((shall))~~ must have passed with a minimum standard score as established by contract with the National Council of State Boards of Nursing.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) ~~((The applicant complies with the education requirements of WAC 246-840-100.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(d) The application ~~((shall))~~ must be completed and notarized, the fee must be filed with the application. ~~((The fee is not refundable.))~~ A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination ~~((shall))~~ must be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license ~~((shall))~~ must be paid by the applicant.

(7) Applicants from countries outside the United States who were granted a license in another United States jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination ~~((shall))~~ must meet the following requirements:

(a) The nursing education program ~~((shall))~~ must meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another United States jurisdiction or territory.

(c) The applicant (~~(shall)~~) must submit to the commission:

(i) A complete notarized application. The (~~nonrefundable~~) fee must be filed with the application.

(ii) Verification of original licensure obtained in the United States jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state commission or territory of original United States licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) (~~Evidence to show compliance with the education requirements of WAC 246-840-100-~~) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(d) The applicant shall meet all requirements of chapter 18.79 RCW and regulations of the commission.

NEW SECTION

WAC 246-840-111 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for more than three years and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully complete a commission approved refresher course. The practitioner will be issued a limited educational license to enroll in the refresher course. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-120 (~~Return to active status from~~) Inactive (~~or lapsed status~~) credential. (~~Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a commission approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse. Upon successful completion of the course, the individual's license shall be returned to active status.~~)

(1) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) Practitioners with an inactive credential for three years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Practitioners with an inactive credential for more than three years, who have been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) Practitioners with an inactive credential for more than three years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Successfully complete a commission approved refresher course. The practitioner will be issued a limited educational license to enroll in the refresher course. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse;

(b) Meet the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-340 Application requirements for ARNP. A registered nurse applicant for licensure as an ARNP shall:

(1) Submit a completed application and (~~nonrefundable~~) fee as specified in WAC 246-840-990.

(2) Meet the requirements of WAC 246-840-300 and 246-840-305. The following documents (~~shall~~) must be submitted as evidence to these requirements:

(a) An official transcript received by the commission directly from the formal advanced nursing education program showing all courses, grades, degree or certificate granted, official seal and appropriate registrar or program director's signature.

(b) Program objectives and course descriptions.

(c) Documentation from program director or faculty specifying the area of specialty, unless such is clearly indicated on the official transcript.

(3) Have graduated from an advanced nursing education program, as defined in WAC 246-840-300, within five years of application; if longer than five years have practiced a minimum of one thousand five hundred hours in an expanded specialty role within five years immediately preceding application.

(4) Submit evidence of certification by a certification program approved by the commission.

(5) Persons not meeting the educational requirements in subsection (2) of this section may be licensed if:

(a) Certified prior to December 31, 1994, by a national certifying organization recognized by the commission at the time certification was granted; and

(b) Recognized as an advanced registered nurse practitioner by another jurisdiction prior to December 31, 1994; and

(c) Completed an advanced registered nurse practitioner program equivalent to one academic year.

(6) Persons not meeting the requirements in subsection (3) of this section may be licensed following successful completion of five hundred hours of clinical practice supervised by an advanced registered nurse practitioner or a physician (licensed under chapter 18.71 or 18.57 RCW) in the same specialty area. Following completion of the supervised practice, the supervisor (~~(shall)~~) must submit an evaluation to the commission and verify that the applicant's knowledge and skills are at a safe and appropriate level.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-350 Application requirements for ARNP interim permit. A registered nurse who has completed advanced formal education and registered for a commission approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination. The holder of an ARNP permit (~~(shall)~~) must use the title graduate registered nurse practitioner (GRNP).

(1) An applicant for ARNP interim permit (~~(shall)~~) must:

(a) Submit a completed application on a form provided by the commission accompanied by a (~~(nonrefundable)~~) fee as specified in WAC 246-840-990; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit (~~(shall)~~) will expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled (~~(shall)~~) must immediately return the permit to the department of health.

(4) The interim permit authorizes the holder to perform the functions of advanced and specialized nursing practice as described in this section.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-360 Renewal of ARNP designation. (~~(ARNP designation shall be renewed every two years on the ARNP's birthday.)~~) The applicant (~~(shall)~~) must:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the commission:

- (a) Formal academic study;
- (b) Continuing education offerings.

(4) Attest, on forms provided by the commission, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services. The commission may perform random audits of licensee's attestations.

(5) (~~(Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.)~~) Comply with the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-365 Return to active ARNP status from inactive or (~~(lapsed)~~) expired status. Persons on inactive or (~~(lapsed)~~) expired status who do not hold a current active license in any other United States jurisdiction and who wish to return to active status (~~(shall)~~) must apply for reinstatement of ARNP licensure. This requires:

(1) Current RN license in the state of Washington.

(2) Evidence of current certification by his/her certifying body.

(3) Documentation of thirty contact hours of continuing education in the area of specialty during the last two years.

(4) Two hundred fifty hours of precepted/supervised advanced clinical practice supervised by an ARNP or physician in the same specialty within the last year.

(5) If the license has been expired, meet the requirements of chapter 246-12 WAC, Part 2.

(6) If the licensee has been on inactive status, meet the requirements of chapter 246-12 WAC, Part 4.

During the time of the preceptorship, the nurse will be practicing under RN license and will not use the designation ARNP.

ARNP licensure must be reinstated before reapplying for prescriptive authority. At that time the CE requirement will be the same as if applying for prescriptive authority for the first time, as in WAC 246-840-410.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-410 Application requirements for ARNP with prescriptive authority. An advanced registered nurse practitioner who applies for authorization to prescribe drugs (~~(shall)~~) must:

(1) Be currently designated as an advanced registered nurse practitioner in Washington.

(2) Be designated by their national certifying body as:

(a) A family nurse practitioner; or

(b) A women's health care nurse practitioner; or

(c) A pediatric nurse practitioner/associate; or

(d) An adult nurse practitioner; or

(e) A geriatric nurse practitioner; or

(f) A nurse midwife; or

(g) A nurse anesthetist; or

(h) A school nurse practitioner; or

(i) A clinical specialist in psychiatric and mental health nursing; or

(j) A neonatal nurse practitioner.

(3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:

(a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.

(b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.

(c) Are obtained from the following:

(i) Study within the advanced formal educational program; and/or

(ii) Continuing education programs.

Exceptions shall be justified to and approved by the commission.

(4) Submit a completed, notarized application on a form provided by the commission accompanied by a ((nonrefundable)) fee as specified in WAC 246-840-990.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-440 Prescriptive authorization period.

(1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization ((shall)) will expire on the applicant's renewal date for ARNP designation.

(3) Authorization ((shall)) will be renewed after the applicant meets the requirements of WAC 246-840-450 and chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-450 Renewal. ARNP with prescriptive authorization ((shall)) must be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee ((shall)) must:

(1) Meet the requirements of WAC 246-840-360 (1), (2), and (3).

(2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in pharmacotherapeutics related to licensee's scope of practice. This continuing education ((shall)) must meet the requirements of WAC 246-840-410 (3)(a) and chapter 246-12 WAC, Part 7.

(3) Submit a completed and notarized renewal application with a nonrefundable fee as specified in WAC 246-840-990. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990 and chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 97-23-075, filed 11/19/97, effective 1/12/98)

WAC 246-840-990 Fees and renewal cycle. (1) Licenses for practical nurse and registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty ((shall)) will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>50.00</u>
Inactive renewal	20.00
<u>Expired inactive license reissuance</u>	<u>20.00</u>
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per specialty)	\$65.00
ARNP renewal with or without prescriptive authority (per specialty)	50.00
ARNP late renewal penalty (per specialty)	50.00
ARNP duplicate license (per specialty)	20.00
ARNP written verification of license (per specialty)	25.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-840-100	AIDS education and training.
WAC 246-840-110	Renewal of licenses.
WAC 246-840-115	Responsibility for maintaining mailing address.

NEW SECTION

WAC 246-841-520 Expired license. (1) If the certificate has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the certificate has expired for over three years the practitioner must:

(a) Demonstrate competence to the standards established by the nursing care quality assurance commission;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-841-610 AIDS prevention and information education requirements. ((1) Definitions:

(a) ~~"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

(b) ~~"Office on AIDS" means that section within the department of social and health services or any successor~~

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department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) Application for registration or certification. Effective January 1, 1989 persons applying for registration or certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Initial applicants may have a four month extension upon written application to the department.~~

~~(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for registration, certification, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 96-03-051, filed 1/12/96, effective 3/1/96)

WAC 246-841-990 Nursing assistant—Fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:))

(1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for registrations:

Title of Fee	Fee
Application - registration	\$ 10.00
Renewal of registration	20.00
Duplicate registration	10.00
Registration late penalty	20.00
<u>Expired registration reissuance</u>	<u>20.00</u>

(3) The following nonrefundable fees will be charged for certifications:

Application for certification	10.00
Certification renewal	20.00
Duplicate certification	10.00
Certification late penalty	20.00
<u>Expired certificate reissuance</u>	<u>20.00</u>

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-150 Continuing education requirements to meet the conditions of reregistration for license.

~~(1) ((A condition of reregistration for license shall be the requirement that the applicant has attended board approved courses in continuing education.)) Licensed nursing home administrators must demonstrate completion of fifty-four hours of continuing education every three years as provided in chapter 246-12 WAC, Part 7.~~

~~(2) ((The licensee shall present proof that fifty four classroom hours in approved continuing education courses have been completed during each three year period of licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.~~

~~(3) There shall be no carry over of continuing education classroom hours from any three year period to the next three year period.~~

~~(4) Applicants for renewal)) Practitioners practicing only out of the state of Washington may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements with the condition that their state has equal hours of continuing education requirements.~~

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-162 AIDS prevention and information education requirements. ((~~1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary shall will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending Order 371B, filed 6/3/93, effective 7/4/93)

WAC 246-843-180 ((Registration of)) Expired licenses. ~~((1) Every person who holds a valid nursing home administrator's license, active or inactive, shall reregister on dates specified by the secretary. Such relicensure shall be granted upon receipt of the annual fee, and upon fulfilling the continuing competency requirements by submitting proof of completing fifty four hours of continuing education as described in WAC 246-843-150.~~

~~(2) Any active or inactive license holder not relicensed will be charged a penalty fee as set forth in WAC 246-843-990 in addition to the annual fee and all delinquent fees that are in arrears. In the event that the license of an individual is not relicensed within two years from the most recent date for relicensure, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(2) If the license has expired for over three years, the practitioner must:~~

~~(a) Reapply for licensing under current requirements;~~

~~(b) Meet the requirements of chapter 246-12 WAC, Part~~

2.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-230 Reciprocity. ~~((1))~~ The board, at its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for a nursing home administrator license may endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of the

original license fee and the application fee, and upon submission of evidence satisfactory to the board:

~~((a)) (1) That such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;~~

~~((b)) (2) That such applicant for endorsement is examined and successfully passes the test related to Washington state local health and safety nursing home regulations; and~~

~~((c)) (3) That such applicant has not had a nursing home administrator license revoked or suspended in any state.~~

~~((2) After meeting the preceding requirements, the applicant shall submit the original license fee and is subject to annual renewals and late renewal penalty fees.)~~

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-330 Inactive ((status)) credential. ~~((A nursing home administrator in good standing may place his or her license on inactive status by giving written notice to the secretary. To maintain an inactive license status, the yearly inactive license fee shall be paid by the licensee. The secretary shall determine fees as provided in RCW 43.70.250. The licensee may resume active practice by submitting proof of maintenance of continuing education requirements and payment of current licensing fee. A person whose license is on inactive status shall not practice as a nursing home administrator until his or her license is activated.) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.~~

AMENDATORY SECTION (Amending WSR 94-09-006, filed 4/11/94, effective 5/12/94)

WAC 246-843-990 Nursing home administrator fees and renewal cycle. ~~((The following fees shall be charged by the health professions quality assurance division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(2) The following nonrefundable fees will be charged:~~

Title of Fee	Fee
Application (examination and original license)	((1)) \$325.00
Reexamination (partial)	125.00
Application - Reciprocity	295.00
Temporary permit	190.00
Renewal	295.00
Inactive license renewal	110.00
Late renewal penalty	145.00
<u>Expired license reissuance</u>	<u>147.50</u>
Late renewal penalty - inactive	55.00
<u>Expired inactive license reissuance</u>	<u>55.00</u>
Duplicate license	15.00
<u>Certification of license</u>	15.00
Administrator-in-training	100.00

PERMANENT

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-843-155 Certification of compliance.
- WAC 246-843-160 Licenses.
- WAC 246-843-250 Duplicate licenses.
- WAC 246-843-320 Renewal of licenses.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-845-990 Nursing pool fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health.))~~ (1) Registrations must be renewed every year on the date of original issuance as provided in chapter 246-12 WAC, Part 3.

(2) The following nonrefundable fees will be charged:

Title	Fee
Registration application	\$175.00
Registration renewal	185.00
Late renewal penalty	185.00
Duplicate registration	25.00
Registration certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 246-845-100 Renewal of registration.

AMENDATORY SECTION (Amending Order 394B, filed 9/1/93, effective 10/2/93)

WAC 246-847-055 Initial application for individuals who have not practiced within the past four years. (1) Any initial applicant who has not been actively engaged in the practice of occupational therapy within the past four years shall provide, in addition to the requirements for licensure as specified in RCW 18.59.050 and WAC ((246-847-200)) 246-847-190:

- (a) Evidence of having successfully completed an approved occupational therapy or occupational therapy assistant program within the past four years and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or
- (b) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two year-period; or
- (c) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for re-entry into the field of occupational therapy.

(2) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 300B, filed 8/24/92, effective 9/24/92)

WAC 246-847-065 Continued competency. ~~((Beginning January 1, 1993, evidence of continued competency completed after January 1, 1991, for the practice of occupational therapy shall include a minimum of thirty contact hours of continuing education for each two year license renewal period. The thirty contact hours may be obtained through two or more of the following methods which have specified goals and objectives relating to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 246-847-010; inservices, coursework, conferences, workshops, peer reviewed self study, presentations, or publications.))~~ Licensed occupational therapists must complete thirty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

AMENDATORY SECTION (Amending WSR 94-20-036, filed 9/28/94, effective 10/29/94)

WAC 246-847-068 ((Renewal of)) Expired license. ~~((1) The license of any occupational therapist or occupational therapy assistant who has neither placed his or her license on inactive status as described in WAC 246-847-070 nor been actively engaged in the practice of occupational therapy in another jurisdiction and fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license be renewed upon payment of the renewal and late renewal fees determined by the secretary and completion of continued competency requirements as specified in WAC 246-847-065.~~

(2) If a license has expired for four years or more, the license may be renewed under the following conditions:

- (a) Submission of a written application to the board on forms provided by the secretary together with:
- (b) Evidence of having been employed as an occupational therapist or occupational therapy assistant in another jurisdiction during the period of lapse;
- (c) Renewal and late fees; and
- (d) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two year period; or
- (e) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.

~~((3) The applicant may be required to appear before the board for oral interview.))~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

- (a) Submit verification of active practice from any other United States jurisdiction;
- (b) Meet the requirements of chapter 246-12 WAC, Part

2.

PERMANENT

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Either provide evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period or provide evidence of successfully completing a board-approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 394B, filed 9/1/93, effective 10/2/93)

WAC 246-847-070 Inactive ((status)) credential. ((An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the secretary, and may within two years thereafter resume active practice upon payment of a late renewal fee and by completion of the continued competency requirements as specified in WAC 246-847-065. A license may be reinstated after a period of inactive status of up to four years, with proof of completion of continued competency within two years prior to reactivation and payment of a late renewal fee. A license may be reinstated after a period of inactive status of more than four years under such circumstances as the secretary determines with the advice of the board. A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending WSR 94-20-036, filed 9/28/94, effective 10/29/94)

WAC 246-847-190 AIDS education and training. (((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department of health will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

~~(5) Documentation. The licensee shall:~~
~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;~~
~~(b) Keep records for two years documenting attendance and description of the learning; and~~
~~(c) Be prepared to validate, through submission of these records, that learning has taken place.)) Applicants must complete six clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

WAC 246-847-990 Occupational therapy fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:))

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for occupational therapist:

Title of Fee	Fee
((Occupational therapist:))	
Application fee ((nonrefundable))	\$ 90.00
Initial license	80.00
License renewal	125.00
Limited permit fee	40.00
Late renewal fee	60.00
<u>Expired license reissuance</u>	<u>62.50</u>
<u>Inactive license</u>	<u>5.00</u>
<u>Expired inactive license reissuance</u>	<u>5.00</u>
Duplicate	15.00
<u>Certification of license</u>	<u>25.00</u>

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

Application fee ((nonrefundable))	90.00
Initial license	80.00
License renewal	95.00
Late renewal fee	60.00
<u>Expired license reissuance</u>	<u>50.00</u>
<u>Inactive license</u>	<u>5.00</u>
<u>Expired inactive license reissuance</u>	<u>5.00</u>
Limited permit fee	40.00
Duplicate	15.00
<u>Certification of license</u>	<u>25.00</u>

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-847-060 License renewal registration date and fee.
- WAC 246-847-200 Application for licensure.

PERMANENT

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)**WAC 246-849-110 AIDS prevention and information education requirements.** ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 355, filed 4/22/93, effective 5/23/93)

WAC 246-849-210 Registration of apprentices. (1) An applicant for apprenticeship may request registration as an apprentice by submitting to the department:

(a) An application on a form provided by the secretary;

(b) A registration fee as specified in WAC 246-849-990.

(2) Training received from more than one supervisor shall require separate applications.

(3) Only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered towards the required ten thousand hours necessary to sit for the examination.

(4) A registered apprentice shall notify the department in writing whenever the apprenticeship training is terminated, unless such termination is concluded by reason of the apprentice becoming licensed as an ocularist in this state.

(5) ~~(A registered apprentice shall notify the secretary in writing within thirty days of any name or address change.~~

(6)) In order to facilitate comments on the apprentice's performance, the apprentice registration card along with the name, business address, and business telephone number of the apprentice's supervisor shall be posted in public view on the premises where the apprentice works.

~~((7) An apprentice registration shall be valid for one year from the date of registration. Each registration shall be renewed annually.))~~

AMENDATORY SECTION (Amending Order 355, filed 4/22/93, effective 5/23/93)

WAC 246-849-220 Application for examination. (1) An individual shall make application for examination, in accordance with RCW 18.55.040, on an application form prepared by and provided by the secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) ~~(Examination fees are not refundable.)~~ If an applicant is unable to attend his or her scheduled examination, and so notifies the department in writing at least seven days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. A written request received less than seven days before the test shall be reviewed by the department to determine if the test may be rescheduled or the fee forfeited.

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

(6) Apprenticeship training shall be completed prior to the application deadline.

AMENDATORY SECTION (Amending Order 355, filed 4/22/93, effective 5/23/93)

WAC 246-849-260 ((Active-retired license.)) Retired active credential. ~~((1) A person holding a current Washington state ocularist license who wishes to practice only in emergency or intermittent circumstances may apply for a retired active license if that person:~~

~~(a) Resides in another state and practices no more than sixty days each year in Washington state;~~

~~(b) Resides in this state but practices no more than sixty days each year;~~

~~(c) Does not wish to practice on an intermittent basis but is available to practice for an extended period of time for the purposes of providing his or her professional services in emergency circumstances such as times of declared war or other states of emergency.~~

(2) An individual requesting a retired active license status shall submit a letter notifying the department of his or her intent to practice only on an intermittent or emergency basis. Active-retired licenses will not be retroactively issued for prior years.

~~(3) An active retired license is subject to annual renewal and penalty for late renewal as established in RCW 18.55.050 and WAC 246-849-980. Subsequent to being issued a retired active license, the licensee shall report, with the annual renewal, the dates and circumstances under which the licensee practiced during the previous year.~~

~~(4) To reinstate the license to an active license status the licensee shall notify the department in writing five days in advance of the change and pay a reinstatement fee as specified in WAC 246-849-990.~~

~~(5) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.)~~ A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-849-990 Ocularist fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application and examination	\$250.00
Renewal	500.00
Late renewal penalty	175.00
<u>Expired license reissuance</u>	<u>250.00</u>
Duplicate license	25.00
Certification of license	25.00
Apprentice registration	25.00
Apprentice renewal	25.00
Temporary practice permit	25.00
((Active)) <u>Retired active</u> license	100.00

NEW SECTION

WAC 246-849-995 Conversion to a birthday renewal cycle. (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-090 Continuing education requirement. (1) ~~((All optometrists licensed in Washington shall complete fifty hours of continuing education every two years beginning at the first license renewal following initial licensure, except:))~~ Licensed optometrists must complete fifty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of this requirement, licensees practicing solely outside of Washington may meet the continuing

education requirements of the state or territory in which they practice.

~~((2) Every two years, as part of the license renewal process, a licensee must certify that he or she have met the continuing education requirements and have documentation that will be furnished upon request.~~

~~(3) Licensees must maintain documentation of continuing education activities.~~

~~(4) When requested by the board, a licensee must submit documentation of completion of continuing education activities:))~~

AMENDATORY SECTION (Amending Order 210B, filed 11/1/91, effective 12/2/91)

WAC 246-851-430 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The licensee or applicant for licensure shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

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AMENDATORY SECTION (Amending WSR 96-20-088, filed 10/1/96, effective 11/1/96)

WAC 246-851-990 Optometry fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(2) The following nonrefundable fees will be charged:~~

<u>Title of Fee</u>	<u>Fee</u>
Application((— Nonrefundable))	\$250.00
Out-of-state seminar	100.00
License renewal	160.00
Late renewal	45.00
<u>Expired license reissuance</u>	<u>80.00</u>
Duplicate license	15.00
Certification of license	25.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-851-020 Renewal of licenses.
- WAC 246-851-100 Credit hour defined.
- WAC 246-851-220 Surplus credit hours
- WAC 246-851-240 Discretionary exception for emergency situation.
- WAC 246-851-510 Reinstatement of lapsed license.

AMENDATORY SECTION (Amending Order 303B, filed 9/23/92, effective 10/24/92)

WAC 246-853-045 Inactive ((~~license and reactivation~~)) credential. ~~((A licensee may request his or her license be placed on inactive status. An inactive license does not authorize the licensee to practice in Washington.~~

~~A license shall be maintained on the inactive status by payment of the inactive renewal fee annually and verification of compliance with the continuing education requirements established by the board.~~

~~An inactive license may be reactivated by payment of fees determined by the secretary of health as provided in RCW 43.70.250. The licensee must provide verification that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the licensee's practice of osteopathic medicine and surgery and that he or she has not voluntarily given up any license or privilege or been restricted in the practice of osteopathic medicine and surgery in lieu of or to avoid formal action:)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.~~

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-853-060 Continuing professional education required. ~~((1) The board requires one hundred fifty credit hours of continuing professional education every three years.~~

~~(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of~~

~~osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for relicensure, provided an affidavit is received indicating that the osteopathic physician and surgeon is not providing osteopathic medical service to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board:))~~

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

WAC 246-853-080 ((~~Certification of compliance~~)) Continuing education. (1) ~~((In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing professional education requirement on a form supplied by the board.~~

~~(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing professional education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.~~

~~(3)) Licensed osteopathic physicians and surgeons must complete one hundred fifty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.~~

(2) Certification of compliance with the requirement for continuing medical education of the American Osteopathic Association, or receipt of the AMA physicians recognitions award or a current certification of continuing medical education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

~~((4)) (3) Original certification or recertification within the previous six years by a specialty board will be considered as evidence of equivalent compliance with these continuing professional education requirements.~~

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-853-210 Expired license ((reinstatement after lapse of licensure for failure to renew)). ~~((1) An active license that has been expired for less than one year may be brought current by payment of the renewal and penalty fees and completion of the continuing education, if due.~~

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of the applicant's activities since first licensed. A statement outlining the continuing education acquired in the three years immediately preceding the request

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for reinstatement must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed and must be approved by the board. The board may require reexamination or a physical and/or mental evaluation of an applicant to confirm fitness for practice. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner:

(a) May be required to be reexamined as provided in RCW 18.57.080;

(b) Must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-853-230 AIDS education and training. ((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The license holder shall:
 (a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

WAC 246-853-990 Osteopathic fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged for osteopath:

Title of Fee	Fee
((Osteopath:))	
Renewal	\$360.00
Certification of license	25.00

(4) The following nonrefundable fees will be charged for osteopathic physician:

Endorsement application	500.00
License renewal	360.00
Inactive license renewal	250.00
Late renewal penalty	50.00
Expired license reissuance	180.00
Inactive license reinstatement	360.00
Expired inactive license reissuance	125.00
Endorsement/state exam application	500.00
Reexam	100.00
Certification of license	25.00
Limited license application	250.00
Limited license renewal	205.00
Temporary permit application	50.00
((Impaired program)) Substance abuse monitoring surcharge	15.00

(5) The following nonrefundable fees will be charged for osteopathic physician assistant:

Application	150.00
Renewal	50.00
Expired license reissuance	50.00
Certification of license	25.00
Practice plan	50.00
((Impaired program)) Substance abuse monitoring surcharge	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-853-040	Renewal of licenses.
WAC 246-853-240	Application for registration.
WAC 246-853-270	Renewal expiration date.
WAC 246-853-275	Change of mailing address and notice of official documents.

AMENDATORY SECTION (Amending WSR 93-24-028, filed 11/22/93, effective 12/23/93)

WAC 246-854-050 AIDS education and training. ((1) "Acquired immunodeficiency syndrome" or "AIDS"

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means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for license application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The license holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-15-068, filed 7/19/94, effective 8/19/94)

WAC 246-854-080 Osteopathic physician assistant licensure. ((1) Applications. All applications shall be made to the board on forms supplied by the board.

(2)) The application shall detail the education, training, and experience of the osteopathic physician assistant and provide such other information as may be required. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the board of the following:

((a)) (1) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the National Commission on Certification of Physician Assistants examination;

((b)) (2) That the applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and

((c)) (3) That the applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.

((3) The license shall be renewed on a periodic basis as determined by the secretary of the department of health under RCW 43.70.280. The renewal shall include a completed renewal application and payment of a fee, in addition to any late penalty fee, determined by the secretary as provided in RCW 43.70.250.

(4) Effective with the July 1, 1995, renewal period, the annual license renewal date for osteopathic physician assistants will be changed to coincide with the licensee's birthdate. Conversion will be accomplished as follows:

(a) Current licensees, as of June 30, 1995, desiring to renew their license will be required to pay the renewal fee plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their next birth anniversary date following June 30, 1996.

(b) On or after July 1, 1995, all new or initial osteopathic physician assistant licenses issued will expire on the applicant's next anniversary date.

(5) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date.)

AMENDATORY SECTION (Amending WSR 93-24-028, filed 11/22/93, effective 12/23/93)

WAC 246-854-110 Osteopathic physician assistant continuing education required. (1) ((The board requires fifty credit hours of continuing education every year.

(a) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty hour continuing education requirement on a form supplied by the board. The continuing education requirement shall be completed prior to issuance of the renewal license.

(b) The board reserves the right to require a licensee to submit evidence, in addition to the affidavit, to demonstrate compliance with the fifty hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(e)) Licensed osteopathic physician assistants must complete fifty hours of continuing education annually as required in chapter 246-12 WAC, Part 7.

(2) Certification of compliance with the requirement for continuing education of the American Osteopathic Association, Washington State Osteopathic Association, National Commission on Certification of Physician Assistants, Washington Academy of Physician Assistants, American Academy of Physician's Assistants, and the American Medical Association, or a recognition award or a current certification of continuing education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

((2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements.)

(3) In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for licensure, provided an affidavit is received indicating that the osteopathic physician assistant is not providing osteopathic medical services to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show

proof of practice competency as determined necessary by the board.

~~((3))~~ (4) Prior approval not required.

(a) The Washington state board of osteopathic medicine and surgery does not approve credits for continuing education. The board will accept any continuing education that reasonably falls within these regulations and relies upon each individual osteopathic physician assistant's integrity in complying with this requirement.

(b) Continuing education program sponsors need not apply for nor expect to receive prior board approval for continuing education programs. The continuing education category will depend solely upon the determination of the accrediting organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

WAC 246-855-100 AIDS education and training.
~~((1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

~~(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.~~

~~(5) Documentation. The registration holder shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;~~

~~(b) Keep records for two years documenting attendance and description of the learning; and~~

~~(c) Be prepared to validate, through submission of these records, that learning has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 95-08-019, filed 3/27/95, effective 4/27/95)

WAC 246-861-010 Definitions. (1) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE).

(2) "Board approved programs/courses" means continuing education which has been reviewed and approved by the board office.

(3) "Approved provider" means any person, corporation, or association approved either by the board or ACPE to conduct continuing professional education programs.

(4) "Continuing education" means accredited or approved post-licensure professional pharmaceutical education designed to maintain and improve competence in the practice of pharmacy, pharmacy skills, and preserve pharmaceutical standards for the purpose of protecting the public health, safety, and welfare.

~~((5) "Continuing education unit (CEU)" means one CEU is equivalent to ten contact hours of participation in accredited or board approved continuing education programs/courses.))~~

AMENDATORY SECTION (Amending WSR 95-08-019, filed 3/27/95, effective 4/27/95)

WAC 246-861-020 Renewal requirements. (1) ~~(No renewal certificate of licensure shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the twelve months preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their license following graduation shall be exempt from the provisions of this regulation.~~

~~(2) Continuing education requirements must be submitted along with the license application and fee. If the continuing education requirements are not complete the license renewal application will be returned with an explanatory note. The license renewal will not be processed until complete.~~

~~(3) A pharmacist shall be required to retain all original certificates and other documented evidence of participation in an approved/accredited continuing education program for a period of at least two years. Upon request, such documentation shall be made available to the board for random audit and verification purposes. Since individual pharmacist audits will usually be retrospective, it is recognized that disallowed credit may work hardship on the pharmacist involved. In cases where a pharmacist is audited and some or all credit is disallowed, the continuing education requirement for the following year will be increased by the amount of hours disallowed. A pharmacist who is audited and has credit disallowed will be required to submit verification of continuing education for the next two consecutive years by including continuing education certificates with the license renewal application.~~

~~(4) Failure to satisfy the continuing education requirement as a result of disallowed credit in two consecutive~~

~~years or falsification of continuing education evidence and/or documentation will be considered in violation of these rules and will be sufficient cause for imposition of disciplinary action by the board.~~

~~(5))~~ A pharmacist who desires to reinstate his or her pharmacist license after having been unlicensed for over one year shall, as a condition for reinstatement, submit proof of fifteen hours of continuing education for each year unlicensed or complete such continuing education credits as may be specified by the board in each individual case.

~~((6))~~ (2) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-861-120 Waiver of the continuing education requirement.

AMENDATORY SECTION (Amending WSR 94-08-099, filed 4/6/94, effective 5/7/94)

WAC 246-863-030 Applicants—Reciprocity applicants. (1) Applicants for license by reciprocity whose applications have been approved shall be required to take and pass the jurisprudence examination given by the board prior to being issued his or her license. The jurisprudence examination shall be offered at least once in every two months. If the licensing process has not been completed within two years of the date of application, the application shall be considered abandoned.

~~((Refund of the state application fee shall not be made for any request not received within one year or for those applicants who have attempted the jurisprudence examination and have failed to achieve a passing score.))~~

(2) An applicant for license by reciprocity who has been out of the active practice of pharmacy for between three and five years must take and pass the jurisprudence examination and additionally must either serve an internship of 300 hours or take and pass such additional practical examinations as may be specified by the board in each individual case.

(3) An applicant for license by reciprocity who has been out of the active practice of pharmacy for over five years must take and pass the full board examination and serve an internship of 300 hours.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-863-070 Inactive ~~((pharmacist license))~~ credential. ~~((Any pharmacist who desires to leave the active practice of pharmacy in the state of Washington may request an inactive license from the board. The request for an inactive license shall be submitted on a form provided by the department. It must be renewed in the same manner as an active license upon payment of a fee as specified by the secretary.~~

~~The holder of an inactive license shall not practice pharmacy in the state of Washington. The holder of an~~

~~inactive license need not comply with the continuing education requirements contained in chapter 246-861 WAC.~~

~~In order to reactivate an inactive license, the holder of the inactive license shall comply with the provisions of WAC 246-863-090.)~~ (1) A pharmacist may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) Practitioners with an inactive credential for three years or less who wish to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(3) Practitioners with an inactive credential for more than three years, who have been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Take and pass the jurisprudence examination given by the department;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) Practitioners with an inactive credential for between three and five years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Take and pass the jurisprudence examination given by the department;

(b) Either serve an internship of 300 hours or take and pass such further written practical examinations as specified by the board in each individual case;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

(5) Practitioners with an inactive credential for over five years, who have not been in active practice in another United States jurisdiction, and wish to return to active status must:

(a) Take and pass the full board examination;

(b) Serve an internship of 300 hours;

(c) Meet the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-863-080 Retired pharmacist license. (1) Any pharmacist who has been licensed in the state for twenty-five consecutive years, who wishes to retire from the practice of pharmacy, may apply for a retired pharmacist license by submitting to the board:

(a) An application on a form provided by the department; and

(b) A fee as specified in WAC 246-907-030.

(2) The holder of a retired pharmacist license shall not be authorized to practice pharmacy and need not comply with the continuing education requirements of chapter 246-861 WAC.

(3) A retired pharmacist license shall be granted to any qualified applicant and shall entitle such person to receive mailings from the board of pharmacy: *Provided*, That lawbook updates shall not be mailed without charge.

(4) In order to reactivate a retired pharmacist license, the holder must comply with the provision of WAC 246-863-090 and chapter 246-12 WAC, Part 2.

(5) The annual renewal fee for a retired pharmacist license is set by the secretary in WAC 246-907-030.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-863-090 ((Pharmacists—Reinstatement or reactivation of)) Expired license. (((1) A pharmacist who desires to reinstate or reactivate his or her license after having been out of the active practice of pharmacy shall meet the following requirements, as applicable, in addition to paying the fee required by RCW 18.64.140.

(a) If the pharmacist has been unlicensed or the holder of an inactive license for three years or less, the pharmacist shall take and pass the jurisprudence examination given by the department.

(b) If the pharmacist has been unlicensed or the holder of an inactive license for between three and five years, the pharmacist shall take and pass the jurisprudence examination given by the department and either serve an internship of 300 hours or take and pass such further written practical examinations as are specified by the board in each individual case.

(c) If the pharmacist has been unlicensed or the holder of an inactive license for over five years, the pharmacist shall take and pass the full board examination and serve an internship of 300 hours.

(2) A pharmacist desiring to reinstate or reactivate his or her license shall complete such continuing education credits as the board may specify in each individual case.))

(1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Take and pass the jurisprudence examination given by the department;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for between three and five years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Take and pass the jurisprudence examination given by the department;

(b) Either serve an internship of 300 hours or take and pass such further written practical examinations as specified by the board in each individual case;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(4) If the license has expired for over five years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Take and pass the full board examination;

(b) Serve an internship of 300 hours;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-120 AIDS prevention and information education requirements. (((1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of subsection (4) of this section, or shall certify that they will comply with the AIDS education requirement no later than December 31, 1989.

(3) 1989 renewal of licenses. Effective with the renewal period beginning February 1, 1989, all persons making application for licensure renewal in 1989 shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Pharmacists may submit compliance documentation with their renewal or at any time prior to December 31, 1989. Approved AIDS education may be counted towards a pharmacist's continuing education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that covers the required subjects and otherwise qualifies for continuing education credit. Such education and training shall be a minimum of seven clock hours (.7 CE units) and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal economic and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective February 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include the one-time requirement of completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-863-050 Licensed pharmacists change of address.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-869-050 Pharmacy license renewal.

AMENDATORY SECTION (Amending Order 289B, filed 7/14/92, effective 8/14/92)

WAC 246-879-070 Application for full line wholesaler license and over-the-counter only wholesaler license.

(1) All applications for licensure of a new or relocated wholesaler shall be accompanied by the required fee as set forth in chapter 246-907 WAC.

(2) All license renewal applications shall be accompanied by the annual fee and contain the same information required in subsection ~~((5))~~ (6) of this section.

(3) A change of ownership or location requires a new license.

(4) The license is issued to a person or firm and is non-transferable. Additions or deletions of a partner/partners shall be considered as a change of ownership.

(5) The license fee cannot be prorated.

(6) Every wholesale distributor, wherever located, who engages in wholesale distribution into, out of, or within this state must be licensed by the board in accordance with the laws and regulations of this state before engaging in wholesale distribution of prescription drugs.

(a) Minimum required information for licensure. The board requires the following from each wholesale drug distributor as part of the initial licensing procedure and as part of any renewal of such license.

(i) The name, full business address, and telephone number of the licensee;

(ii) All trade or business names used by the licensee;

(iii) Addresses, telephone numbers, and the names of contact persons for the facility used by the licensee for the storage, handling, and distribution of prescription drugs;

(iv) The type of ownership or operation (i.e., partnership, corporation, or sole proprietorship); and

(v) The name(s) of the owner and/or operator of the licensee, including:

(A) If a person, the name of the person;

(B) If a partnership, the name of each partner, and the name of the partnership;

(C) If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation, and the name of the parent company, if any;

(D) If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(vi) When operations are conducted at more than one location by a single wholesale distributor, each such location shall be licensed by the board.

(vii) Change in any information required by this section shall be submitted to the board within thirty days after such change.

(b) Minimum qualifications. The board shall consider, at a minimum, the following factors in reviewing the

qualifications of persons who engage in wholesale distribution of prescription drugs within the state:

(i) Any convictions of the applicant under any federal, state, or local laws relating to drug samples, wholesale, or retail drug distribution, or distribution of controlled substances;

(ii) Any felony convictions of the applicant under federal, state, or local laws;

(iii) The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(iv) Any false or fraudulent material furnished by the applicant in any application made in connection with drug manufacturing or distribution;

(v) Suspension or revocation by federal, state, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(vi) Compliance with licensing requirements under previously granted licenses, if any;

(vii) Compliance with requirements to maintain and/or make available to the board, federal, state, or local enforcement officials those records required to be maintained by wholesale drug distributors; and

(viii) Any other factors or qualifications the board considers relevant to and consistent with public health and safety.

(c) The board shall have the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest. Public interest considerations shall be based on factors and qualifications that are directly related to the protection of the public health and safety.

(d) Personnel. As a condition for receiving and retaining a wholesale drug distributor license, the licensee shall require each person employed in any prescription drug wholesale distribution activity to have education, training, and experience, or any combination thereof, sufficient for that person to perform the assigned functions in such a manner as to provide assurance that the drug product quality, safety and security will at all times be maintained as required by law.

AMENDATORY SECTION (Amending Order 239B, filed 1/28/92, effective 2/29/92)

WAC 246-887-020 Uniform Controlled Substances Act. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, 1991, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: Section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following specific rules shall take precedence over the federal rules adopted herein

by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

~~((2))~~ ~~((Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW.~~

~~((3))~~ A separate registration is required for each place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

~~((4))~~ (3) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of two years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

~~((5))~~ (4) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

~~((6))~~ (5) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

~~((7))~~ (6) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription

for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

AMENDATORY SECTION (Amending Order 387B, filed 8/17/93, effective 9/17/93)

~~WAC 246-901-065 ((Reinstatement or reactivation of certificate.))~~ Expired license. ~~((A pharmacy assistant who desires to reinstate or reactivate his or her certificate shall meet the following requirements, as applicable, in addition to paying the fee required in WAC 246-907-030:~~

~~(1) If the pharmacy assistant has allowed his or her certificate to lapse for less than five years, the pharmacy assistant shall pay the renewal fee for the present year and the penalty fee equal to the current original certification fee.~~

~~(2) If the pharmacy assistant has allowed his or her certificate to lapse for five years or more, the pharmacy assistant shall, within one year of application to the board for certification, complete the current certification requirements and pay the original certification fee.~~

~~(3) If the pharmacy assistant has been working in a position in another state with duties that are substantially equivalent to a Level A pharmacy assistant in Washington state, his or her certificate may be reinstated according to subsection (1) of this section upon presenting evidence from his or her employer verifying their duties.))~~ (1) If the license has expired for five years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over five years, the practitioner must:

(a) Within one year of application to the board for certification, complete the certification requirements;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the practitioner has been in an active practice in another United States jurisdiction with duties that are substantially equivalent to a Level A pharmacy assistant in Washington state, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-120 Pharmacy assistant AIDS prevention and information education requirements. ~~((1))~~ Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective October 1, 1989, persons applying for certification as a pharmacy assistant shall submit, in addition to the other requirements,

evidence to show compliance with the AIDS education requirements of subsection (4) of this section, or shall certify that they will comply with the AIDS education requirement no later than December 31, 1989.

~~(3) 1989 renewal of certification. Effective with the renewal period beginning October 1, 1989, all persons making application for certification renewal in 1989 shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Pharmacy assistants may submit compliance documentation with their renewal or at any time prior to December 31, 1989.~~

~~(4) AIDS education and training.~~

~~(a) Acceptable education and training. The board will accept education and training that covers the required subjects. Such education and training shall be a minimum of four clock hours and may include, but is not limited to, the following: Etiology and epidemiology; testing; infection control guidelines; clinical manifestations and treatment; legal economic and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective October 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include the one-time requirement of completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The pharmacy assistant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending WSR 97-06-019, filed 2/25/97, effective 3/28/97)

WAC 246-907-030 Fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:

~~(a) PHARMACY LOCATION))~~

(1) Pharmacist, pharmacy assistant, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy assistant utilization, and shopkeeper differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

<u>Title of fee</u>	<u>Fee</u>
Original pharmacy fee	\$275.00

Original pharmacy assistant utilization fee	50.00
Renewal pharmacy fee	200.00
Renewal pharmacy assistant utilization fee	60.00
Penalty pharmacy fee	275.00

~~((b)) (5) The following nonrefundable fees will be charged for vendor:~~

Original fee	60.00
Renewal fee	60.00
Penalty fee	60.00

~~((e)) (6) The following nonrefundable fees will be charged for pharmacist:~~

Exam fee (full exam)	200.00
Reexamination fee (jurisprudence portion)	40.00
Original license fee	100.00
Renewal fee, active and inactive license	105.00
Renewal fee, retired license	20.00
Penalty fee	105.00
<u>Expired license reissuance (active and inactive)</u>	<u>52.50</u>
Reciprocity fee	250.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	50.00

~~((d)) (7) The following nonrefundable fees will be charged for shopkeeper:~~

Original fee	25.00
Renewal fee	25.00
Penalty fee	12.50
<u>Shopkeeper - with differential hours:</u>	
Original fee	25.00
Renewal fee	25.00
Penalty fee	12.50

~~((e)) (8) The following nonrefundable fees will be charged for drug manufacturer:~~

Original fee	450.00
Renewal fee	450.00
Penalty fee	450.00

~~((f)) (9) The following nonrefundable fees will be charged for drug wholesaler - full line:~~

Original fee	450.00
Renewal fee	450.00
Penalty fee	450.00

~~((g)) (10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:~~

Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00

~~((h)) (11) The following nonrefundable fees will be charged for drug wholesaler - export:~~

Original fee	450.00
Renewal fee	450.00
Penalty	450.00

~~((i)) (12) The following nonrefundable fees will be charged for pharmacy assistant - Level "A":~~

Original fee	40.00
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Renewal fee	30.00
Penalty fee	40.00
Expired license reissuance	30.00

~~((+))~~ (13) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

~~((+))~~ (14) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

<u>Registrations</u>	
Dispensing registration fee (i.e. pharmacies and health care entities)	65.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	50.00
Distributors registration fee (i.e. wholesalers)	90.00
Distributors renewal fee (i.e. wholesalers)	90.00
Manufacturers registration fee	90.00
Manufacturers renewal fee	90.00
(ARNP with prescriptive authorization registration fee	20.00
ARNP with prescriptive authorization renewal fee	20.00
Sodium pentobarbital for animal euthanization registration fee	30.00
Sodium pentobarbital for animal euthanization renewal fee	30.00
Other CSA registrations	30.00

~~((+))~~ (15) The following nonrefundable fees will be charged for legend drug sample - distributor:

<u>Registration fees</u>	
Original fee	275.00
Renewal fee	200.00
Penalty fee	200.00

~~((+))~~ (16) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	30.00
Renewal fee	30.00

~~((+))~~ (17) The following nonrefundable fees will be charged for facility inspection fee:

150.00

~~((+))~~ (18) The following nonrefundable fees will be charged for precursor control permit:

Original fee	50.00
Renewal fee	50.00

~~((+))~~ (19) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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~~((+))~~ (20) The following nonrefundable fees will be charged for health care entity:

Original fee	275.00
Renewal	200.00
Penalty	275.00

NEW SECTION

WAC 246-907-995 Conversion to a birthday renewal cycle. (1) Effective July 1, 1998, the annual pharmacist, pharmacy assistant, and pharmacy intern credential renewal dates are changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their credential on their birthday at the current renewal rate.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-907-020 Licensing periods.

AMENDATORY SECTION (Amending Order 259B, filed 3/24/92, effective 4/24/92)

WAC 246-915-010 Definitions. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean a graduate of an approved school of physical therapy who is eligible for licensure but has not been licensed to practice physical therapy in Washington state, or an individual who has received an associate degree as a physical therapist assistant from an approved school.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

(9) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(10) "Office on AIDS" means that section within the department of social and health services or any successor

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department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(11) "Spinal manipulation" or "manipulative mobilization" is defined as movement beyond the normal physiological range of motion.

~~((12) One "contact hour" shall mean fifty minutes of continuing education course participation.))~~

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-050 ~~((Reinstatement.))~~ Expired license. ~~((1) A license not renewed within thirty days of the date set by the secretary shall automatically lapse. The licensee may, within two years from the date of lapse and upon recommendation of the board, request the license be revived by paying all back fees and a penalty fee determined by the secretary.~~

~~(2) If a license has lapsed more than two years, the license may be revived under the following conditions:~~

~~(a) The board may require reexamination of an applicant who has not been continuously engaged in lawful practice in another state or territory, or~~

~~(b) Waive reexamination in favor of evidence of continuing competency satisfactory to the board.))~~ (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.74.035. The board may waive reexamination in favor of evidence of continuing competency satisfactory to the board;

(b) Must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-085 Continuing competency. Evidence of continuing competency in the form of continuing education and employment related to physical therapy must be submitted every two years. Licensees born in even numbered years shall submit their continuing competency record form with license renewal every even numbered year ~~((beginning in 1996)).~~ Licensees born in odd numbered years shall submit their continuing competency record form with license renewal every odd numbered year ~~((beginning in 1997)).~~ ~~((Completion of this requirement each two year period shall be a prerequisite for license renewal.))~~

(1) Education - ((40 contact hours.)) Licensed physical therapists must complete 40 hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(a) Continuing education specifically relating to the practice of physical therapy.

(i) Participation in a course with specific goals and objectives relating to the practice of physical therapy;

(ii) Cassette tape, video tape, and/or book review;

(iii) Correspondence coursework completed.

(2) Physical therapy employment - 200 hours specifically relating to physical therapy.

(3) Licensees shall maintain records of all activities relating to continuing education and professional experience for a period of seven years. Acceptable documentation shall mean:

(a) Continuing education. Certificates of completion, course sponsors, goals and objectives of the course, dates of attendance and total contact hours, for all continuing education being reported.

(b) Cassette tape, video tape, and/or book review. A two page synopsis of each item reviewed must be written by the licensee.

(c) Correspondence coursework completed. Course description and/or syllabus and copies of the completed and scored examination must be kept on file by the licensee.

(d) Physical therapy employment. Certified copies of employment records or proof acceptable to the board of physical therapy employment for the hours being reported.

~~((4) The board may audit continuing competency activities and the licensee's failure to maintain his or her own records and substantiate any continuing competency activities upon request by the board may result in the suspension or revocation of a license, or denial of a license renewal. Each licensee who has been selected for audit shall, within 30 days from the date of notification, submit acceptable documentation as evidence of having met the requirements of this section.~~

~~(5) Extensions or exceptions may be considered by the board on a case by case basis upon written request.))~~

AMENDATORY SECTION (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-110 AIDS education and training. ~~((1) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(2) Implementation. Effective January 1, 1989, the requirement for licensure application or reinstatement of any license on lapsed or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.~~

~~(3) Documentation. The applicant or licensee shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(b) Keep records for two years documenting attendance and description of the education; and~~

~~(c) Be prepared to validate, through submission of these records, that education has taken place.)) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-915-990 Physical therapy fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing services division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.~~

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application((—Nonrefundable)))	\$150.00
License renewal	70.00
Late renewal penalty	70.00
<u>Expired license reissuance</u>	<u>50.00</u>
Duplicate license	15.00
Certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-915-060 Applications.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-080 Physician assistant—Licensure.

(1) Application procedure. Applications may be made jointly by the physician and the physician assistant on forms supplied by the commission. Applications and supporting documents must be on file in the commission office prior to consideration for licensure.

(2) No physician assistant or physician assistant-surgical assistant shall begin practice without commission approval of the practice plan of that working relationship. Practice plans must be submitted on forms provided by the commission.

Change in supervision. In the event that a physician assistant or physician assistant-surgical assistant who is currently licensed desires to become associated with another physician, he or she must submit a new practice plan.

~~((3) Licensure expiration and renewal. The physician assistant's license shall be renewed annually. The date of renewal shall be the licensee's birth date.~~

~~An initial license shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. Before the expiration date of a license, a courtesy renewal notice will be mailed to the last address on file of every person holding a current license. The licensee is responsible for renewing his or her license prior to the expiration date regardless of whether the licensee receives the courtesy notice. If the licensee fails to renew his or her license within three years from expiration date~~

~~thereof, such individual must apply for licensing under the statutory conditions then in force.))~~

NEW SECTION

WAC 246-918-081 Expired license. (1) If the license has expired for three years or less the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

- (a) Reapply for licensing under current requirements;
- (b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-170 Physician assistant and certified physician assistant AIDS prevention and information education requirements. ~~((1) Definitions.~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus (HIV related) illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Effective July 1, 1989, persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Documentation. The licensee or applicant for licensure shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting education and training and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that education and training has taken place.))~~

Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-180 Continuing medical education requirements. (1) ~~((Each licensee is required to have and attest to one hundred hours of continuing medical education every two years for renewal. A licensee shall be required to submit evidence of compliance upon request by the commission.)) Licensed physician assistants must complete one~~

hundred hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of one hundred hours of continuing medical education the commission will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

~~(3) (If a licensee fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the commission or its designee on an individual basis.~~

(4)) The commission approves the following categories of creditable continuing medical education. A minimum of forty credit hours must be earned in Category I.

Category I Continuing medical education activities with accredited sponsorship

Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience.

~~((5))~~ (4) The commission adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

~~((6) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred hour continuing medical education requirement.~~

(7)) (5) It will not be necessary to inquire into the prior approval of any continuing medical education. The commission will accept any continuing medical education that reasonably falls within these regulations and relies upon each licensee's integrity in complying with this requirement.

~~((8))~~ (6) Continuing medical education sponsors need not apply for nor expect to receive prior commission approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of the program sponsors to present continuing medical education for licensees that constitutes a meritorious learning experience.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-990 Fees and renewal cycle. ((The following fees shall be charged by the health professions quality assurance division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee

Fee

Physician's assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:

Application	\$50.00
Renewal	35.00
<u>Expired license reissuance</u>	<u>35.00</u>
Duplicate license	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-918-006 Refunds.
- WAC 246-918-085 License renewal form.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-380 AIDS prevention and information education requirements. ((1) Definitions.

(a) "~~Acquired immunodeficiency syndrome~~" or "~~AIDS~~" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "~~Office on AIDS~~" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) Application for licensure.~~ Applicants for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section, certify that such requirements will be satisfied by the date of the applicant's first renewal.

~~(3) AIDS education and training.~~

(a) ~~Acceptable education and training.~~ The commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) ~~Any reinstatement of a license that is lapsed, inactive, or revoked or actually suspended for a term during which the licensee did not obtain the required AIDS education shall include completion of AIDS education and training.~~ All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) ~~Documentation.~~ The applicant for licensure shall certify that the minimum education and training has been completed after January 1, 1987. The documentation of education and training and description of learning shall be maintained for two years after issuance of license.) Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

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AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-430 General requirements. (1) ~~((The commission requires one hundred fifty credit hours of continuing education every three years.))~~ Licensed physicians must complete one hundred fifty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of the one hundred fifty hours of continuing medical education, the commission will accept a current Physician's Recognition Award from the American Medical Association or a current certificate from any specialty board approved by the American Board of Medical Specialties (ABMS) which is considered by the specialty board as equivalent to the one hundred fifty hours of continuing medical education required under WAC 246-919-430(1). The commission will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. A list of the approved specialty boards are designated in the 1995 *Official American Boards of Medical Specialty Director of Board Certified Medical Specialist* and will be maintained by the commission. The list shall be made available upon request. The certification or recertification must be obtained in the three years preceding application for renewal.

~~((3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered on an individual basis and when the circumstances justify it, the commission or its designee may grant an extension of time.))~~

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-460 Continuing medical education requirement. (1) The credits must be earned in the thirty-six-month period preceding application for renewal of licensure.

(2) ~~((One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.))~~

~~((3(a)))~~ **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of one hundred fifty credit hours may be earned in Category I. The commission has approved the standards adopted by the Accreditation Council for Continuing Medical Education or its designated interstate accrediting agency, the Washington State Medical Association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

~~((b)))~~ **(3) Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

~~((e)))~~ **(4) Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

~~((d)))~~ **(5) Category IV: Books, papers, publications, exhibits.**

~~((i)))~~ **(a)** A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six-month period following presentations or publications.

~~((ii)))~~ **(b)** Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing can not be accepted in this or any other category for credit.

~~((e)))~~ **(6) Category V: Nonsupervised.**

~~((i)))~~ **(a)** A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six-month period following the year in which the study, preparation, care and/or review occurred.

~~((ii)))~~ **(b)** Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

~~((iii)))~~ **(c)** Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

~~((iv)))~~ **(d)** Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

~~((v)))~~ **(e)** Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-480 Retired active ((physician license)) credential. (1) ~~((RCW 18.130.250 provides for a retired active license status for individuals already licensed who wish to practice only in emergent or intermittent circumstances. For the purpose of implementing RCW 18.130.250, the licensee must hold a current active license and meet the following criteria:))~~

~~((a)))~~ A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

(2) The ~~((licensee's))~~ practitioner's practice is limited to providing health care services without compensation;

~~((b)))~~ (3) Services are provided in community clinics located in the state of Washington that are operated by public or private tax-exempt corporations; and

~~((e)))~~ (4) Services must be limited to primary care.

~~((2))~~ ~~Individuals requesting a retired active license status must submit a letter to the department at the time of their renewal declaring their intent to practice only on an intermit-~~

tent or emergency basis as defined in subsection (1) of this section. Physician retired active licenses will not be retroactively issued for prior years.

(3) A licensee wishing to return to a full active license must meet the current requirements for relicensure.

(4) Individuals practicing with a retired active license are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.

(5) Retired active licensees must meet the continuing education requirements established in WAC 246-919-430 through 246-919-470.)

AMENDATORY SECTION (Amending WSR 97-15-100, filed 7/21/97, effective 8/21/97)

WAC 246-919-990 Physician and surgeon fees and renewal cycle. ((The following nonrefundable fees shall be charged by the health professional quality assurance division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program date.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Physician and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
Renewal	200.00
Late renewal penalty	50.00
Expired license reissuance	100.00
Substance abuse monitoring surcharge ((for impaired physician program))	25.00
((State)) Certification of license	50.00
Duplicate license	15.00
Temporary permit	50.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application	200.00
Limited license renewal	200.00
((Surecharge impaired physician))	
Substance abuse monitoring surcharge	25.00
Limited duplicate license	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-919-030	Current address.
WAC 246-919-305	Refunds.
WAC 246-919-400	Scope.
WAC 246-919-410	License renewal.
WAC 246-919-420	License renewal form.
WAC 246-919-440	Certification of compliance.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-070 AIDS prevention and information education requirements. (((1) Definitions-

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(3) Renewal of licenses. For the renewal on June 30, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, suspended, or revoked status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

NEW SECTION

WAC 246-922-285 Retired active credential. A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-290 Inactive ((license and reactivation)) credential. ((A licensee who is in active practice in another state may maintain a current license by requesting his or her license be placed on inactive status.

(1) A licensee practicing in another state whose Washington license to practice podiatric medicine and surgery became inactive on or after July 1, 1987, due to nonpayment of the renewal fees may request his or her license be placed

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on inactive license status. The request and inactive license fee must be submitted by September 1, 1991.

(2) A licensee who holds a current Washington podiatry license and is actively practicing in another state may request his or her license be placed on inactive status.

A license shall be maintained on the inactive status by payment of the inactive renewal fee annually and verification of compliance with the continuing education requirements established by the board.

An inactive license may be reactivated by payment of the current renewal fee and verification that the licensee has not had any action taken by a state or federal jurisdiction or hospital which would prevent or restrict the licensee's practice of podiatric medicine and surgery; or voluntarily given up any license or privilege or been restricted in the practice of podiatric medicine and surgery in lieu of or to avoid formal action.)) A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

WAC 246-922-295 ((Lapsed)) Expired license ((reinstatement)). ((A license that has not been renewed due to nonpayment of the annual renewal fee shall be considered to be a lapsed license. The license may be reinstated without examination if the board determines that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of podiatric medicine and surgery.

(1) A license that has lapsed less than one year shall be reinstated upon written request, including a practice chronology from the date of license lapse to the present, payment of the renewal penalty fee together with all delinquent annual renewal fees, and verification of compliance with the continuing education requirements established by the board.

(2) A person whose license has lapsed for longer than one year must:

- (a) File an original application;
- (b) Submit the original application fee and current renewal fee;
- (c) Provide practice chronology of podiatric medicine from the date the license lapsed and evidence of having met the board's current continuing education requirements;
- (d) Provide verification that the licensee has not had hospital privileges restricted or revoked;
- (e) Provide verification of all state licenses and that the licensee has not been disciplined by a state regulatory board or agency;
- (f) Provide documentation relative to any malpractice settlements or judgments within the past five years;
- (g) Provide other documentation as the board may require.)) (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, and the practitioner has been in active practice in another United States jurisdiction, the practitioner must:

- (a) Submit verification of active practice from any other United States jurisdiction;

(b) Provide documentation relative to any malpractice settlements or judgments within the past five years;

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the license has expired for over three years, and the practitioner has not been in active practice in another United States jurisdiction, the practitioner:

(a) May be required to be reexamined as provided in RCW 18.22.083;

(b) Provide documentation relative to any malpractice settlements or judgments within the past five years;

(c) Must meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 94-05-051, filed 2/10/94, effective 3/13/94)

WAC 246-922-300 Podiatric continuing education required. The podiatric medical board encourages licensees to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board encourages participation in podiatric continuing education as a mechanism to maintain and enhance competence.

(1) Twenty-five contact hours of scientific podiatric continuing education shall be required annually to maintain a current license as provided in chapter 246-12 WAC, Part 2.

Five credit hours may be granted for one hour of course instruction. A maximum of five hours may be claimed per renewal period.

(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.

(a) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for licensure renewal.

(b) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.

((3) In case a licensee fails to meet the requirements due to illness, retirement (with no further provision of podiatric services being provided consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of permanent retirement or illness, the board may grant indefinite waiver of podiatric continuing education as a requirement for relicensure, provided an affidavit is received indicating the podiatric physician and surgeon is not providing podiatric services to consumers. If such permanent retirement or illness status is changed or podiatric services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.))

AMENDATORY SECTION (Amending WSR 94-22-055, filed 11/1/94, effective 1/1/95)

WAC 246-922-990 Podiatry fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for post-graduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	625.00
Inactive license renewal	135.00
Late renewal penalty	100.00
<u>Expired license reissuance</u>	<u>300.00</u>
<u>Expired inactive license renewal</u>	<u>67.50</u>
Duplicate license	15.00
Certification of license	25.00
Retired active status	150.00
Temporary practice permit	50.00
Limited license application	150.00
Limited license renewal	200.00
((Impaired program)) <u>Substance abuse monitoring surcharge</u>	25.00

NEW SECTION

WAC 246-922-995 Conversion to a birthday renewal cycle. (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-922-275 Address notification.
- WAC 246-922-280 Renewal expiration date.
- WAC 246-922-320 Certification of compliance.

AMENDATORY SECTION (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

WAC 246-924-110 AIDS education and training. ~~((1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 246-924-240(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality;~~

and psychosocial issues to include special population considerations:

~~(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.~~

~~(3) Documentation. The licensee shall:~~

~~(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;~~

~~(b) Keep records for two years documenting attendance and description of the learning; and~~

~~(c) Be prepared to validate, through submission of these records, that learning has taken place.))~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-12-039, filed 5/25/94, effective 6/25/94)

WAC 246-924-230 Continuing education requirements. (1) The Washington state board of psychology (hereafter referred to as the board) requires a minimum of sixty hours of continuing psychological education (hereafter referred to as CPE) every three years.

~~(2) ((One clock hour of instruction and/or training shall equal one credit hour for the purpose of satisfying the sixty hour CPE requirement.~~

~~(3) Credit hours in excess of the requirements set forth cannot be credited to CPE requirements for any succeeding three year cycle.~~

~~(4))~~ A minimum of four hours credit in ethics must be included in the sixty hours required. Areas to be covered, depending on the licensee's primary area(s) of function are practice, consultation, research, teaching, and/or supervision.

~~((5))~~ (3) Faculty providing CPE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated an expertise in the areas in which they are instructing.

(4) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the sixty hours CPE requirement.

AMENDATORY SECTION (Amending WSR 96-08-007, filed 3/22/96, effective 4/22/96)

WAC 246-924-500 Retired active ((psychologist licensee)) credential. ~~((1) Pursuant to RCW 18.130.250, the board authorizes a retired active license status for licensees who wish to practice only in emergent or intermittent circumstances and meet the following criteria:~~

~~(a) Hold a current Washington state license;~~

~~(b) The licensee's practice is limited to providing psychological services without compensation;~~

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~~(e) Services are provided in clinics or organizations that are operated by public or private tax exempt corporations or agencies.~~

~~(2) "Emergent or intermittent circumstances" means:~~

~~(a) Performing psychological services no more than thirty days each year in Washington state; or~~

~~(b) If not practicing on an intermittent basis, available to perform psychological services for an extended period of time for the purpose of providing such services in emergency circumstances such as earthquakes, floods, times of declared war, or other declared states of emergency.~~

~~(3) Licensees wishing to obtain retired active license status must submit a letter to the board with their renewal declaring their intent to practice only in emergent or intermittent circumstances. Subsequent to being issued a retired active license, the licensee must certify, with the renewal payments, the dates and circumstances under which he or she practiced during the previous year.~~

~~(4) A retired active licensee is subject to chapters 18.130 and 18.83 RCW and the applicable rules and regulations, including continuing education requirements, to the same degree as those with full active status.~~

~~(5) A retired active licensee who wishes to return to full active status must meet the requirements for relicensure. The retired active licensee must notify the board thirty days in advance of the change to reinstate the license to an active license status. Retired active license status will not be retroactively issued.) A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.~~

AMENDATORY SECTION (Amending WSR 96-08-006, filed 3/22/96, effective 4/22/96)

WAC 246-924-990 Psychology fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application((—Nonrefundable))	\$250.00
Renewal	275.00
Renewal retired active	175.00
Late renewal penalty	100.00
Expired license reissuance	137.50
Duplicate license	25.00
Written examination administration	80.00
Oral examination	250.00
Certification of license	25.00
((Renewal	275.00
Renewal penalty	100.00))
Amendment of certificate of qualification	30.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-924-120 Psychologists—Renewal of licenses.

WAC 246-924-290	Continuing education—
	Certification of compliance.
WAC 246-924-320	Continuing education—
	Enforcement.
WAC 246-924-490	Responsibility for maintaining mailing address on file with the board.

AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-170 ((Reinstatement.)) Expired license. (1) ((A certificate which has lapsed for less than two years may be reinstated by submitting the renewal and late fee.

~~(2) A certificate which has lapsed for two years but not more than three years may be reinstated by submitting a reinstatement application, application fee and late renewal penalty fee.~~

~~(3) A certificate which has lapsed for three years or more may be reinstated by demonstrating competence to the standards established by the secretary, submitting a reinstatement application, renewal fee and late penalty.) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.~~

(2) If the license has expired for over three years, the practitioner must:

(a) Demonstrate competence to the standards established by the secretary;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-200 AIDS prevention and information education requirements. ((1) Definitions.

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Persons applying for certification or registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) Documentation.—The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

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(ii) ~~Keep records for two years documenting attendance and description of the learning;~~

(iii) ~~Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending Order 237, filed 2/7/92, effective 2/19/92)

WAC 246-926-990 Certification and registration fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ (1) Certificates and registrations must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application - certification	\$50.00
Exam fee - certification	30.00
Application - registration	35.00
Certification renewal	50.00
Registration renewal	35.00
Late renewal penalty	30.00
<u>Expired certificate reissuance</u>	<u>50.00</u>
<u>Expired registration reissuance</u>	<u>30.00</u>
((Verification)) <u>Certification of registration or certificate</u>	<u>15.00</u>
Duplicate <u>registration of certificate</u>	15.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-926-160 Renewals.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-928-190 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for certification. Persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education and training.~~

~~(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and~~

~~psychosocial issues to include special population considerations.~~

~~(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(c) Documentation. The applicant shall:~~

~~(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(ii) Keep records for two years documenting attendance and description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 95-18-019, filed 8/24/95, effective 9/24/95)

WAC 246-928-990 Respiratory care fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~

(1) Certificates must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$ 85.00
Temporary practice permit	50.00
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
((Verification)) <u>Certification of certificate</u>	25.00
Renewal	80.00
Late renewal penalty	50.00
<u>Expired certificate reissuance</u>	<u>50.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-928-090 Certification renewal registration date.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

WAC 246-930-020 Underlying credential as a health professional required. (1) Under RCW 18.155.020(1), only credentialed health professionals may be certified as providers.

(2) A person who is credentialed as a health professional in a state or jurisdiction other than Washington may satisfy this requirement by submitting the following:

(a) A copy of the current nonexpired credential issued by the credentialing state;

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(b) A copy of the statute, administrative regulation, or other official document of the issuing state which sets forth the minimum requirements for the credential;

(c) A statement from the issuing authority:

(i) That the credential is in good standing;

(ii) That there is no disciplinary action currently pending; and

(iii) Listing any formal discipline actions taken by the issuing authority with regard to the credential;

(d) A statement signed by the applicant, on a form provided by the department, submitting to the jurisdiction of the Washington state courts for the purpose of any litigation involving his or her practice as a sex offender treatment provider;

(e) A statement signed by the applicant on a form provided by the department, that the applicant does not intend to practice the health profession for which he or she is credentialed by another state within the state of Washington without first obtaining an appropriate credential to do so from the state of Washington, except as may be authorized by Washington state law; and

(f) ~~(Evidence to show compliance with the AIDS education requirement:~~

~~(i) Education and training shall be consistent with the model curriculum available from the office on AIDS within the department of health pursuant to chapter 70.24 RCW. Such education and training shall be a minimum of four clock hours and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.~~

~~(ii) Documentation. The applicant shall:~~

~~(A) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;~~

~~(B) Keep records for two years documenting attendance and description of the learning; and~~

~~(C) Be prepared to validate, through submission of these records, that attendance has taken place.)~~ Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(3) Underlying registration, certification, or licensure shall be maintained in good standing. If an underlying registration, certification, or licensure is not renewed or is revoked, certification as a sex offender treatment provider, affiliate sex offender treatment provider, or temporary or provisional treatment provider is revoked. If an underlying license is suspended, the sex offender treatment provider certification is suspended. If there is a stay of the suspension of an underlying license the sex offender treatment provider program must independently evaluate the reasonableness of a stay for the sex offender treatment provider.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

WAC 246-930-410 Continuing education requirements. Certified sex offender treatment providers must complete forty hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(1) **Purpose and scope.** The aim of continuing education for sex offender treatment providers is to ensure that professionals practicing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

~~(2) **General requirements.** Certified sex offender treatment providers shall complete forty credit hours of continuing education (hereafter referred to as CE) every two years. One clock hour of acceptable CE activity equals one credit hour. The number of creditable hours will be determined by counting the actual contact hours of instruction or, in the case of workshops or conferences, the formal hours of the workshop or conference. All certified sex offender treatment providers will have two years in which to accrue the required CE credit, and renewals of sex offender treatment provider certificates on alternate years will require documentation of forty credit hours of CE. This requirement will be implemented with the 1993 renewal year.~~

~~(3) **Specific requirements.**~~

(a) A minimum of thirty hours of the CE shall be earned through attendance at courses, workshops, institutes, and/or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of ten hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CE credit for assessment and treatment of sex offender training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of ten hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CE. The following are examples of subjects that qualify under this definition:

- (A) Ethics and professional standards;
- (B) Relapse prevention with sex offenders;
- (C) Plethysmographic assessment;
- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and

(J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the thirty hours of CE with direct, specific relevance to the assessment and treatment of sex offenders, ten hours of the total requirement may be earned through participation in training courses with indirect relevance to the assessment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; and
- (vii) Legal issues.

~~((4))~~ **(3) Program or course approval.** The department shall accept any CE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CE requirements.

~~((5) Enforcement.~~ Failure to meet the CE requirements within each two-year time period will result in nonrenewal of the certificate.

~~(6) Exemptions.~~ In the event a provider fails to meet requirements because of illness, retirement (with no further provision of sex offender treatment provider services to clients), failure to renew, or other extenuating circumstances, the department may grant a time extension. The department shall review each case on an individual basis.

~~(7) Proof of compliance.~~ Every two years the sex offender treatment provider shall submit an affidavit and proof of compliance with the CE requirement with the annual renewal application. Documentation to prove compliance includes, but is not limited to, course or program certificates of training, transcripts, course or workshop brochure descriptions. It is the responsibility of the sex offender treatment provider to maintain such documentation. Year of collection is determined by year of birth, i.e., a provider born in an odd-numbered year shall submit proof of compliance each odd-numbered year; a provider born in an even-numbered year shall submit proof of compliance each even-numbered year.

~~(8))~~ **(4) CE requirement for newly certified providers.** Providers who are newly certified within six months of their renewal date shall not be required to submit proof of continuing education for the preceding twelve-month period. Providers who are newly certified from six to nine months prior to the renewal date shall be required to submit proof of ten hours of the annual CE requirement for the preceding twelve-month period. Providers who are newly certified from nine to twelve months prior to the renewal date shall be required to submit proof of the full twenty hour annual CE requirement at the renewal date. The above noted prorated CE requirements apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birthdate), the prorated amount shall be added to the full twenty hour annual requirement for the second year following certification.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

WAC 246-930-420 Inactive ((status)) credential. ~~((Sex offender treatment providers, in good standing, may place their certification on inactive status by providing written notice in advance to the secretary, and may within five years thereafter resume active practice upon payment of a late renewal fee, accompanied by proof of completion of the continuing education requirements as specified in WAC 246-930-410, and proof of a current underlying certification/license. To resume active status after five years or longer of inactive status, a provider must submit an original application with appropriate fees and retake the examination. A person may not practice as a sex offender treatment provider while the certification is on inactive status.))~~ A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

NEW SECTION

WAC 246-930-431 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Successfully pass the examination as provided in WAC 246-930-200;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 94-13-179, filed 6/21/94, effective 7/22/94)

WAC 246-930-990 Sex offender treatment provider fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing services division of the department of health.))~~ (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	\$ 650.00
Reexamination	325.00
Initial certification	100.00
Renewal	1,175.00
Inactive status	585.00
Late renewal penalty	200.00
<u>Expired certificate reissuance</u>	<u>300.00</u>
<u>Expired inactive certificate reissuance</u>	<u>292.50</u>
Duplicate certificate	15.00
Extension fee	1,475.00

(3) The following nonrefundable fees will be charged for affiliate treatment provider:

Application and examination	300.00
Reexamination	150.00
Initial certification	50.00
Renewal	600.00
Inactive status	300.00
Late renewal penalty	200.00

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<u>Expired affiliate certificate reissuance</u>	300.00
<u>Expired inactive affiliate certificate reissuance</u>	150.00
Duplicate certificate	15.00
Extension fee	850.00

~~submit an affidavit of compliance at the end of each three-year period as prescribed in WAC 246-933-470.) A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.~~

NEW SECTION

WAC 246-930-995 Conversion to a birthday renewal cycle. (1) The annual license renewal date is changed to coincide with the practitioner's birthday.

(2) Renewal fees will be prorated during the transition period while renewal dates are changed to coincide with the practitioner's birthday.

(3) After the initial conversion to a staggered system, practitioners will annually renew their license on their birthday at the current renewal rate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-930-400 Issuance and renewal of certification.
- WAC 246-930-430 Reinstatement.

AMENDATORY SECTION (Amending Order 235B, filed 1/14/92, effective 2/14/92)

WAC 246-933-305 ((Veterinary)) Retired active ((license)) credential. ~~((1) RCW 18.130.250 provides for a retired active license status for individuals already licensed who wish to practice only in emergent or intermittent circumstances. For the purposes of implementing RCW 18.130.250, "emergent or intermittent circumstances" is defined as follows:~~

- ~~(a) The licensee resides and practices in another state, and practices no more than thirty days each year in Washington state;~~
- ~~(b) The licensee resides and practices in this state, but practices no more than thirty days each year.~~
- ~~(c) The licensee does not normally practice or meet the criteria of (a) or (b) of this subsection, but is available to practice for an extended period of time for the purposes of providing veterinary care in emergency circumstances such as earthquakes, floods, times of declared war, or other declared states of emergency.~~

~~(2) Individuals requesting a retired active license status must submit a letter to the department with their renewal declaring their intent to practice only on an intermittent or emergent basis. Veterinary retired active licenses will not be retroactively issued for prior years. Subsequent to being issued a retired active license, the licensee must report with the renewal payments the dates and circumstances under which they practiced during the previous year. If the licensee wishes to practice on an active basis, the licensee must notify the department five days in advance of the change to reinstate the license to an active license status.~~

~~(3) Individuals on a retired active license status are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.~~

~~(4) Retired active licensees must meet the continuing education requirement established in WAC 246-933-420 and~~

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-420 Basic requirement—Amount. ~~((In the three-year period immediately preceding the annual renewal of the license to practice veterinary medicine, the applicant shall have completed 3 3/4 days or accumulated thirty hours of acceptable continuing education.~~

~~(1) Measurement is in full academic hours only (a 50-minute period equals one hour). A one-day course shall constitute eight hours of credit.~~

~~(2) Credit shall be granted only for class hours, and not preparation hours.) Licensed veterinarians must complete thirty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7.~~

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-480 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

~~(2) Application for licensure. Persons applying for licensure shall submit, prior to obtaining a license, and in addition to the other requirements for licensure, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education:~~

~~(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of (a) of this subsection.~~

~~(c) Documentation. The licensee shall:~~

~~(i) Certify, on forms provided, that the minimum education has been completed;~~

~~(ii) Keep records for two years documenting attendance or description of the learning;~~

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~~(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~
Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-933-990 Veterinarian fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing services division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
((VETERINARIAN:))	
National board examination (NBE) (initial/retake)	\$130.00
Clinical competency test (CCT) (initial/retake)	130.00
State examination	125.00
Initial state license	95.00
State examination (retake)	125.00
Specialty licensure	95.00
Impaired veterinarian assessment	10.00
Temporary permit	95.00
State or specialty license renewal	95.00
Retired active and renewal	45.00
Late renewal penalty (state and specialty license)	31.00
Expired license reissuance	50.00
Late renewal penalty (retired active license)	15.00
Duplicate license	15.00
Certification <u>of license</u>	15.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-933-180 Responsibility for maintaining mailing address on file with the board.
- WAC 246-933-430 Effective date of requirement.
- WAC 246-933-470 Continuing education— Certification of compliance.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-130 AIDS prevention and information education requirements. ~~((1) Definitions:~~

~~(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness as defined by the board of health by rule.~~

~~(b) "Office on AIDS" means that section within the department of health or any successor department with~~

jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) Application for registration. Persons applying for registration shall submit prior to becoming registered and in addition to the other requirements for registration, evidence to show compliance with the education requirements of subsection (3) of this section.~~

~~(3) AIDS education.~~

~~(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

~~(b) The requirements for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of (a) of this subsection.~~

~~(c) Documentation. The registrant shall:~~

~~(i) Certify, on forms provided, that the minimum education has been completed;~~

~~(ii) Keep records for two years documenting attendance or description of the learning;~~

~~(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~
Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-935-990 Animal technician fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing services division of the department of health:))~~ (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
((ANIMAL TECHNICIAN:))	
National examination (initial/retake)	\$80.00
State examination (initial/retake)	80.00
Initial ((registration)) license	60.00
Renewal	51.00
Late renewal penalty	17.00
Expired license reissuance	50.00
Duplicate ((registration)) license	15.00
Certification <u>of license</u>	15.00

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AMENDATORY SECTION (Amending WSR 95-04-083, filed 1/31/95, effective 3/3/95)

WAC 246-937-050 Applications. ((Applications for registration as a certified veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program and completion of HIV/AIDS education as specified in WAC 246-937-080.

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. Additionally)) In addition to the requirements of chapter 246-12 WAC, Part 2, the application will be signed by the sponsoring veterinarian attesting that the applicant is qualified to perform the responsibilities of a certified veterinary medication clerk and is familiar with the procedures and policies of the practice. Certification is valid only for employment at the veterinary practice identified in the application and/or pursuant to WAC 246-937-020.

AMENDATORY SECTION (Amending WSR 95-04-083, filed 1/31/95, effective 3/3/95)

WAC 246-937-080 HIV/AIDS prevention and information education requirements. ((~~(1) Definitions:~~

(a) "~~Acquired immunodeficiency syndrome or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.~~

(b) "~~Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.~~

(2) ~~Application for certification. Persons applying for certification shall submit, prior to becoming certified and in addition to the other requirements for certification, evidence to show compliance with the education requirements of subsection (3) of this section.~~

(3) ~~AIDS education:~~

(a) ~~Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal course work may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.~~

(b) ~~Documentation. The registrant shall:~~

(i) ~~Certify, on forms provided, that the minimum education has been completed;~~

(ii) ~~Keep records for two years documenting attendance or description of the learning;~~

(iii) ~~Be prepared to validate, through submission of these records, that attendance or learning has taken place.))~~

Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. Alternatives to formal coursework may be in the form of video

tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information.

AMENDATORY SECTION (Amending WSR 94-19-098, filed 9/21/94, effective 10/22/94)

WAC 246-937-990 Veterinary medication clerk fees and renewal cycle. ((The following fees shall be charged by the professional licensing division of the department of health:)) (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Initial ((registration)) <u>certification</u>	\$24.00
Renewal	24.00
Late renewal penalty	11.00
<u>Expired certification reissuance</u>	<u>24.00</u>
Duplicate ((registration)) <u>certification</u>	10.00

WSR 98-05-069

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 97-5—Filed February 17, 1998, 1:15 p.m.]

Date of Adoption: February 17, 1998.

Purpose: The rules will permit insurers to use a mortality table recently adopted by the National Association of Insurance Commissioners.

Citation of Existing Rules Affected by this Order: Amending WAC 284-74-010.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 98-01-121 on December 18, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 17, 1998

Greg Scully

Chief Deputy Commissioner

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AMENDATORY SECTION (Amending Order R 87-3, filed 2/18/87)

WAC 284-74-010 1983 Annuity tables. The purpose of this section is to recognize new mortality tables, the 1983 table "a" and the 1983 GAM table, for use in determining the minimum standard of valuation for annuity and pure endowment contracts, except as otherwise provided in WAC 284-74-020.

(1) The 1983 table "a" mortality table, which was developed by the society of actuaries committee to recommend a new mortality basis for individual annuity valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners (NAIC), and which is set forth in NAIC Proceedings, 1982 Vol. II, p. 454, is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued (~~or delivered in this state~~) on or after July 10, 1982.

(2) The 1983 table "a" referred to in subsection (1) of this section is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued (~~or delivered in this state~~) on or after January 1, 1988.

(3) The 1983 GAM mortality table, which was developed by the society of actuaries committee on annuities and adopted as a recognized mortality table for annuities in December 1983 by the NAIC, and which is set forth in NAIC Proceedings, 1984 Vol. I, pp. 414-415, and the 1983 table "a" mortality table referred to in subsection (1) of this section, are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, either table may be used for purposes of valuation for any annuity or pure endowment purchased on or after July 10, 1982, under a group annuity or pure endowment contract.

(4) The 1983 GAM table referred to in subsection (3) of this section is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1988 under a group annuity or pure endowment contract.

NEW SECTION

WAC 284-74-020 Annuity 2000 and 1994 GAR tables. The purpose of this section is to recognize the

following mortality tables for use in determining the minimum standard of valuation for annuity and pure endowment contracts: The annuity 2000 mortality table, and the 1994 group annuity reserving (1994 GAR) table.

(1) This section does not apply to an individual annuity or pure endowment contract, if the contract is based on life contingencies and is issued to fund periodic benefits arising from:

(a) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;

(b) Settlements involving similar actions such as worker's compensation claims; or

(c) Settlements of long term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

(2) The annuity 2000 mortality table, which was developed by the society of actuaries committee on life insurance research and adopted as a recognized mortality table for annuities in December 1996 by the National Association of Insurance Commissioners (NAIC), and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), p. 240, is recognized and approved as an individual annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after April 1, 1998. At the option of the company, the annuity 2000 mortality table may be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1998.

(3) The 1994 GAR table, which was developed by the society of actuaries group annuity valuation table task force and adopted as a recognized mortality table for annuities in December 1996 by the NAIC, and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), pp. 866 and 867, is recognized and approved as a group annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after April 1, 1998, under a group annuity or pure endowment contract. At the option of the company, the 1994 GAR table may be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1998, under a group annuity or pure endowment contract.

(4) In using the 1994 GAR table, the mortality rate for a person age x in year $(1994 + n)$ is calculated as follows:

$$q_x^{1994+n} = q_x^{1994} (1 - AA_x)^n,$$

where the q_x^{1994} and AA_x s are as specified in the 1994 GAR table.

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WSR 98-05-101
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 97-30—Filed February 18, 1998, 10:55 a.m.]

Date of Adoption: February 16, 1998.

Purpose: To implement a new biosolids management program in Washington state.

Statutory Authority for Adoption: RCW 70.95J.020 and 70.95.255.

Adopted under notice filed as WSR 97-22-044 on October 31, 1997.

Changes Other than Editing from Proposed to Adopted Version: **Change in terminology:** In response to comment, the word "facility" was substituted for the phrase "treatment works treating domestic sewage," as much as possible, throughout the rule.

WAC 173-308-010 (2)(e)(i): Fees under WAC 173-308-320 ~~(4)(e)~~ do not apply to persons whose activity is limited to pumping, hauling, temporarily storing, or delivering septage or biosolids to other treatment works treating domestic sewage or land application sites, if:

WAC 173-308-010 (2)(e)(i)(C): The generating and receiving treatment works or land application ~~site has or is covered under a valid permit issued under~~ **is in compliance with the requirements of WAC 173-308-310.**

WAC 173-308-010 (2)(e)(ii): ~~(ii) Fees under WAC 173-308-320 (4)(e) do not apply to persons whose activity is limited to delivering septage or biosolids to sites where biosolids are applied to the land if the septage or biosolids are not treated prior to delivery and the receiving treatment works has a valid permit issued under WAC 173-308-310.~~

WAC 173-308-050 (2)(c): As an alternative to revocation of local delegation under (b) of this subsection, the department may correct any deficiencies in a ~~local permit~~ **locally approved state permit element . . ."**

WAC 173-308-060(2): Municipal sewage sludge or septage that fails to meet standards for classification as biosolids is a solid waste and may not be applied to the land.

WAC 173-308-060(3): Municipal sewage sludge or septage that will be disposed in a landfill is considered to be solid waste.

WAC 173-308-080: "Composting" means the controlled biological degradation of organic solid waste yielding a product for use as a soil conditioner. This does not include the treatment of sewage sludge in a digester at a wastewater treatment plant.

WAC 173-308-080: "Domestic septage - Class I" is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive only domestic sewage, and that has had a sufficiently long residency time to be considered largely stabilized. For the purposes of managing mixed loads or batches of septage, a load or batch ~~may be~~ is considered Class I if it does not exceed ~~ten~~ twenty-five percent by volume of Class II domestic septage or twenty-five percent by volume of restaurant grease trap waste, unless otherwise approved by the regulatory authority.

WAC 173-308-080: "Facility" means a treatment works treating domestic sewage as defined in this chapter, **unless the context of the rule requires otherwise.** For the purposes of this chapter a facility is considered to be new if

it has not been previously approved for the treatment, storage, use, or disposal of biosolids.

WAC 173-308-080: "Local health department" see **definition of health department.**

WAC 173-308-080: "~~Permitting authority~~" means the ~~department or a local health department if the authority to issue permits has been delegated through an instrument of mutual consent.~~

WAC 173-308-080: "~~Regulatory authority~~" see ~~definition of department.~~

WAC 173-308-080: "Surface waters of the state" means surface waters of the state as defined in WAC 173-201A-020.

WAC 173-308-080: "Waters of the state" means waters of the state as defined in RCW 90.48.020.

WAC 173-308-100: Requirement for a person who transports biosolids. (1) Any person who transports biosolids must ensure that the transportation vehicle is properly cleaned prior to use of the vehicle for the transportation of food crops, feed crops, or fiber crops. (2) The transportation of biosolids is **otherwise** subject to regulation by the Washington State Utilities and Transportation Commission under Title 81 RCW and WAC 173-308-030(2).

WAC 173-308-120(6): The person who applies bulk biosolids to the land must obtain written approval of the landowner prior to applying biosolids to the land **for the first time** when the bulk biosolids do not meet the criteria to be classified as exceptional quality.

WAC 173-308-200 (1)(f): The requirements in WAC 173-308-300 (2)(a) and (b) for approved plans when used as a component of intermediate or final cover in a municipal solid waste landfill.

WAC 173-308-210, 173-308-220, 173-308-230, 173-308-240 - subsection (4)(b)(i), and WAC 173-308-270 - subsection (5)(a)(vi): (Typical example) - Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, ~~as defined in chapter 90.48 RCW,~~ unless otherwise specified by the department.

WAC 173-308-270(2): Domestic septage that is applied to the land must be treated by a process such as physical screening or grinding, **or another approved method must be employed** to significantly remove or reduce recognizable materials **when septage is applied prior to application** to the land.

WAC 173-308-270 (3)(a): When Domestic Septage - Class II is applied to the land, **the alkaline stabilization requirement of WAC 173-308-270 (3)(b) must be met, or the Class B pathogen requirements in one of WAC 173-308-170 (3)(a) through (c) and the site management and access restrictions in subsection (5)(a)(i) through (ix) and (b)(i) through (iv) of this section must be met.**

WAC 173-308-270 (5)(a)(vi): Septage must not be applied to land that is ~~ten meters~~ **one hundred feet** or less from surface waters of the state, ~~as defined in chapter 90.48 RCW,~~ unless otherwise specified by the department.

WAC 173-308-270 (5)(b): In addition to the site management and access restrictions in (a)(i) through (ix) of this subsection, the additional site management and access restrictions in (b)(i) through (iv) of this subsection apply to domestic septage ~~—class II, and to domestic septage class I and class III~~ if the pH adjustment requirement of subsection

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(3)(b) of this section is not met when septage is applied to the land.

WAC 173-308-280(1): Facilities storing biosolids must do so in accordance with ~~(a)~~ the provisions of a permit issued under this chapter, if an applicable permit has been issued;

WAC 173-308-280 (1)(b): ~~(b) The requirements of the local health department if no applicable permit has been issued under this chapter.~~

WAC 173-308-280(2): Biosolids may not be stored in a manner that results in, or would be likely to result in the contamination of ground water, surface water, air, or land under current conditions or in the case of fire or flood.

WAC 173-308-300 (2)(a): Landfills that use biosolids that do not meet standards to be classified as exceptional quality as a component of intermediate or final cover must have an approved site specific land application plan that meets the requirements of WAC 173-308-310(6) and 173-308-210, 173-308-230, or 173-308-240, as applicable.

WAC 173-308-310 (4)(a): Except for facilities in (e)(i) and (f) of this subsection, existing ~~treatment works treating domestic sewage facilities~~ that are class one biosolids management facilities, publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day, and those that serve a population of 10,000 people or more must either:

(i) Submit an application for coverage under a general permit within ninety days after issuance of a biosolids general permit by the department, or;

(ii) Submit a notice of intent within ninety days of issuance of an applicable general permit, followed by a complete permit application within one hundred eighty days of issuance of the applicable general permit.

WAC 173-308-310 (4)(f) and (h)(iii): Treatment works treating domestic sewage that have been directed to apply for an individual permit under subsection (3)(a)(ii) of this section must submit an application for an individual permit as directed by the department, but ~~no sooner than ninety days after the first date of a request from the department~~ the department will allow at least ninety days for a submittal.

WAC 173-308-310 (4)(h): ~~Treatment works treating domestic sewage~~ Facilities, other than those in (a) of this subsection, that have submitted a notice of intent to be covered under a general permit, must submit a complete permit application as follows:

WAC 173-308-310 (4)(h)(i): Except as required under (h)(iv) of this subsection, if the facility is subject to permitting under chapter 173-216 or 173-220 WAC, a complete permit application is due on the date when an application for a state waste discharge or NPDES permit, or for renewal thereof, is due, or ~~ninety one hundred eighty~~ days after issuance of the applicable general permit ~~submitting the notice of intent~~, whichever is later.

WAC 173-308-310 (4)(h)(ii): Except as required under (h)(iv) of this subsection, if the facility is not subject to permitting under chapter 173-216 or 173-220 WAC but is subject to permitting under chapter 173-304 WAC and local solid waste ordinances, a complete permit application is due on the date when an application for a local solid waste permit, or for renewal thereof, is due, or ~~ninety one hun-~~

~~red eighty~~ days after issuance of the applicable general permit ~~submitting the notice of intent~~, whichever is later.

WAC 173-308-310 (4)(i)(E): Coverage under an expired permit for permittees who fail to submit a timely and sufficient application or notice of intent shall cease on the expiration date of the permit.

WAC 173-308-310 (6)(d)(ii): ~~Type of crop(s) grown or expected to be grown, and intended end use (e.g., corn as a feed crop, corn for human consumption, pasture grass for hay, etc.); A discussion of the types of crops grown or expected to be grown, their intended end use (e.g. pasture grass for a feed crop, corn as a food crop), and the current distribution of crops on the site.~~

WAC 173-308-310 (6)(d)(iii): ~~Any proposed agronomic rates along with supporting calculations and an explanation of the means by which agronomic rates will be approved, checked, and adjusted during the life of the site, as necessary; An explanation of how agronomic rates will be determined during the life of the site, along with any currently available calculations. Whenever agronomic rates are determined or conditions change (i.e. a change in crops or agronomic rates) an update of the agronomic rate calculations must be filed with the department.~~

WAC 173-308-310 (6)(d)(ix): ~~(H) The distribution of different crops on the site, and any other intrinsic factors that affect agronomic rates or management methods;~~

WAC 173-308-310 (6)(d)(ix)(A): The location and means of access to the facility.

WAC 173-308-310(8): Signatories to permit applications, notices of intent, reports, and other documents.

WAC 173-308-310 (11)(a): All treatment works treating domestic sewage that are applying for coverage under a general permit, ~~including those submitting a notice of intent~~, facilities applying for renewal of coverage under a general permit that propose a significant change in biosolids management practices, and those applying for an individual permit or for renewal thereof, must issue public notice within each county where they will prepare biosolids for application to the land, and except as provided in (c) and (d) of this subsection, in each county where biosolids not meeting the criteria to be classified as exceptional quality will be applied to the land . . .

WAC 173-308-310 (11)(b)(x): On written request of the person seeking to have their name added to the list of interested parties, all facilities maintaining a list of interested persons or organizations under (b)(x) of this subsection must provide written confirmation by certified mail, return receipt requested, to each interested person or organization that their name has been placed on the list.

WAC 173-308-310 (13)(b): The department will ~~prepare a response develop a responsiveness summary~~ to all relevant comments received, and will briefly describe any changes that resulted (other than editorial changes) to an individual permit or to an applicant's coverage under a general permit.

WAC 173-308-310 (14)(b): If known, any additional requirements must be disclosed at a public hearing if a public hearing is held, or if imposed subsequent to a public hearing, must become a part of the ~~responsiveness summary~~ written record required under subsection (13)(b) of this section.

~~WAC 173-308-320 (3)(a): Failure to pay a permit fee is cause for revocation of permit coverage.~~ Failure to pay a permit fee is cause for denial of coverage under a permit or revocation of existing coverage. Fees are considered delinquent if they are not received by the first invoice billing due date. Permit holders will be notified by certified letter and have thirty days to bring their account up-to-date before further action is taken by the department.

~~WAC 173-308-320 (3)(c): Receiving-only facilities, centralized septage treatment facilities, and persons who apply septage to the land that determine a residential equivalent value under subsection (4)(b) or (c) of this section may submit periodic payments as provided in (c)(i) and (ii) of this subsection, based on their actual level of service, provided that they submit a letter to the department indicating their intent to do so. periodic partial payments based on their estimated residential equivalent value, provided that the requirements of subsection (4)(b)(ii) and (iii) and (c)(ii) and (iii) of this section are met.~~

(i) Facilities under (3)(c) of this section must submit a quarterly payment and statement of actual service level within ten days of the end of each quarter (not later than the 10th day of March, June, September, and December of each year), except as provided in WAC 173-308-320 (3)(c)(ii) or (iii) below.

(ii) Facilities under (3)(c) of this section that project and provide a level of service less than three hundred residential equivalents per year are subject to a fee of \$0.00 per residential equivalent and are not required to submit periodic payments, but must submit a statement of actual service level at least once per year.

(iii) Facilities under (3)(c) of this section that calculate an annual residential equivalent value equal to or greater than three hundred residential equivalents per year may withhold a payment for any quarter where the total amount due is less than fifty dollars, provided a statement of the actual service level is submitted and that all accounts are brought up to date by July 10th of each year.

~~(4)(b)(ii) A receiving only facility may not accept any amount of biosolids in excess of the residential equivalent value for which they have paid a fee.~~

~~(4)(b)(iii) A receiving only facility may increase its capacity to accept biosolids by submitting an appropriate additional permit fee accompanied by a letter of explanation, but in no case may a facility exceed an allowed capacity established as a permit condition under this section.~~

~~(4)(c)(ii) A centralized septage treatment facility or a person who applies septage to the land may not accept any amount of septage in excess of the residential equivalent value for which they have paid a fee.~~

~~(4)(c)(iii) A centralized septage treatment facility or a person who applies septage to the land may increase its capacity to accept septage by submitting an appropriate additional permit fee accompanied by a letter of explanation, but in no case may a facility exceed an allowed capacity established as a permit condition under WAC 173-308-310.~~

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 35, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 35, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 16, 1998

Tom Fitzsimmons

Director

Chapter 173-308 WAC BIOSOLIDS MANAGEMENT

NEW SECTION

WAC 173-308-010 Authority and purpose. (1) **Authority.** This chapter is adopted under the authority of chapters 70.95J and 70.95 RCW.

(2) **Purpose.**

(a) The purpose of this chapter is to protect human health and the environment when biosolids are applied to the land. This chapter encourages the maximum beneficial use of biosolids, and is intended to conform to all applicable federal rules adopted under the Federal Clean Water Act as it existed on February 4, 1987.

(b) This chapter establishes permitting requirements for treatment works treating domestic sewage that engage in applicable biosolids treatment or management practices, including any person, site, or facility that has been designated as a treatment works treating domestic sewage.

(c) This chapter establishes standards for the treatment, quality, and management of municipal sewage sludge and domestic septage that are directly enforceable, and that allow these materials to be classified and managed as biosolids.

(d) This chapter establishes requirements, standards, management practices, and monitoring, recordkeeping and reporting requirements that are applicable when biosolids are applied to the land and when municipal sewage sludge is disposed in a municipal solid waste landfill unit as defined in WAC 173-351-100.

(e) This chapter establishes fees for permits issued to facilities that engage in applicable biosolids management activities.

Fees under WAC 173-308-320 do not apply to persons whose activity is limited to pumping, hauling, temporarily storing, or delivering septage or biosolids to other facilities or land application sites, if:

(i) They do not engage in the treatment of the septage or biosolids;

(ii) They have not been designated as a treatment works treating domestic sewage; and

(iii) The generating and receiving facility or land application site is in compliance with the requirements of WAC 173-308-310.

NEW SECTION

WAC 173-308-020 Applicability. (1) Unless otherwise specified in this chapter, these rules apply to the following:

- (a) A person who prepares biosolids;
- (b) A person who stores biosolids;
- (c) A person who applies biosolids to the land;
- (d) Biosolids that are applied to the land;
- (e) The land where biosolids are applied;
- (f) The owner and lease-holder of land where biosolids are applied;
- (g) A person who disposes of municipal sewage sludge in a municipal solid waste landfill;
- (h) Municipal sewage sludge that is disposed of in a municipal solid waste landfill.

(2) This chapter does not apply to the following municipal sewage sludge and biosolids management facilities and practices:

- (a) The firing of municipal sewage sludge in an incinerator.
- (b) The placing or disposal of municipal sewage sludge or biosolids in facilities other than municipal solid waste landfills.

(3) Except as provided in (a) and (g) of this subsection, the following solid wastes are not regulated under this chapter:

(a) Sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage; sludge generated at an industrial facility during the treatment of only domestic sewage is considered municipal sewage sludge subject to the requirements of this chapter.

(b) Sewage sludge determined to be hazardous in accordance with chapter 70.105 RCW or rules adopted thereunder.

(c) Sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).

(d) Ash generated during the firing of municipal sewage sludge or biosolids in an incinerator.

(e) Grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(f) Sludge generated during the treatment of either surface water or ground water used for drinking water.

(g) Commercial septage, industrial septage, or a mixture of domestic septage and commercial or industrial septage; on a case-by-case basis, on request of the person who applies septage to the land or at the department's discretion, the department may designate the septage in this subsection (3)(g) as septage that is domestic in quality, and require the septage to be managed in accordance with the provisions of this chapter.

NEW SECTION

WAC 173-308-030 Relationship to other regulations. In addition to the requirements of this chapter, other laws, regulations, and ordinances may also apply to biosolids. These include but are not limited to the following:

(1) Commercial fertilizers are subject to regulation by the Washington state department of agriculture. The

following statutes and rules apply to biosolids meeting the definition of a commercial fertilizer under chapter 15.54 RCW:

(a) Chapter 15.54 RCW - Fertilizers, minerals, and limes; and chapter 16-200 WAC - rules relating to fertilizers, minerals and limes, including requirements for labeling, licensing, and registration;

(b) Chapter 19.94 RCW - Weights and measures; and chapter 16-666 WAC - Weights and measures—Packaging and labeling regulations.

(2) Except as required in WAC 173-308-100, the transportation of biosolids or municipal sewage sludge is subject to regulation by the Washington state utilities and transportation commission under Title 81 RCW.

(3) Facilities required to obtain permits under WAC 173-308-310 must comply with the requirements in chapter 43.21C RCW and the State Environmental Policy Act rules adopted under chapter 197-11 WAC. Public notice and hearing requirements under the State Environmental Policy Act may be coordinated with the similar requirements of this chapter.

(4) Biosolids facilities and sites where biosolids are applied to the land must comply with other applicable federal, state and local laws including zoning and land use requirements. Enforcement of other laws and regulations is the responsibility of the agency with jurisdiction.

NEW SECTION

WAC 173-308-040 Direct enforceability. All persons and facilities subject to the requirements of this chapter must comply with these rules on the effective date of the applicable regulation, regardless of whether or not a permit has been issued under WAC 173-308-310.

NEW SECTION

WAC 173-308-050 Delegation of authority. (1) Upon the request of a local health department, the department may delegate authority to implement and assist in the administration of appropriate portions of this chapter.

Delegation must be consistent with any applicable state-EPA agreement regarding delegation of federal biosolids program authority.

(2) Method of delegation.

(a) Delegation will be accomplished through an instrument of mutual consent that is acceptable to both the department and the local health department seeking delegation.

(b) The department may revoke part or all of a delegation of authority under this section if it finds that a local health department has failed to adequately carry out any portion of a delegated responsibility.

(c) As an alternative to revocation of local delegation under (b) of this subsection, the department may correct any deficiencies in a locally approved state permit element by implementing the requirements of this chapter in a separate state approved land application plan or permit. In such case the requirements of the state plan or permit will be in addition to or take precedent over local requirements.

(3) Contents of delegation agreements. At a minimum, delegation agreements must specify the authorities and responsibilities that are being delegated to a local health

department. Other authorities and responsibilities are assumed to be retained by the department.

NEW SECTION

WAC 173-308-060 Biosolids not classified as solid waste. (1) The state of Washington recognizes biosolids as a valuable commodity. Biosolids are not solid waste and are not subject to regulation under solid waste laws.

(2) Municipal sewage sludge or septage that fails to meet standards for classification as biosolids is a solid waste, and may not be applied to the land.

(3) Municipal sewage sludge or septage that will be disposed in a landfill is a solid waste.

NEW SECTION

WAC 173-308-070 Use of term, "biosolids"—Explanation. Biosolids is a term adopted in state statute to distinguish municipal sewage sludge that is suitable for land application from that which is not. Under state law biosolids includes both municipal sewage sludge and septage that meet applicable criteria. Federal rules do not use the term "biosolids," and rely instead on the term "sewage sludge," which under the federal system includes domestic septage. Some federal guidance documents do use the term biosolids. Unless the context requires otherwise, biosolids is the term used in this chapter to refer to municipal sewage sludge or septage that has been or is being treated to meet standards so that it can be applied to the land. Material that will be disposed in a landfill is considered municipal sewage sludge. When the term septage is used, the reference is exclusively to septage.

NEW SECTION

WAC 173-308-080 Definitions. Unless the department determines that the context of the rule requires otherwise, the following definitions are applicable for the purposes of this chapter.

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Aerobic digestion" is the biochemical decomposition of organic matter in biosolids into carbon dioxide and water by microorganisms in the presence of air. Aerobic digestion does not include composting.

"Agricultural land" is land on which a food crop, feed crop, or fiber crop is grown. This includes range land and land used as pasture.

"Agronomic rate" is the whole biosolids application rate (dry weight basis) that will provide the amount of nitrogen required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW and related rules including chapters 173-200 and 173-201 WAC.

"Anaerobic digestion" is the biochemical decomposition of organic matter in biosolids into methane gas and carbon dioxide by microorganisms in the absence of air. Anaerobic digestion does not include composting.

"Annual pollutant loading rate" is the maximum amount of a pollutant that can be applied to a unit area of land during a three hundred sixty-five-day period.

"Annual whole biosolids application rate" is the maximum amount of biosolids (dry weight basis) that can be applied to a unit area of land during a three hundred sixty-five-day period.

"Apply biosolids or biosolids applied to the land" means the land application of biosolids for the purpose of beneficial use.

"Beneficial use facility" means a site or sites where biosolids are applied to the land for beneficial use, which has been permitted as a treatment works treating domestic sewage in accordance with the provisions of WAC 173-308-310, and that has been designated as a beneficial use facility through the permitting process.

"Beneficial use of biosolids" means the application of biosolids to the land for the purposes of improving soil characteristics including tilth, fertility, and stability and enhancing the growth of vegetation consistent with protecting human health and the environment.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under this chapter. Biosolids includes a material derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under this chapter. For the purposes of this rule, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

"Bulk biosolids" means biosolids that are not sold or given away in a bag or other container for application to the land.

"Ceiling concentration" means the maximum concentration of a pollutant in any biosolids sample, beyond which level the biosolids would be classified as municipal sewage sludge not suitable for application to the land. Ceiling concentrations are established in Table 1 of WAC 173-308-160.

"Class I biosolids management facility" is any publicly owned treatment works (POTW), as defined in 40 CFR 501.2, required to have an approved pretreatment program under 40 CFR 403.8(a) (including any POTW located in a state that has elected to assume local program responsibilities under 40 CFR 403.10(e)), and any treatment works treating domestic sewage, as defined in 40 CFR 122.2, classified as a Class I biosolids management facility by the EPA Regional Administrator, or in the case of approved state programs, the Regional Administrator in conjunction with the state director, because of the potential for its biosolids use or disposal practice to affect public health and the environment adversely.

"Clean Water Act" or **"CWA"** means the Clean Water Act or Federal Clean Water Act (FCWA) (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, Public Law 97-117, and Public Law 100-4.

"Composting" means the controlled biological degradation of organic solid waste yielding a product for use as a soil conditioner. This does not include the treatment of sewage sludge in a digester at a wastewater treatment plant.

"Cumulative pollutant loading rate" is the maximum amount of a pollutant that can be applied to an area of land from biosolids that exceed the pollutant concentration limits established in Table 3 of WAC 173-308-160.

"Density of microorganisms" is the number of microorganisms per unit mass of total solids (dry weight) in the biosolids.

"Department" means the Washington state department of ecology and, within the scope of its delegation, a local health department that has been delegated authority under WAC 173-308-050.

"Director" means the director of the department of ecology or his or her authorized representative.

"Disposal on an emergency basis" means a period up to but not exceeding one year. Generally, emergency situations requiring the use of disposal facilities will normally occur as a result of inclement weather conditions at a beneficial use site, contractual or technical difficulties in the treatment, transportation, or application of the biosolids, or as a result of short term economic or administrative barriers, any and all of which are expected to be resolved within a period of one year.

"Disposal on a long-term basis" means to adopt disposal as a preferred method of management for at least five years, or for an indefinite period of time with no expectation for pursuing other management alternatives.

"Disposal on a temporary basis" means a period of more than one but less than five years. Generally, situations requiring the temporary use of disposal facilities will normally occur as a result of deficiencies in the wastewater or biosolids treatment process, or economic, administrative, or contractual constraints which cannot be resolved in less than one year.

"Domestic septage" means domestic septage - Class I, Class II, or Class III as defined in this section.

"Domestic septage - Class I" is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive only domestic sewage, and that has had a sufficiently long residency time to be considered largely stabilized. For the purposes of managing mixed loads or batches of septage, a load or batch is considered Class I if it does not exceed twenty-five percent by volume of Class II domestic septage or twenty-five percent by volume of restaurant grease trap waste, unless otherwise approved by the regulatory authority.

"Domestic septage - Class II" is liquid or solid material removed from portable toilets, type III marine sanitation devices, vault toilets, pit toilets, RV holding tanks or other similar holding systems that receive only domestic sewage.

"Domestic septage - Class III" is liquid or solid material removed from domestic septic tanks, cess pools, or similar treatment works that receive sewage from commercial or industrial sources, but which the department has determined to be domestic in quality under WAC 173-308-020 (3)(g).

"Domestic septage managed as biosolids originating from municipal sewage sludge" means domestic septage

managed as if it had originated from a sewage treatment process at a publicly owned treatment works.

"Domestic sewage" is waste and wastewater from humans or household-operations that is discharged to or otherwise enters a treatment works.

"Dry weight basis" means calculated on the basis of having been dried at 105°C until reaching a constant mass (i.e., essentially one hundred percent solids content).

"EPA" means the United States Environmental Protection Agency.

"Exceptional quality biosolids" means biosolids that meet the pollutant concentration limits in Table 3 of WAC 173-308-160, the Class A pathogen reduction requirements in one of WAC 173-308-170 (2)(a) through (f), and the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7).

"Facility" means a treatment works treating domestic sewage as defined in this chapter, unless the context of the rule requires otherwise. For the purposes of this chapter a facility is considered to be new if it has not been previously approved for the treatment, storage, use, or disposal of biosolids.

"Feed crops" are crops produced primarily for consumption by animals.

"Fiber crops" are crops such as flax and cotton, including but not limited to those whose parts or by-products may be consumed by humans or used in the production or preparation of food for human consumption.

"Food crops" are crops consumed by humans. These include, but are not limited to, fruits, vegetables, grains, and tobacco.

"Forest" is an area of land that is managed for the production of timber or other forest products, or for benefits such as recreation and watershed protection, and that is or will be dominated by trees under the current system of management. For the purposes of this rule, other areas of land that are not regulated as agricultural land, public contact sites, land reclamation sites, or lawns or home gardens are considered forestland.

"General permit," for the purposes of this chapter, means a permit issued by the department in accordance with the procedures established in this chapter or in chapter 173-226 WAC, to be effective in a designated geographical area, that authorizes the application of biosolids to the land or the disposal of biosolids in a municipal solid waste landfill, under which multiple treatment works treating domestic sewage may apply for coverage.

"Geometric mean" means the antilogarithm of the arithmetic average of the logarithms of the sample values, or the nth root of the product of n sample values.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Health department" or **"local health department"** means city, county, city-county, or district public health department as defined in chapters 70.05, 70.08, and 70.46 RCW.

"Individual permit," for the purposes of this chapter, means a permit issued by the department to a single treatment works treating domestic sewage in accordance with WAC 173-308-310, which authorizes the application of

biosolids to the land or the disposal of biosolids in a municipal solid waste landfill.

"Industrial wastewater" is wastewater generated in a commercial or industrial process.

"Land application" is the application of biosolids to the land surface by means such as spreading or spraying; the injection of biosolids below the land surface; or the incorporation of biosolids into the soil, for the purpose of beneficial use.

"Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

"Land with a high potential for public exposure" is land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g., a construction site located in a city).

"Local health department" see definition of health department.

"Monthly average" is the arithmetic mean of all measurements taken during the month.

"Municipal sewage sludge" means sewage sludge generated from a publicly owned treatment works. For the purposes of this chapter, sewage sludge generated from the treatment of only domestic sewage in a privately owned or industrial treatment facility is considered municipal sewage sludge.

"Municipality" means a city, town, borough, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created by or under state law; or a designated and approved management agency under section 208 of the Clean Water Act, as amended. The definition includes a special district created under state law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201(e) of the Clean Water Act, as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of biosolids.

"Other container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

"Owner" means any person with ownership interest in a site or facility, or who exercises control over a site or facility, but does not include a person who, without participating in management of the site or facility, holds indicia of ownership primarily to protect the person's security interest.

"Pasture" is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

"Pathogenic organisms" are disease causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

"Permit" means an authorization, license, or equivalent control document issued by the director to implement the requirements of this chapter.

"Person" is an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

"Person who prepares biosolids" is either the person who generates biosolids during the treatment of domestic sewage in a treatment works or the person who derives a material from biosolids.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration.

"Place sewage sludge" or **"sewage sludge placed"** means to dispose of sewage sludge.

"Pollutant" is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

"Pollutant limit" is a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); the volume of a material that can be applied to a unit area of land (e.g., gallons per acre); or the number of pathogens or indicator organisms per unit of biosolids. Pollutant limits are established in Tables 1 - 4 of WAC 173-308-160, in WAC 173-308-170, and in WAC 173-308-270.

"Public contact site" is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

"Publicly owned treatment works" means a treatment works treating domestic sewage that is owned by a municipality, the state of Washington, or the federal government.

"Range land" is generally open, uncultivated land dominated by herbaceous or shrubby vegetation that may be used for grazing or browsing, either by wildlife or livestock.

"Receiving-only facility" means a treatment works treating domestic sewage that only receives municipal sewage sludge or biosolids from other sources for further treatment and/or application to the land, and which does not generate any biosolids from the treatment of domestic sewage.

"Reclamation site" is drastically disturbed land that is reclaimed using biosolids. This includes, but is not limited to, strip mines and construction sites.

"Residential equivalent value" means the number of residential equivalents determined for a facility under chapter 173-224 WAC or a value similarly obtained under WAC 173-308-320.

"Restrict public access" means to minimize access of nonessential personnel to land where biosolids are applied, through the use of natural or artificial barriers, signs, remoteness, or other means.

"Saturated zone" means the zone below the water table in which all interstices are filled with water.

"Sewage sludge" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary,

secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

"Significant change in biosolids management practices" means a change in the quality of biosolids that are applied to the land, either from class A to class B for pathogens, or from Table 3 to Table 1 of WAC 173-308-160 for pollutant limits; the addition of a new area to which biosolids will be applied, which was not previously disclosed during a required public notice process; for class B biosolids only, a change from nonfood crops to food crops, a change from crops where the harvestable portions do not contact the biosolids/soil mixture to crops where the harvestable portion contacts the biosolids/soil mixture, or a change in site classification from land with a low potential for public exposure to land with a high potential for public exposure; or any change or deletion of a requirement established in an approved land application plan or established as a condition of coverage under a permit that would result in a decrease in buffer size, site monitoring, or facility reporting requirements, which was not otherwise provided for in the permit or plan approval process.

"Significantly remove or reduce recognizable materials" means to remove recognizable debris from biosolids by means such as screening, or to reduce the number of recognizable items in biosolids by means such as grinding, to a level that in the opinion of the department, will not result in an aesthetic nuisance or physical hazard when biosolids are applied to the land.

"Site" means all areas of land, including buffer areas, which are identified in the scope of an approved site specific land application plan. A site is considered to be new or expanded when biosolids are applied to an area not approved in a site specific land application plan or that was not previously disclosed during a required public notice process.

"Specific oxygen uptake rate (SOUR)" is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the biosolids.

"State" means the state of Washington.

"Store or storage of biosolids" is the placing of biosolids on land on which the biosolids remain for two years or less. This does not include the placing of biosolids on land for treatment or disposal.

"Stover" is the nongrain, above-ground part of a grain crop, often corn or sorghum.

"Surface waters of the state" means surface waters of the state as defined in WAC 173-201A-020.

"Total solids" are the materials in biosolids that remain as residue when the biosolids are dried at 103 to 105°C.

"Treat or treatment of biosolids" is the preparation of biosolids for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of biosolids. This does not include storage of biosolids.

"Treatment works" is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

"Treatment works treating domestic sewage" means a publicly owned treatment works or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage or sewage sludge, including land dedicated for the disposal of sewage sludge. Treatment works treating domestic sewage also includes a beneficial use facility that has been permitted in accordance with the provisions of WAC 173-308-310, and a person, site, or facility designated as a treatment works treating domestic sewage in accordance with WAC 173-308-310 (1)(b). This definition does not include septic tanks or similar devices, but may include persons or vehicles that service septic systems and centralized septage facilities that are designated as a treatment works treating domestic sewage or are applicable under this definition.

"Unstabilized solids" are organic materials in biosolids that have not been treated in either an aerobic or anaerobic treatment process.

"Vector attraction" is the primarily odorous characteristic of biosolids that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

"Volatile solids" is the amount of the total solids in biosolids that are lost when the biosolids are combusted at 550°C in the presence of excess air.

"Waters of the state" means waters of the state as defined in RCW 90.48.020.

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

NEW SECTION

WAC 173-308-090 Requirement for a person who prepares biosolids. Any person who prepares biosolids must ensure that the applicable requirements in this chapter and any applicable permit issued under this chapter are met when the biosolids are applied to the land.

NEW SECTION

WAC 173-308-100 Requirement for a person who transports biosolids. (1) Any person who transports biosolids must ensure that the transportation vehicle is properly cleaned prior to use of the vehicle for the transportation of food crops, feed crops, or fiber crops.

(2) The transportation of biosolids is otherwise subject to regulation by the Washington state utilities and transportation commission under Title 81 RCW and WAC 173-308-030(2).

NEW SECTION

WAC 173-308-110 Requirement for a person who applies biosolids. A person may not apply biosolids to the land except in accordance with applicable requirements of this chapter and any applicable permit issued under this chapter.

NEW SECTION

WAC 173-308-120 Requirement to obtain and provide information. (1) It is a violation of the provisions of this chapter for any person to falsify a certification or statement that is required by these rules or to make any required certification or statement under false pretense.

(2) Any person who applies biosolids to the land must obtain information needed to comply with the requirements of this chapter.

(3) The person who prepares biosolids must provide the person who applies biosolids to the land with notice and necessary information to comply with the requirements of this chapter, including sufficient information on the concentration and types of nutrients in the biosolids needed to determine an agronomic rate for the crop under management.

(4) When a person who prepares biosolids provides the biosolids to another person who further prepares the biosolids, the person who provides the biosolids must provide the person who receives the biosolids notice and necessary information to comply with the requirements of this chapter.

(5) The person who applies bulk biosolids to the land must provide the owner or lease holder of the land on which the bulk biosolids are applied notice and necessary information to comply with the requirements of this chapter.

(6) The person who applies bulk biosolids to the land must obtain written approval of the landowner prior to applying biosolids to the land for the first time, when the bulk biosolids do not meet the criteria to be classified as exceptional quality.

(7) All persons required to keep and maintain records under any provision of this chapter must provide access to those records during normal business hours to a representative of the department, a local health department, or the United States EPA, and to the owner, lessor, lessee or other person with a legal management interest in the land on which the biosolids are applied, at the location where the records are kept.

(8) Any facility, including a beneficial use facility, must immediately notify all sources from which it receives biosolids, if at any time it becomes unsuitable for the purpose of receiving biosolids from those other sources.

NEW SECTION

WAC 173-308-130 Additional or more stringent requirements. On a case-by-case basis, the department may impose requirements for the beneficial use of biosolids that are in addition to or more stringent than the requirements in this chapter if the department believes that the additional or more stringent requirements are necessary to protect public health and the environment from any adverse effect of a pollutant in the biosolids.

(1) In addition to other considerations, failure of a generator, applier, or landowner to conform to any applicable requirements of this chapter may be cause to impose additional or more stringent requirements.

(2) The department will impose any additional or more stringent requirements under WAC 173-308-130 in a permit issued to the applicable facility.

NEW SECTION

WAC 173-308-140 Biosolids sampling and analysis methods. (1) **Sampling.** Samples that are collected and analyzed must be representative of the biosolids that are applied to the land.

(2) **Analysis methods.** The publications listed in this subsection are incorporated by reference in this chapter. Methods in the publications listed below must be used to analyze samples of biosolids unless other methods are approved in writing by the department. These publications are available for review during normal working hours at the Washington State Department of Ecology headquarters located at 300 Desmond Drive in Olympia, Washington.

(a) For enteric viruses use ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," 1992 Annual Book of ASTM Standards: Section 11-Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, PA 19103-1187.

(b) For fecal coliform use part 9221 E. or part 9222 D., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

(c) For helminth ova use Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB 88-154273/AS).

(d) For inorganic pollutants use, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (PB 87-190-291). Third Edition and Revision I are available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street NE, Washington, DC 20002 (Document Number 955-001-00000-1).

For the analysis of nitrogen and other nutrients the department may specify additional analytical references that are acceptable.

(e) For salmonella sp. bacteria use part 9260 D., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005; or Kenner, B.A. and H.P. Clark, "Detection and enumeration of Salmonella and Pseudomonas aeruginosa," Journal of the Water Pollution Control Federation, Vol. 46, no. 9, September 1974, pp. 2163-2171. Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314.

(f) For specific oxygen uptake rate (SOUR) use part 2710 B., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

(g) For total, fixed, and volatile solids use part 2540 G., "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

NEW SECTION

WAC 173-308-150 Frequency of biosolids monitoring. The person who prepares biosolids is responsible for ensuring that monitoring is carried out in accordance with the requirements of this chapter and any applicable permit. The minimum frequency of monitoring for the pollutants listed in Tables 1, 2, 3 and 4 of WAC 173-308-160; the pathogen density requirements in WAC 173-308-170; and the vector attraction reduction requirements in WAC 173-308-180, is prescribed in subsection (3) of this section;

(1) The frequency of monitoring required by this section is based on the dry weight tonnage of bulk biosolids applied to the land per three hundred sixty-five-day period, or the dry weight tonnage of biosolids received per three hundred sixty-five-day period by a person who prepares biosolids that are sold or given away for application to the land.

(2) After the biosolids have been monitored for two years at the frequency in subsection (3) of this section, the person who prepares the biosolids may request the department to reduce the frequency of monitoring for pollutant concentrations, and for the pathogen density requirements in WAC 173-308-170 (2)(c)(ii) and (iii). The frequency of monitoring must not be less than once per year when biosolids are applied to the land.

(3) MINIMUM FREQUENCY OF MONITORING

Metric tons (U.S. tons) per 365-day period	Frequency
Greater than zero but less than 290 (320)	once per year
Equal to or greater than 290 (320) but less than 1,500 (1,653)	once per quarter (four times per year)
Equal to or greater than 1,500 (1,653) but less than 15,000 (16,535)	once per 60 days (six times per year)
Equal to or greater than 15,000 (16,535)	once per month (12 times per year)

NEW SECTION

WAC 173-308-160 Biosolids pollutant limits. This section sets pollutant concentration limits, and annual and cumulative pollutant loading rate limits for biosolids that are applied to the land.

(1) Table 1 of this section sets the maximum allowable concentration (ceiling limit) of pollutants in biosolids that are applied to the land.

Municipal sewage sludge that contains any pollutant listed in Table 1 of this section at a concentration greater than the allowable ceiling limit is not biosolids, is a solid waste, and may not be applied to the land.

(2) Table 2 of this section sets the maximum quantities of pollutants that may be added to an area of land, also referred to as the cumulative pollutant loading rate. The cumulative pollutant loading rates in Table 2 apply when the concentration of any pollutant in biosolids that are applied to the land exceeds the allowable pollutant concentration limit in Table 3 of this section.

(a) A person may not apply bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section to a land application site, if any of those rates have been reached on the site.

(b) Before bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section are applied to the land, the person who proposes to apply the bulk biosolids must contact the local health department and the department to determine whether bulk biosolids subject to the cumulative pollutant loading rates were applied to the site before the effective date of this chapter.

(i) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site since that date is known, in addition to any amount subtracted in (b)(iii) of this subsection, the amount previously applied must be subtracted from the cumulative pollutant loading rate for each pollutant, to determine the remaining amount of pollutant that may be applied to the site.

(ii) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk biosolids since that date is not known, additional biosolids subject to the cumulative pollutant loading rates in Table 2 of this section may not be applied to the site.

(iii) If bulk biosolids were applied to the site prior to July 20, 1993, and the cumulative amount of each pollutant applied to the site prior to that date can be determined, in addition to any amount subtracted in (b)(i) of this subsection, the amount applied must be subtracted from the cumulative pollutant loading rate for each pollutant, to determine the remaining amount of pollutant that may be applied to the site.

(iv) If bulk biosolids subject to the cumulative pollutant loading rates in Table 2 of this section have not been applied to the site, the cumulative amount of each pollutant listed in Table 2 of this section may be applied to the site.

(v) Any person who applies bulk biosolids to the land, which are subject to the cumulative pollutant loading rates in Table 2 of this section, must provide written notice prior to the initial application of bulk biosolids to the land. Notice must be submitted to the department, and to any local health department in whose jurisdiction the biosolids will be applied. The department and the local health department must retain and provide access to the notice. The notice must include:

(A) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which biosolids are applied; and

(B) The name, address, telephone number, and National Pollutant Discharge Elimination System or state waste discharge permit number and state biosolids permit number (if applicable) of the person who prepared the biosolids and also of the person who applies (if applicable) the bulk biosolids.

(3) Table 3 of this section sets a lower pollutant concentration threshold which, when achieved, relieves the

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person who prepares biosolids and the person who applies biosolids, from certain requirements related to recordkeeping, reporting, and labeling.

(4) Table 4 of this section sets annual pollutant loading rates used to derive an annual whole biosolids application rate. Table 4 is applicable only when biosolids that are sold

or given away in a bag or other container for application to the land exceed any of the pollutant concentration limits in Table 3 of this section. The person who prepares the biosolids must provide information on compliance with this requirement on a label or information sheet as required under WAC 173-308-260 (1)(b)(ii) and (4)(b).

TABLE 1 - CEILING CONCENTRATION LIMITS

POLLUTANT	CEILING CONCENTRATION *
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

*Milligrams per kilogram - dry weight basis

TABLE 2 - CUMULATIVE POLLUTANT LOADING RATES

POLLUTANT	CUMULATIVE POLLUTANT LOADING RATE*
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

* Kilograms per hectare - dry weight basis

TABLE 3 - POLLUTANT CONCENTRATION LIMITS

POLLUTANT	LIMIT*
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

* Monthly average concentration in milligrams per kilogram - dry weight basis

TABLE 4 - ANNUAL POLLUTANT LOADING RATES

POLLUTANT	ANNUAL POLLUTANT LOADING RATE*
Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

* Kilograms per hectare per 365 day period

NEW SECTION

WAC 173-308-170 Pathogen reduction. (1) This section contains the requirements for biosolids to be classified either Class A or Class B with respect to pathogens.

(a) The requirements in subsection (2)(a)(i) and (ii), or (b)(i) and (ii), or (c)(i), (ii), and (iii), or (d)(i), (ii) and (iii), or (e)(i) and (ii), or (f)(i) and (ii) of this section must be met for biosolids to be Class A for pathogens.

(b) The Class A pathogen requirements must be met at the same time or before the vector attraction reduction requirements in WAC 173-308-180 (2), (3), or (4).

(c) The requirements in subsection (3)(a), (b), or (c) of this section must be met for biosolids to be Class B for pathogens.

(2) **Biosolids - Class A.**

(a) Class A - Alternative 1.

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(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids are prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The time and temperature requirements in (a)(ii)(A), (B), (C), or (D) of this subsection must be met.

(A) When the percent solids of the biosolids is seven percent or higher, the temperature of the biosolids must be 50°C or higher; the time period must be twenty minutes or longer; and the temperature and time period must be determined using equation (1), except when small particles of biosolids are heated by either warmed gases or an immiscible liquid;

$$D = \frac{131,700,000}{10^{0.1400t}} \qquad \text{Equation (1)}$$

Where,

D = time in days.
t = temperature in degrees Celsius.

(B) When the percent solids of the biosolids is seven percent or higher and small particles of biosolids are heated by either warmed gases or an immiscible liquid, the temperature of the biosolids must be 50°C or higher; the time period must be fifteen seconds or longer; and the temperature and time period must be determined using equation (1);

(C) When the percent solids of the biosolids is less than seven percent and the time period is at least fifteen seconds, but less than thirty minutes, the temperature and time period must be determined using equation (1);

(D) When the percent solids of the biosolids is less than seven percent; the temperature of the biosolids is 50°C or higher; and the time period is thirty minutes or longer, the temperature and time period must be determined using equation (2).

$$D = \frac{50,070,000}{10^{(0.1400t)}} \qquad \text{Equation (2)}$$

Where,

D = time in days.
t = temperature in degrees Celsius.

(b) Class A - Alternative 2.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The pH of the biosolids that are used must be raised to above twelve and remain above twelve for seventy-two hours; and

(A) The temperature of the biosolids must be above 52°C for twelve hours or longer during the period that the pH of the biosolids is above twelve; and

(B) At the end of the seventy-two-hour period during which the pH of the biosolids is above twelve, the biosolids must be air dried to achieve a percent solids in the biosolids greater than fifty percent.

(c) Class A - Alternative 3.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The biosolids must be analyzed prior to pathogen treatment to determine whether the biosolids contain enteric viruses; and

(A) When the density of enteric viruses in the biosolids prior to pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis), the biosolids are Class A with respect to enteric viruses until the next monitoring episode for the biosolids; or

(B) When the density of enteric viruses in the biosolids prior to pathogen treatment is equal to or greater than one plaque-forming unit per four grams of total solids (dry weight basis), the biosolids are Class A with respect to enteric viruses when the density of enteric viruses in the biosolids after pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the enteric virus density requirement are documented.

(C) After the enteric virus reduction in (c)(ii)(B) of this subsection is demonstrated for the pathogen treatment process, the biosolids continue to be Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented.

(iii) The biosolids must be analyzed prior to pathogen treatment to determine whether the biosolids contains viable helminth ova; and

(A) When the density of viable helminth ova in the biosolids prior to pathogen treatment is less than one per four grams of total solids (dry weight basis), the biosolids are Class A with respect to viable helminth ova until the next monitoring episode for the biosolids; or

(B) When the density of viable helminth ova in the biosolids prior to pathogen treatment is equal to or greater than one per four grams of total solids (dry weight basis), the biosolids are Class A with respect to viable helminth ova when the density of viable helminth ova in the biosolids after pathogen treatment is less than one per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the viable helminth ova density requirement are documented.

(C) After the viable helminth ova reduction in (c)(iii)(B) of this subsection is demonstrated for the pathogen treatment process, the biosolids continues to be Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented.

(d) Class A - Alternative 4.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The density of enteric viruses in the biosolids must be less than one plaque-forming unit per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away

in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, unless otherwise specified by the department; and

(iii) The density of viable helminth ova in the biosolids must be less than one per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200, unless otherwise specified by the department.

(e) Class A - Alternative 5.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The biosolids must be treated in one of the processes to further reduce pathogens described in (e)(ii)(A) through (G) of this subsection.

(A) Composting.

(I) Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the biosolids must be maintained at 55°C or higher for three days.

(II) Using the windrow composting method, the temperature of the biosolids must be maintained at 55°C or higher for fifteen days or longer. During the period when the compost is maintained at 55°C or higher, there must be a minimum of five turnings of the windrow.

(B) Heat drying. Biosolids must be dried by direct or indirect contact with hot gases to reduce the moisture content of the biosolids to ten percent or less. Either the temperature of the biosolids particles must exceed 80°C or the wet bulb temperature of the gas in contact with the biosolids as the biosolids leaves the dryer must exceed 80°C.

(C) Heat treatment. Liquid biosolids must be heated to a temperature of 180°C or higher for thirty minutes.

(D) Thermophilic aerobic digestion. Liquid biosolids must be agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the biosolids must be at least ten days at 55 to 60°C.

(E) Beta ray irradiation. Biosolids must be irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20°C).

(F) Gamma ray irradiation. Biosolids must be irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20°C).

(G) Pasteurization. The temperature of the biosolids must be maintained at 70°C or higher for thirty minutes or longer.

(f) Class A - Alternative 6.

(i) The density of fecal coliform in the biosolids must be less than 1000 Most Probable Number per gram of total

solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the biosolids must be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used; at the time the biosolids are prepared for sale or give away in a bag or other container for application to the land; or at the time the biosolids or material derived from biosolids is prepared to meet the requirements for exemption in WAC 173-308-200; and

(ii) The biosolids must be treated in a process that is equivalent to a process to further reduce pathogens. Pathogen equivalency for biosolids applied to land under jurisdiction of the state of Washington will be determined by the department or by the EPA with the approval and concurrence of the department.

(3) Biosolids - Class B.

(a) Class B - Alternative 1.

(i) Seven samples of the biosolids must be collected at the time the biosolids are used; and

(ii) The geometric mean of the density of fecal coliform of the samples must be less than 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

(b) Class B - Alternative 2. The biosolids must be treated in one of the processes to significantly reduce pathogens described in (b)(i) through (v) of this subsection.

(i) Aerobic digestion. The biosolids must be agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between forty days at 20°C and sixty days at 15°C.

(ii) Air drying. The biosolids must be dried on sand beds or on paved or unpaved basins. The biosolids must dry for a minimum of three months. During two of the three months, the ambient average daily temperature must be above 0°C.

(iii) Anaerobic digestion. The biosolids must be treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature must be between fifteen days at 35 to 55°C and sixty days at 20°C.

(iv) Composting. Using the within-vessel, static aerated pile, or windrow composting methods, the temperature of the biosolids must be raised to 40°C or higher and remain at 40°C or higher for five days. For four hours during the five days, the temperature in the compost pile must exceed 55°C.

(v) Lime stabilization. Sufficient lime must be added to the biosolids to raise the pH of the biosolids to twelve after two hours of contact.

(c) Class B - Alternative 3. The biosolids must be treated in a process that is equivalent to a process to significantly reduce pathogens. Pathogen equivalency for biosolids applied to land under jurisdiction of the state of Washington will be determined by the department or by the EPA with the approval and concurrence of the department.

NEW SECTION

WAC 173-308-180 Vector attraction reduction. (1)

When vector attraction reduction is accomplished prior to application of biosolids to the land, the requirements in one of subsections (2) through (7) of this section must be met.

The vector attraction reduction requirements in subsection (2), (3), or (4) of this section must be met at the same time or after the Class A pathogen requirements in WAC 173-308-170.

(2) The mass of volatile solids in the biosolids must be reduced by a minimum of thirty-eight percent (see calculation procedures in *Environmental Regulations and Technology — Control of Pathogens and Vector Attraction in Sewage Sludge*, EPA-625/R-92/013, 1992, U.S.EPA, Cincinnati, OH 45268.)

(a) When the thirty-eight percent volatile solids reduction requirement in this subsection (2) cannot be met for anaerobically digested biosolids, vector attraction reduction can be demonstrated by digesting a portion of the previously digested biosolids anaerobically in the laboratory in a bench-scale unit for forty additional days at a temperature between 30 and 37°C. After the forty-day period, the vector attraction reduction requirement is met if the volatile solids in the biosolids at the beginning of that period are reduced by less than seventeen percent.

(b) When the thirty-eight percent volatile solids reduction requirement in this subsection (2) cannot be met for aerobically digested biosolids, vector attraction reduction can be demonstrated by digesting a portion of the previously digested biosolids that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for thirty additional days at 20°C. After the thirty-day period, the vector attraction reduction requirement is met if the volatile solids in the biosolids at the beginning of that period are reduced by less than fifteen percent.

(3) The specific oxygen uptake rate (SOUR) for biosolids treated in an aerobic process must be less than or equal to 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20°C.

(4) The biosolids must be treated in an aerobic process for fourteen days or longer. During that time, the temperature of the biosolids must be higher than 40°C and the average temperature of the biosolids must be higher than 45°C.

(5) The pH of the biosolids must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for two hours and then at 11.5 or higher for an additional twenty-two hours.

(6) For biosolids that do not contain unstabilized solids generated in a primary wastewater treatment process, the percent solids must be equal to or greater than seventy-five percent based on the moisture content and total solids prior to mixing with other materials.

(7) For biosolids that contain unstabilized solids generated in a primary wastewater treatment process, the percent solids must be equal to or greater than ninety percent based on the moisture content and total solids prior to mixing with other materials.

NEW SECTION

WAC 173-308-190 Protecting waters of the state—Agronomic rate requirement. In accordance with water quality standards for ground waters of the state of Washington, chapter 173-200 WAC, biosolids must be applied to the land in a manner approved by the department, and at not greater than agronomic rates unless otherwise specified by the department in accordance with subsection (1) or (2) of this section. Agronomic rate determinations must take into account nitrogen supplied from other sources such as manures and commercial fertilizers as well as biosolids.

(1) Biosolids applied to land reclamation sites may be applied in excess of agronomic rates if approved by the department in a site specific land application plan developed under WAC 173-308-310(6).

(2) For the purposes of furthering necessary research efforts, biosolids may be applied at greater than agronomic rates to limited areas of land if approved by the department in a site specific land application plan developed under WAC 173-308-310(6). In addition to the elements required under WAC 173-308-310(6), the land application plan for a research project must also include:

(a) A research proposal describing the nature of the project, what may be learned, the anticipated benefits, provisions for progress reports and peer review, and interpretation of results;

(b) An explanation for the sizing of the research plot(s). Plot size must not exceed the minimum area required to support the goals of the research; and

(c) A discussion of any potential adverse impacts of application rates in excess of agronomic rates, along with potential mitigation or response to adverse effects if observed.

(3) The person who prepares exceptional quality biosolids that are sold or given away to another person must provide sufficient information to allow the person who receives the biosolids to determine an agronomic rate of application.

(4) The person who applies exceptional quality biosolids to the land is responsible for compliance with the agronomic rate requirement in this section.

(5) When the potential for ground water contamination due to biosolids application exists, the department may require ground water monitoring or other conditions in accordance with WAC 173-200-080. If it is determined that an enforcement criterion may be violated, an evaluation must be conducted to demonstrate compliance with the provisions of WAC 173-200-050 (3)(b)(vi).

NEW SECTION

WAC 173-308-200 Exemptions based on the exceptional quality of biosolids. (1) The person who prepares and the person who applies biosolids that meet criteria to be classified as exceptional quality are exempt from the following requirements:

(a) The site management and access restrictions in WAC 173-308-210(4), 173-308-220(4), 173-308-230(4), and 173-308-240(4);

(b) The labeling requirement derived from Table 4 of WAC 173-308-160 for the annual whole biosolids application rate in WAC 173-308-260 (1)(b)(ii);

(c) The requirement in WAC 173-308-120(6) for obtaining prior written approval of the landowner;

(d) The land application plan requirements of WAC 173-308-310(6), except as provided in WAC 173-308-310(6)(a)(ii) or (iii);

(e) The recordkeeping requirements in WAC 173-308-210 (5)(b), 173-308-220 (5)(b), 173-308-230 (5)(b), and 173-308-240 (6)(b);

(f) The requirements in WAC 173-308-300 (2)(a) and (b) for approved plans when used as a component of intermediate or final cover in a municipal solid waste landfill.

(2) On a case-by-case basis, the director may apply any or all of the site management and access restrictions exempted under WAC 173-308-200 (1)(a) after determining that the requirements are necessary to protect public health and the environment from any adverse effect that may occur from a pollutant in the bulk biosolids.

NEW SECTION

WAC 173-308-210 Bulk biosolids applied to agricultural land. (1) Pollutant concentrations.

(a) The concentration of a pollutant in bulk biosolids that are applied to agricultural land may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If the concentration of a pollutant in bulk biosolids that are applied to agricultural land exceeds the pollutant concentration limits in Table 3 of WAC 173-308-160, then the total cumulative loading rate for each pollutant may not exceed the limit in Table 2 of WAC 173-308-160, as required in WAC 173-308-160 (1)(b)(i).

(2) **Pathogens.** Bulk biosolids that are applied to agricultural land must be Class A for pathogens, or they must be Class B for pathogens and the site management and access restrictions in subsection (4)(a)(i) through (x) and (b)(i) through (iii) of this section must be met.

(3) **Vector attraction reduction.**

(a) Bulk biosolids that are applied to agricultural land must meet one of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7) before they are applied to the land; or the requirements of (b)(i) or (ii) of this subsection must be met.

(b)(i) The biosolids must be injected below the surface of the land; and

(A) No significant amount of the biosolids may be present on the land surface within one hour after the biosolids are injected; and

(B) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(ii) Biosolids must be incorporated into the soil within six hours after application to the land;

When biosolids that are incorporated into the soil are Class A with respect to pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

(4) **Site management and access restrictions.**

(a) The site management and access restrictions in (a)(i) through (x) and (b)(i) through (iii) of this subsection are

applicable to biosolids that are Class B for pathogens when they are applied to agricultural land.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after application of biosolids.

(ii) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of biosolids.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of biosolids when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of biosolids when the biosolids remain on the land surface for less than four months prior to incorporation into the soil.

(v) Livestock must not be allowed to graze on the land for thirty days after application of biosolids.

(vi) Turf grown on land where biosolids are applied must not be harvested for one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

(vii) Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

(viii) Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

(ix) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(ix) of this subsection during the period when access is restricted.

(x) Biosolids must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) The site management restrictions in (b)(i) through (iii) of this subsection are applicable to biosolids that do not meet standards to be classified as exceptional quality when they are applied to agricultural land.

(i) Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, unless otherwise specified by the department.

(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department or by EPA with the approval of the department.

(iii) Bulk biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(5) Recordkeeping.

(a) The person who prepares biosolids for application to agricultural land must keep the records required in WAC 173-308-290 (2) and (3).

(b) The person who applies biosolids that do not meet criteria to be classified as exceptional quality to agricultural land must keep the records required in WAC 173-308-290(4).

(6) **Reporting.** The person who prepares biosolids for application to agricultural land must submit an annual report in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-220 Bulk biosolids applied to forestland. (1) Pollutant concentrations.

(a) The concentration of a pollutant in bulk biosolids that are applied to forestland may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If the concentration of a pollutant in bulk biosolids that are applied to forestland exceeds the pollutant concentration limits in Table 3 of WAC 173-308-160, then the total cumulative loading rate for each pollutant may not exceed the limit in Table 2 of WAC 173-308-160, as required in WAC 173-308-160 (1)(b)(i).

(2) **Pathogens.** Bulk biosolids that are applied to forestland must be Class A for pathogens, or they must be Class B for pathogens and the site management and access restrictions in subsection (4)(a)(i) through (ix) and (b)(i) through (iii) of this section must be met.

(3) **Vector attraction reduction.**

(a) Bulk biosolids that are applied to forestland must meet one of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7) before they are applied to the land; or the requirements of (b)(i) or (ii) of this subsection must be met.

(b)(i) The biosolids must be injected below the surface of the land; and

(A) No significant amount of the biosolids may be present on the land surface within one hour after the biosolids are injected; and

(B) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(ii) Biosolids must be incorporated into the soil within six hours after application to the land.

When biosolids that are incorporated into the soil are Class A with respect to pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

(4) **Site management and access restrictions.**

(a) The site management and access restrictions in (a)(i) through (ix) and (b)(i) through (iii) of this subsection are applicable to biosolids that are Class B for pathogens when they are applied to forestland.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after application of biosolids.

(ii) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of biosolids.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of biosolids when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of biosolids when the biosolids remain on the land surface for less than four months prior to incorporation into the soil.

(v) Livestock must not be allowed to graze on the land for thirty days after application of biosolids.

(vi) Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

(vii) Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

(viii) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(viii) of this subsection during the period when access is restricted.

(ix) Biosolids must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) The site management restrictions in (b)(i) through (iii) of this subsection are applicable to biosolids that do not meet standards to be classified as exceptional quality when they are applied to forestland.

(i) Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, unless otherwise specified by the department.

(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department.

(iii) Bulk biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(5) Recordkeeping.

(a) The person who prepares biosolids for application to forestland must keep the records required in WAC 173-308-290 (2) and (3).

(b) The person who applies biosolids that do not meet criteria to be classified as exceptional quality to forestland must keep the records required in WAC 173-308-290(4).

(6) **Reporting.** The person who prepares biosolids for application to forestland must submit an annual report in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-230 Bulk biosolids applied to a public contact site. (1) Pollutant concentrations.

(a) The concentration of a pollutant in bulk biosolids that are applied to a public contact site may not exceed the ceiling limit in Table 1 of WAC 173-308-160.

(b) If the concentration of a pollutant in bulk biosolids that are applied to a public contact site exceeds the pollutant concentration limits in Table 3 of WAC 173-308-160, then the total cumulative loading rate for each pollutant may not exceed the limit in Table 2 of WAC 173-308-160, as required in WAC 173-308-160 (1)(b)(i).

(2) **Pathogens.** Bulk biosolids that are applied to a public contact site must be Class A for pathogens, or they must be Class B for pathogens and the site management and access restrictions in WAC 173-308-230 (4)(a)(i) through (ix) and (b)(i) through (iii) must be met.

(3) Vector attraction reduction.

(a) Bulk biosolids that are applied to a public contact site must meet one of the vector attraction reduction requirements in WAC 173-308-180(2) through (7) before they are applied to the land; or the requirements of (b)(i) or (ii) of this subsection must be met.

(b)(i) The biosolids must be injected below the surface of the land; and

(A) No significant amount of the biosolids may be present on the land surface within one hour after the biosolids are injected; and

(B) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(ii) Biosolids must be incorporated into the soil within six hours after application to the land.

When biosolids that are incorporated into the soil are Class A with respect to pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

(4) Site management and access restrictions.

(a) The site management and access restrictions in (a)(i) through (ix) and (b)(i) through (iii) of this subsection are applicable to biosolids that are Class B for pathogens when they are applied to a public contact site.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after application of biosolids.

(ii) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of biosolids.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of biosolids when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of biosolids when the biosolids remain on the land surface for less than four months prior to incorporation into the soil.

(v) Livestock must not be allowed to graze on the land for thirty days after application of biosolids.

(vi) Turf grown on land where biosolids are applied must not be harvested for one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

(vii) Public access must be restricted for one year after application of biosolids.

(viii) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(viii) of this subsection during the period when access is restricted.

(ix) Biosolids must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) The site management restrictions in (b)(i) through (iii) of this subsection are applicable to biosolids that do not meet standards to be classified as exceptional quality when they are applied to a public contact site.

(i) Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, unless otherwise specified by the department.

(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department.

(iii) Bulk biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(5) Recordkeeping.

(a) The person who prepares bulk biosolids for application to a public contact site must keep the records required in WAC 173-308-290 (2) and (3).

(b) The person who applies bulk biosolids that do not meet criteria to be classified as exceptional quality to a public contact site must keep the records required in WAC 173-308-290(4).

(6) **Reporting.** The person who prepares bulk biosolids for application to a public contact site must submit an annual report in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-240 Bulk biosolids applied to a land reclamation site. (1) Pollutant concentrations.

(a) The concentration of a pollutant in bulk biosolids that are applied to a land reclamation site may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If the concentration of a pollutant in bulk biosolids that are applied to a land reclamation site exceeds the pollutant concentration limits in Table 3 of WAC 173-308-160, then the total cumulative loading rate for each pollutant may not exceed the limit in Table 2 of WAC 173-308-160, as required in WAC 173-308-160 (1)(b)(i).

(2) **Pathogens.** Bulk biosolids that are applied to a land reclamation site must be Class A for pathogens, or the bulk biosolids must be Class B for pathogens and the site management and access restrictions in subsection (4)(a)(i) through (x) and (b)(i) through (iii) of this section must be met.

(3) Vector attraction reduction.

(a) Bulk biosolids that are applied to a land reclamation site must meet one of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7) before they are applied to the land; or the requirements of (b)(i) or (ii) of this subsection must be met.

(b)(i) The biosolids must be injected below the surface of the land; and

(A) No significant amount of the biosolids may be present on the land surface within one hour after the biosolids are injected; and

(B) When the biosolids are Class A for pathogens, the biosolids must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(ii) Biosolids must be incorporated into the soil within six hours after application to the land.

When biosolids that are incorporated into the soil are Class A with respect to pathogens, the biosolids must be applied to the land within eight hours after being discharged from the pathogen treatment process.

(4) Site management and access restrictions.

(a) The site management and access restrictions in (a)(i) through (x) and (b)(i) through (iii) of this subsection are applicable to biosolids that are Class B for pathogens when they are applied to a land reclamation site.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after application of biosolids.

(ii) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of biosolids.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of biosolids when the biosolids remain on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of biosolids when the biosolids remain on the land surface for less than four months prior to incorporation into the soil.

(v) Livestock must not be allowed to graze on the land for thirty days after application of biosolids.

(vi) Turf grown on land where biosolids are applied must not be harvested for one year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

(vii) Public access to land with a high potential for public exposure must be restricted for one year after application of biosolids.

(viii) Public access to land with a low potential for public exposure must be restricted for thirty days after application of biosolids.

(ix) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(ix) of this subsection during the period when access is restricted.

(x) Biosolids must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) The site management restrictions in (b)(i) through (iii) of this subsection are applicable to biosolids that do not meet standards to be classified as exceptional quality when they are applied to a land reclamation site.

(i) Bulk biosolids may not be applied to land that is ten meters or less from surface waters of the state, unless otherwise specified by the department;

(ii) Bulk biosolids may not be applied to the land so that they enter a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department;

(iii) Bulk biosolids may not be applied to the land if they are likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(5) **Application exceeding agronomic rates.** In accordance with WAC 173-308-190 (1) and (5), when biosolids will be applied to a land reclamation site in excess of agronomic rates, the application rate must be approved in a site specific land application plan by the department. The department may require that an evaluation be conducted as specified in WAC 173-200-080. Where it is determined that an enforcement criterion may be violated, the evaluation must be conducted to demonstrate compliance with the provisions of WAC 173-200-050 (3)(b)(vi).

(6) Recordkeeping.

(a) The person who prepares biosolids for application to a land reclamation site must keep the records required in WAC 173-308-290 (2) and (3).

(b) The person who applies biosolids that do not meet criteria to be classified as exceptional quality to a land reclamation site must keep the records required in WAC 173-308-290(4).

(7) Reporting.

The person who prepares biosolids for application to a land reclamation site must submit an annual report in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-250 Bulk biosolids applied to a lawn or home garden. (1) Bulk biosolids that are applied to a lawn or home garden must meet the criteria to be classified as exceptional quality as defined in WAC 173-308-080.

(2) **Recordkeeping.** The person who prepares bulk biosolids for application to a lawn or home garden must keep the records required in WAC 173-308-290 (2) and (3).

(3) **Reporting.** The person who prepares bulk biosolids for application to a lawn or home garden must submit annual

reports in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-260 Biosolids sold or given away in a bag or other container. (1) Pollutant concentrations.

(a) The concentration of a pollutant in biosolids that are sold or given away in a bag or other container may not exceed the allowable ceiling limit in Table 1 of WAC 173-308-160.

(b) If biosolids that are sold or given away in a bag or other container exceed the pollutant concentration limits in Table 3 of WAC 173-308-160, then:

(i) The mathematical product of the concentration of each pollutant in the biosolids and the annual whole biosolids application rate for the biosolids must not cause the annual pollutant loading rate for the pollutant in Table 4 of WAC 173-308-160 to be exceeded;

The procedure for determining the annual whole biosolids application rate that complies with the requirement in (b)(i) of this subsection is specified in Appendix A of this chapter.

(ii) The annual whole biosolids application rate as calculated in (b)(i) of this subsection, or the recommended agronomic rate, whichever is less, must be included on the label or information sheet required in WAC 173-308-260(4).

(2) **Pathogens.** Biosolids that are sold or given away in a bag or other container must be Class A for pathogens.

(3) **Vector attraction.** One of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7) must be met when biosolids are sold or given away in a bag or other container for application to the land.

(4) **Label or information sheet required.** Any person who prepares biosolids that are sold or given away in a bag or other container in the state of Washington, must comply with the requirements of (a)(i) through (vi) of this subsection when the biosolids product is prepared or derived from biosolids that do not meet exceptional quality standards.

(a) A label must be affixed to the bag or other container in which biosolids are sold or given away, or an information sheet must be provided to the person who receives biosolids that are sold or given away in a bag or other container. The label or information sheet must contain the following information:

(i) The name, address, and phone number of the person who prepared the biosolids.

(ii) A statement or information indicating that the product complies with applicable regulations for biosolids or that the product has been prepared to meet standards that make it safe for its intended use when used in accordance with the directions provided by the manufacturer.

(iii) A statement or information that encourages proper use of the product and protection of public health and the environment. This may include information on agronomic rates, product storage, hygiene, and protection of surface or ground water resources.

(iv) Agronomic rates for typical applications or guidance on how to determine the agronomic rate of application.

(v) A statement or information indicating that the product contains or is derived from biosolids.

(vi) Any additional information needed to facilitate safe use of the product.

(b) In addition to the information required in (a)(i) through (vi) of this subsection, the information in subsection (1)(b)(ii) of this section when the pollutant limits in Table 3 of WAC 173-308-160 are exceeded.

(c) Any person who prepares biosolids that are sold or distributed outside the jurisdiction of the state of Washington, must comply with the requirements in 40 CFR Part 503.14(e), as applicable.

(5) **Recordkeeping.** The person who prepares biosolids for sale or give away in a bag or other container must keep the records required in WAC 173-308-290 (2) and (5).

(6) **Reporting.** The person who prepares biosolids for sale or give away in a bag or other container must submit annual reports in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-270 Domestic septage management requirements. (1) Domestic septage may not be applied to a public contact site, a lawn, or a home garden, unless it is managed as biosolids originating from municipal sewage sludge according to this subsection (1).

When domestic septage managed as biosolids originating from municipal sewage is applied to the land, unless otherwise provided, all applicable requirements for biosolids must be met, including but not limited to requirements for pathogen and vector attraction reduction, site management and access restrictions, pollutant concentration limits, agronomic rates, obtaining and providing information, sampling and analysis, and recordkeeping and reporting.

(2) Domestic septage that is applied to the land must be treated by a process such as physical screening or grinding, or another approved method must be employed to significantly remove or reduce recognizable materials when septage is applied to the land.

(3) Pathogens.

(a) When domestic septage - class II is applied to the land, the alkaline stabilization requirement of (b) of this subsection must be met, or the Class B pathogen requirements in one of WAC 173-308-170 (3)(a) through (c) and the site management and access restrictions in subsection (5)(a)(i) through (ix) and (b)(i) through (iv) of this section must be met.

(b) When domestic septage - class I or III is applied to the land, the pH of the septage must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for thirty minutes and the site management and access restrictions in subsection (5)(a)(i) through (ix) of this section must be met, or, when pH adjustment is not used to achieve pathogen reduction requirements, the site management and access restrictions in subsection (5)(a)(i) through (ix) and (b)(i) through (iv) of this section must be met.

(4) **Vector attraction reduction.** The requirements in one of (a), (b), or (c) of this subsection, must be met when domestic septage is applied to the land.

(a) The septage must be injected below the surface of the land;

(i) No significant amount of septage may be present on the land surface within one hour after the septage is injected; and

(ii) When the septage is Class A for pathogens, the septage must be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(b) Septage must be incorporated into the soil within six hours after application to the land;

When septage that is incorporated into the soil is Class A with respect to pathogens, the septage must be applied to the land within eight hours after being discharged from the pathogen treatment process.

(c) The pH of the septage must be raised to twelve or higher by alkali addition and, without the addition of more alkali, must remain at twelve or higher for thirty minutes.

(5) Site management and access restrictions.

(a) The site management and access restrictions in (a)(i) through (ix) of this subsection are applicable when domestic septage is applied to the land.

(i) Food crops, feed crops, and fiber crops must not be harvested for thirty days after the application of septage.

(ii) Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface must not be harvested for fourteen months after application of septage.

(iii) Food crops with harvested parts below the surface of the land must not be harvested for twenty months after application of septage when the septage remains on the land surface for four months or longer prior to incorporation into the soil.

(iv) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight months after application of septage when the septage remains on the land surface for less than four months prior to incorporation into the soil.

(v) Unless otherwise approved in a site specific land application plan under WAC 173-308-310 (6)(b), during the time when access is restricted, signs must be posted around the application site at all significant points of access, and otherwise around the perimeter so that they can be noticed and read by a reasonably observant person. The required content of signs is listed in WAC 173-308-275.

It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of subsection (4)(a)(v) of this section during the period when access is restricted.

(vi) Septage must not be applied to land that is one hundred feet or less from surface waters of the state, unless otherwise specified by the department;

(vii) Septage must not be applied to the land so that it enters a wetland or waters of the state, unless approved in a permit issued by the department, or by EPA with the approval of the department;

(viii) Septage must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under WAC 232-12-011 or 232-12-014 or its critical habitat.

(ix) Septage must not be applied to the land within one hundred feet of a well unless otherwise approved in a permit issued in accordance with the requirements of this chapter.

(b) In addition to the site management and access restrictions in (a)(i) through (ix) of this subsection, the additional site management and access restrictions in (b)(i) through (iv) of this subsection apply to domestic septage if the pH adjustment requirement of subsection (3)(b) of this section is not met when septage is applied to the land.

(i) Livestock must not be allowed to graze on the land for thirty days after application of septage.

(ii) Turf grown on land where septage is applied must not be harvested for one year after application of the septage when the harvested turf is placed on either land with a high

potential for public exposure or a lawn, unless otherwise specified by the department.

(iii) Public access to land with a high potential for public exposure must be restricted for one year after the application of septage.

(iv) Public access to land with a low potential for public exposure must be restricted for thirty days after the application of septage.

(6) Except as provided in this subsection (6), septage that is applied to the land must be applied at a rate not exceeding the rate determined by equation (3).

$$AAR = \frac{N}{0.0026} \qquad \text{Equation (3)}$$

Where:

AAR = Annual application rate in gallons per acre per three hundred sixty-five-day period.

N = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

PERMANENT

A person may not apply domestic septage to the land during a three hundred sixty-five-day period if the annual application rate in this subsection (6) has been reached during that period, unless the domestic septage is managed as biosolids originating from municipal sewage sludge per subsection (1) of this section.

(7) Monitoring.

(a) Samples of domestic septage that are collected and analyzed must be representative of the material that is applied to the land.

(b) When domestic septage - class I, II, or III is applied to the land and pH adjustment is used to meet any pathogen or vector attraction reduction requirement, each container of domestic septage that is applied to the land must be monitored to determine compliance with pH requirements.

(8) **Recordkeeping.** The person who prepares septage and the person who applies septage must keep the records required in WAC 173-308-290(6).

(9) **Reporting.** Facilities that prepare septage for application to the land, and persons who apply septage to the land, which is not prepared at a treatment works treating domestic sewage must submit annual reports in accordance with the requirements of WAC 173-308-295.

NEW SECTION

WAC 173-308-275 Contents of signs for land application sites. (1) When signs are required for the purpose of restricting access, they must contain at least the following information:

(a) The name and address or phone number of the generator and if different, the person who applies;

(b) The names, addresses, and phone numbers of the regulatory and permitting authorities;

(c) The material that is being applied (biosolids or a more detailed description);

(d) Notice that access is restricted, and if desired, the date after which access is no longer restricted; and

(e) If applicable, a notice on limitations regarding the harvest of edible plants from the site.

(2) With the consent of the department, "no trespassing" signs may be substituted for the informational signs required under subsection (1) of this section.

NEW SECTION

WAC 173-308-280 Requirements for facilities storing biosolids. (1) Facilities storing biosolids must do so in accordance with the provisions of a permit issued under this chapter, if an applicable permit has been issued.

(2) Biosolids may not be stored in a manner that would be likely to result in the contamination of ground water, surface water, air, or land under current conditions or in the case of fire or flood.

(3) Facilities storing liquid biosolids in surface impoundments must meet the requirements in WAC 173-304-430 and other applicable sections of chapter 173-304 WAC that apply to the design, construction, and operation of surface impoundments.

NEW SECTION

WAC 173-308-290 Recordkeeping. (1)(a) Both the person who prepares biosolids and the person who applies bulk biosolids to the land must keep certain records and certification statements showing that applicable standards for biosolids quality, treatment, and management have been met. Records must also be kept on the amount and type biosolids

applied to the land under different management scenarios or that are disposed of in a municipal solid waste landfill.

(b) A responsible official as described in WAC 173-308-310(8) must sign all certification statements required under this section.

(2) The person who prepares biosolids must keep the following records (amounts recorded as dry tons):

(a) The amount of bulk biosolids applied by the preparer or the preparer's agents to agricultural land;

(b) The amount of bulk biosolids applied by the preparer or the preparer's agents to forestland;

(c) The amount of bulk biosolids applied by the preparer or the preparer's agents to a public contact site;

(d) The amount of bulk biosolids applied by the preparer or the preparer's agents to a land reclamation site;

(e) The amount of bulk biosolids applied by the preparer or the preparer's agents to a lawn or home garden;

(f) The amount of biosolids that are sold or given away by the preparer in a bag or other container for application to the land;

(g) The amount of biosolids in a compost or blended biosolids product that is sold or given away by the preparer in bulk form or in a bag or other container for application to the land;

(h) The amount of bulk biosolids that are sold or given away by the preparer to another person who prepares biosolids for application to the land;

(i) The amount of bulk biosolids that are sold or given away by the preparer to a person other than an agent of the preparer for application to the land; and

(j) The amount of biosolids that are disposed in a municipal solid waste landfill on an emergency, temporary, or long-term basis.

(3) When bulk biosolids are applied to the land, the person who prepares the biosolids must develop and maintain the following information, as applicable, for five years:

(a) If the pollutant limits in Table 3 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met; or, if the pollutant ceiling concentrations in Table 1 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met.

(b) If the Class A pathogen requirements in one of WAC 173-308-170 (2)(a) through (f) were met, process monitoring and/or laboratory analysis data showing that those requirements were met, and a description of how those requirements were met; or, if the Class B pathogen standards in one of WAC 173-308-170 (3)(a), (b), or (c) were met, process monitoring and/or laboratory analysis data showing that those requirements were met, and a description of how those requirements were met.

(c) If the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were met, process monitoring and/or laboratory analysis monitoring data showing that those requirements were met and a description of how those requirements were met.

(d) One of the following certification statements, as applicable:

(i) If the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were met, the following signed certification: "I certify, under penalty of law, that the (insert Class A or Class B as appropriate) pathogen requirements in (insert one of WAC 173-308-170 (2)(a), (b),

(c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170 (3)(a), (b), or (c) if Class B), and the vector attraction reduction requirement in (insert one of the vector attraction reduction requirements in WAC 173-308-180 (2) through (7)) have been met. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(ii) If the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were not met, the following signed certification: "I certify, under penalty of law, that the (insert Class A or Class B as appropriate) pathogen requirements in (insert one of WAC 173-308-170 (2)(a), (b), (c), (d), (e), or (f) if Class A, or insert one of WAC 173-308-170 (3)(a), (b), or (c) if Class B) have been met. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(4) When bulk biosolids are applied to the land, the person who applies the biosolids must develop and maintain the following information, as applicable, for five years or indefinitely as required in (c) of this subsection:

(a) If the Class B pathogen standards in one of WAC 173-308-170 (3)(a), (b), or (c) were met, a description of how the site management and access restrictions in WAC 173-308-210 (4)(a)(i) through (x), or WAC 173-308-220 (4)(a)(i) through (ix), or WAC 173-308-230 (4)(a)(i) through (ix), or WAC 173-308-240 (4)(a)(i) through (x), as applicable, were met for each site on which biosolids were applied.

The following signed certification: "I certify, under penalty of law, that the site management and access restrictions in (insert WAC 173-308-210 (4)(a)(i) through (x), or WAC 173-308-220 (4)(a)(i) through (ix), or WAC 173-308-230 (4)(a)(i) through (ix), or WAC 173-308-240 (4)(a)(i) through (x), as applicable) have been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management and access restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(b) If the vector attraction reduction requirements in WAC 173-308-210 (3)(b)(i) or (ii), WAC 173-308-220 (3)(b)(i) or (ii), WAC 173-308-230 (3)(b)(i) or (ii), or WAC 173-308-240 (4)(b)(i) or (ii) were met, a description of how those requirements were met.

The following signed certification: "I certify, under penalty of law, that the vector attraction reduction requirement in (insert WAC 173-308-210 (3)(b)(i) or (ii), WAC 173-308-220 (3)(b)(i) or (ii), WAC 173-308-230 (3)(b)(i) or (ii), WAC 173-308-240 (3)(b)(i) or (ii), as applicable) has been met for each site on which biosolids were applied. This determination was made under my direction and

supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction reduction and site management requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(c) If the pollutant ceiling concentration limits in Table 1 of WAC 173-308-160 were met (but the concentration limits in Table 3 were exceeded), the information in (c)(i) through (v) of this subsection must be developed and kept indefinitely.

(i) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township, and range of each quarter section on which biosolids were applied.

(ii) The number of hectares in each site on which bulk biosolids were applied.

(iii) The date and time bulk biosolids were applied to each site.

(iv) The cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of WAC 173-308-160 in the bulk biosolids applied to each site, including the amount(s) in WAC 173-308-160 (2)(b)(i) and (iii).

(v) The amount of biosolids (i.e., dry metric tons) applied to each site.

(d) A description of how the requirement to obtain information under WAC 173-308-160 (2)(b) was met.

(i) The following signed certification: "I certify, under penalty of law, that the requirement to obtain information under WAC 173-308-160 (2)(b) has been met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(ii) If the biosolids that were applied to the land did not meet standards to be classified as exceptional quality, and the site management restrictions in WAC 173-308-210 (4)(b)(i) through (iii), or WAC 173-308-220 (4)(b)(i) through (iii), or WAC 173-308-230 (4)(b)(i) through (iii), or WAC 173-308-240 (4)(b)(i) through (iii) were met, the following signed certification:

"I certify, under penalty of law, that the site management restrictions in (insert WAC 173-308-210 (4)(b)(i) through (iii), or WAC 173-308-220 (4)(b)(i) through (iii), or WAC 173-308-230 (4)(b)(i) through (iii), or WAC 173-308-240 (4)(b)(i) through (iii), as applicable) were met for each site on which bulk biosolids were applied. This determination was made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site management restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(5) When biosolids are sold or given away in a bag or other container for application to the land, the person who

prepares the biosolids must develop and maintain the following information, as applicable, for five years:

(a) If the pollutant limits in Table 3 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met; or, if the pollutant ceiling concentrations in Table 1 of WAC 173-308-160 were met, laboratory analysis data showing that those limits were met.

(b) Process monitoring and/or laboratory analysis data showing that the Class A pathogen requirements in one of WAC 173-308-170 (2)(a) through (f) were met, and a description of how those requirements were met.

(c) Process monitoring and/or laboratory analysis data showing that the vector attraction reduction requirements in one of WAC 173-308-180 (2) through (7) were met, and a description of how those requirements were met.

(d) The following certification statement:

"I certify, under penalty of law, that the Class A pathogen requirement in (insert one of WAC 173-308-170 (2)(a), (b), (c), (d), (e), or (f) if Class A), and the vector attraction reduction requirement in (insert one of WAC 173-308-180 (2) through (7)) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that pathogen requirement and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(e) When the biosolids are subject to the requirements of WAC 173-308-160(4), the concentration in the biosolids of each pollutant listed in Table 4 of WAC 173-308-160, and the annual whole biosolids application rate that does not cause the annual pollutant loading rates in Table 4 of WAC 173-308-160 to be exceeded.

The following certification statement:

"I certify, under penalty of law, that the labeling and notification requirement in WAC 173-308-260 (1)(b)(ii) has been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the labeling and notification requirements are met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(6) When domestic septage is applied to the land, the person who applies the domestic septage must develop and maintain the following information, as applicable, for five years:

(a) The location, by street address if applicable, a copy of the assessor's plat map(s) with the application area(s) clearly shown or the latitude and longitude of the approximate center of each land application site, and the section, township and range of each quarter section on which septage is applied.

(b) The number of acres in each site on which septage is applied.

(c) The date and time septage is applied to each site.

(d) The nitrogen requirement for the crop or vegetation grown on each site during a three hundred sixty-five-day period.

(e) The rate, in gallons per acre per three hundred sixty-five-day period, at which septage is applied to each site and the total number of gallons of septage applied to each site;

(f) The source of the septage, including the name and address of the individual or business where the septage was generated, or in the case of a centralized septage treatment facility, the name of the person or business who delivered the septage, the dates of delivery, and how much septage was delivered.

(g) The class of septage as defined in WAC 173-308-080.

(h) A description of how the pathogen requirements in WAC 173-308-270 (3)(a) or (b) were met.

(i) A description of how the vector attraction reduction requirements in one of WAC 173-308-270 (4)(a), (b), or (c) were met.

(j) A description of how the applicable site management and access restriction requirements in WAC 173-308-270(5) were met.

(k) The following signed certification: "I certify, under penalty of law, that the pathogen requirements in (insert either WAC 173-308-270 (3)(a) or (b)), the vector attraction reduction requirements in (insert one of WAC 173-308-270 (4)(a), (b), or (c)), and the applicable site management and access restriction requirements in WAC 173-308-270(5) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen and vector attraction reduction requirements and site management and access restrictions have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

NEW SECTION

WAC 173-308-295 Annual reports. (1) Class I biosolids management facilities, treatment works treating domestic sewage with a design flow rate equal to or greater than one million gallons per day, and those that serve 10,000 people or more, must submit to the department by March 1 of each year, the following information for the preceding calendar year:

(a) All applicable information required under WAC 173-308-290 (2), (3) and (5);

(b) The information in WAC 173-308-290 (4)(c)(i) through (v) and WAC 173-308-290 (4)(d) and (d)(i) and (ii) when ninety percent or more of any of the cumulative pollutant loading rates in Table 2 of WAC 173-308-160 have been reached.

(2) Other facilities and treatment works treating domestic sewage that are not required to submit an annual report under WAC 173-308-295(1) must submit part or all of any applicable information in WAC 173-308-290 (1)(a) and (b) as required by the department on the written request of the department, or in accordance with the requirements of an applicable permit issued by the department.

(3) All persons who apply septage to the land must submit to the department by March 1 of each year, the following information for the preceding calendar year:

(a) The number of gallons of septage applied to the land.

(b) The number of acres of land to which septage was applied.

NEW SECTION

WAC 173-308-300 Disposal of municipal sewage sludge or biosolids in municipal solid waste landfill units.

(1) When biosolids are placed in a municipal solid waste landfill unit they are considered solid waste (municipal sewage sludge).

(2) The use of municipal sewage sludge or biosolids that are subject to regulation under this chapter, as daily cover or as an amendment to daily cover is not a beneficial use and is considered disposal.

The use of biosolids as a component of landfill intermediate or final cover is considered a beneficial use if it is consistent with an approved landfill plan of operations or closure/post-closure plan.

(a) Landfills that use biosolids that do not meet standards to be classified as exceptional quality as a component of intermediate or final cover must have an approved site specific land application plan that meets the requirements of WAC 173-308-310(6) and 173-308-210, 173-308-230, or 173-308-240, as applicable.

(b) For the purposes of beneficial use on a municipal solid waste landfill unit, a site specific land application plan may recognize an approved plan of operations or closure/post-closure plan that addresses the substantive requirements of WAC 173-308-310(6) and 173-308-210, 173-308-230, or 173-308-240, as applicable.

(3) Any landfill accepting municipal sewage sludge for disposal must be in compliance with the requirements of chapter 173-351 WAC and 40 CFR Part 258.

(4) Municipal sewage sludge that is disposed in a municipal solid waste landfill must meet the liquids in landfills restrictions of WAC 173-351-200(9).

(5) Municipal sewage sludge that is disposed in a municipal solid waste landfill must not be hazardous waste as defined in chapter 173-303 WAC.

(6) Disposal on an emergency or temporary basis. Facilities wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on an emergency or temporary basis must meet the conditions of (a) through (c) of this subsection and those in WAC 173-351-220(10).

(a) The person proposing to dispose of municipal sewage sludge must obtain a written determination from the local health department where the biosolids are being or would be land applied, that a potentially unhealthful circumstance exists under present conditions of management or would result from further land application of the biosolids, and that other management options are unavailable or would pose a threat to human health or the environment.

(b) Upon making the determination in (a) of this subsection, the local health department must notify the department in writing, of its findings and the basis for its determination. In its notification, the local health department must state the date on which disposal is approved to commence, any conditions, and the date after which continued disposal is prohibited.

(i) If the municipal sewage sludge is proposed to be disposed of in a municipal solid waste landfill outside the jurisdiction of the local health department in (b) of this subsection, the person proposing to dispose of the municipal sewage sludge must obtain written approval for disposal from the health department in the receiving jurisdiction.

(ii) If the jurisdictional health department in (b)(i) of this subsection, approves disposal of the municipal sewage sludge, the person proposing the disposal must forward a copy of the jurisdictional health department's determination to the department.

(c) Any person wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on a temporary basis must submit a plan for approval to the department. The plan must include the following information:

(i) The conditions that make disposal necessary.

(ii) The steps that will be taken to correct the conditions in (c)(i) of this subsection, so that disposal will not become a long-term management option.

(iii) A time table for implementing the steps to be taken in (c)(ii) of this subsection.

(7) Disposal on a long-term basis.

(a) Facilities wishing to dispose of municipal sewage sludge in a municipal solid waste landfill on a long-term basis must have authorization to do so in a valid NPDES or state waste discharge permit issued under chapter 90.48 RCW, or a valid permit issued in accordance with this chapter.

(b) Any person wishing to engage in the disposal of municipal sewage sludge in a municipal solid waste landfill on a long-term basis must meet the conditions of (b)(i) and (ii) of this subsection and those in subsections (3), (4), and (5) of this section.

(i) The person proposing to dispose of municipal sewage sludge or biosolids must demonstrate to the satisfaction of the department that other options for disposal or beneficial use are economically infeasible.

(ii) The person proposing to dispose of municipal sewage sludge must provide the department with written approval for disposal from the local health department in the receiving jurisdiction.

(8) All facilities that dispose of municipal sewage sludge in a municipal solid waste landfill must submit the information in WAC 173-308-290 (2)(j), as required under WAC 173-308-295.

NEW SECTION

WAC 173-308-310 Permitting. (1) Applicable facilities—Application required.

(a) Except as provided in (a) of this subsection, all treatment works treating domestic sewage that engage in practices regulated under this chapter are applicable facilities, and must apply for an individual permit or for coverage under a general permit for the final use or disposal of biosolids.

Facilities that compost biosolids, and those facilities where only septage is applied to the land or collected and treated prior to application to the land, do not require permitting under this chapter if:

(i) A permit is not otherwise required in order to comply with the Federal Clean Water Act;

(ii) The department and local health department agree that a permit issued by the local health department will be adequate;

(iii) The conditions of the permit issued by the local health department meet or exceed the requirements of this chapter; and

(iv) The department does not otherwise find that a state issued permit is necessary because one or more of the conditions in (b)(i) through (iv) of this subsection exists.

(b) Designation as a treatment works treating domestic sewage. In addition to facilities meeting the definition of a treatment works treating domestic sewage in WAC 173-308-080, the department may designate any person, site, or facility that treats, uses, transports, or applies biosolids, as a treatment works treating domestic sewage, and require the owner or operator to apply for a permit if:

(i) The department determines that a permit is necessary to protect human health or the environment from the adverse effect of a pollutant in the biosolids;

(ii) The department determines that a permit is necessary to protect human health or the environment from poor biosolids management practices;

(iii) The department determines that a permit is necessary to ensure compliance with any of the requirements in this chapter; or

(iv) Bulk biosolids originating from a source or location outside the jurisdiction of the state of Washington are being applied to the land or received at any site.

(c) It is a violation of this chapter for a facility to fail to submit a permit application to the department as required by these rules.

(2) **General and individual permits.** The department will issue permits for the treatment and final use or disposal of biosolids.

(a) The department will issue, modify, revoke and reissue, and terminate general permits in accordance with the procedures in chapter 173-226 WAC.

(b) The department will accept and consider applications for coverage under a general permit, modify conditions of coverage, revoke and reauthorize coverage, or terminate coverage under a general permit in accordance with the provisions of this chapter.

(c) The department will issue, modify, revoke and reissue, or terminate individual permits in accordance with the provisions of this chapter.

(3) Permit selection.

(a) After the department has issued a general permit for the final use or disposal of biosolids, all applicable facilities must submit a notice of intent or apply for coverage under the general permit, unless:

(i) The facility has a current individual permit issued under this chapter;

(ii) The department requires a facility to apply for an individual permit; or

(iii) On written request of the applicant, the department has granted permission to apply for an individual permit.

(A) A facility may request an individual permit if a practice it proposes is not addressed in a general permit issued by the department.

(B) A facility may seek coverage under a general permit for any portion of its biosolids management practices that are applicable under the general permit, and may also request an

individual permit for any portion of its biosolids management practices that are not applicable under the general permit.

(iv) The department may require any facility applying for an individual permit under (a)(iii)(A) or (B) of this subsection to limit its practices for the final use or disposal of biosolids to those that are authorized in a general permit, and to apply for a general permit.

(b) The department may notify a facility that it is covered by a general permit, even if the facility has not submitted a permit application or notice of intent as required under this subsection (3).

(i) A facility so notified may request an individual permit in accordance with the provisions of (a)(iii) of this subsection.

(ii) Facilities that are notified of coverage under (b) of this subsection must submit a notice of intent or permit application as directed by the department.

(4) Timing of applications and notices of intent – renewal of coverage.

(a) Except for facilities in (e)(i) and (f) of this subsection, existing facilities that are class one biosolids management facilities, publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day, and those that serve a population of 10,000 people or more must either:

(i) Submit an application for coverage under a general permit within ninety days after issuance of a biosolids general permit by the department; or

(ii) Submit a notice of intent within ninety days of issuance of an applicable general permit, followed by a complete permit application within one hundred eighty days of issuance of the applicable general permit.

(b) Except for facilities in (a), (e)(i), and (f) of this subsection, existing facilities must submit a notice of intent to be covered under a general permit within ninety days after issuance of a biosolids general permit by the department.

(c) Except for facilities in (e)(ii) and (f) of this subsection, new facilities that are class one biosolids management facilities, publicly owned treatment works with a design flow rate equal to or greater than one million gallons per day, and those that serve a population of 10,000 people or more must submit an application for coverage under a general permit or a request for an individual permit at least one hundred eighty days in advance of engaging in applicable biosolids management activities.

(d) Except for facilities in (c), (e)(ii) and (f) of this subsection, new facilities must submit a notice of intent to be covered under a general permit or a request for an individual permit at least one hundred eighty days in advance of engaging in applicable biosolids management activities.

(e)(i) Existing facilities that have not been previously permitted under this subsection that wish to request an individual permit under subsection (3)(a)(iii) of this section must do so within thirty days of issuance of a biosolids general permit by the department.

(ii) New facilities that wish to request an individual permit under subsection (3)(a)(iii) of this section must do so at least one hundred eighty days in advance of engaging in applicable biosolids management activities.

(f) Facilities that have been directed to apply for an individual permit under subsection (3)(a)(ii) of this section must submit an application for an individual permit as directed by the department, but the department will allow at least ninety days for a submittal.

(g) Facilities that are denied an individual permit must submit a notice of intent or a complete permit application for coverage under a general permit as would otherwise be required, within sixty days after being denied an individual permit unless a later date is authorized by the department.

(h) Facilities, other than those in (a) of this subsection, that have submitted a notice of intent to be covered under a general permit must submit a complete permit application as follows:

(i) Except as required under (h)(iv) of this subsection, if the facility is subject to permitting under chapter 173-216 or 173-220 WAC, a complete permit application is due on the date when an application for a state waste discharge or NPDES permit, or for renewal thereof, is due, or one hundred eighty days after issuance of the applicable general permit, whichever is later.

(ii) Except as required under (h)(iv) of this subsection, if the facility is not subject to permitting under chapter 173-216 or 173-220 WAC but is subject to permitting under chapter 173-304 WAC and local solid waste ordinances, a complete permit application is due on the date when an application for a local solid waste permit, or for renewal thereof, is due, or one hundred eighty days after issuance of the applicable general permit, whichever is later.

(iii) Other facilities that have submitted a notice of intent must submit a complete permit application as directed by the department, but the department will allow at least ninety days for a submittal.

(iv) The department may require facilities under (h)(i) and (ii) of this subsection to submit a complete permit application at an earlier date for the purpose of expediting the permitting process, or if the department finds that any of the conditions in subsection (1)(b)(i) through (iv) of this section are met. Facilities required to make an early submittal must do so within ninety days from the time of the first request unless a later date is authorized by the department.

(i) Renewal of coverage.

(A) All facilities permitted under this section must submit a notice of intent to continue coverage under a general permit or for initial coverage under a general permit, or an application for an individual permit or for renewal of an individual permit, at least one hundred eighty days prior to the expiration date of their applicable permit.

Facilities that are submitting a notice of intent must submit a complete updated permit application according to the schedule in (a) through (h) of this subsection.

(B) When a facility has made timely and sufficient notice of intent or application as required in (i) of this subsection, an expiring permit remains in effect and enforceable until:

(I) The application has been denied;

(II) A replacement permit has been issued by the department; or

(III) The department has cancelled the expired permit.

(C) Unless the department specifies otherwise in a renewing general permit, or notifies a facility directly,

facilities previously covered under a general permit issued in accordance with subsection (2) of this section are automatically covered under a new general permit if they reapply for coverage in accordance with (i) of this subsection; and

(I) The facility will not implement a significant change in biosolids management practices under the new permit; and

(II) The public notice requirements of subsection (11) of this section have been met and there are no sustainable objections to continuation of coverage.

(D) For facilities that are renewing coverage under a general permit, land application plans required under subsection (6) of this section that have been previously approved are automatically approved under the new general permit as long as biosolids management practices remain consistent with the approved plan.

(E) Coverage under an expired permit for permittees who fail to submit a timely and sufficient application or notice of intent shall cease on the expiration date of the permit.

(5) Contents of permit applications – notices of intent.

(a) All facilities must submit a complete and factually correct permit application in accordance with the schedule established in subsection (4) of this section, on forms or in a format specified by the department. When complete, all permit applications must contain at least the information in (a)(i) through (xi) of this subsection:

(i) The activities conducted by the applicant that require it to obtain a permit, and if applying under a general permit, the name of the permit;

(ii) Name, mailing address, and location of the facility for which the application is submitted;

(iii) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;

(iv) Whether or not the facility or any associated facilities or land applications sites are located on Indian or federal lands;

(v) A listing of other relevant environmental permits, and all permits or construction approvals received or applied for under any of the following programs:

(A) Hazardous waste management program under the Resource Conservation and Recovery Act;

(B) Underground injection control program under the Safe Drinking Water Act;

(C) National pollutant discharge elimination system program under the Clean Water Act;

(D) Prevention of significant deterioration program under the Clean Air Act;

(E) Nonattainment program under the Clean Air Act;

(F) National emission standards for hazardous pollutants preconstruction approval under the Clean Air Act;

(G) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act;

(H) Dredge or fill permits under section 404 of the Clean Water Act;

(vi) A map extending one mile beyond the property boundaries of the facility, showing the location and means of access to the facility, and additional maps if necessary, showing the same for any associated treatment or storage facilities.

(vii) Any biosolids monitoring data the applicant has for the last two years, including for land application sites any available soil, or surface or ground water monitoring data, with a description of the sampling locations, and for wells the approximate depth to ground water.

(viii) A description of the applicant's biosolids use and disposal practices including, where applicable, the location of any sites where the applicant transfers biosolids for treatment or disposal, as well as the name of the applicator or other contractor who applies the biosolids to land if different from the applicant;

(ix) Land application plans, as required under subsection (6) of this section;

(x) The amount of biosolids produced and the amount of biosolids applied to the land during the previous year, and estimated to be produced or applied to the land on an annual basis during the life of the permit;

(xi) Any information required to determine the appropriate standards for permitting under this chapter, and any other information the department may request and reasonably require to assess biosolids use and disposal practices, to determine whether or not to issue a permit, or to ascertain appropriate permit requirements under this chapter.

(b) A notice of intent to be covered under a general permit for biosolids recycling must contain:

(i) The name of the general permit under which coverage is being sought, and a statement declaring the applicant's intent to comply with the requirements of the permit.

(ii) The information required in (a)(i) through (iii) of this subsection, and the location and a description of any site(s) where biosolids are treated, stored, disposed, or applied, and whether or not any permit, including a local solid waste permit has been issued for a site.

(iii) Any information specifically required for a notice of intent under the applicable general permit.

(6) Land application plans. (a) Land application plans are not required when exceptional quality biosolids are applied to the land, except as specified in (a)(ii) or (iii) of this subsection.

(i) Any person who prepares exceptional quality biosolids for application to the land must determine and assure to the extent practicable, through recordkeeping and other means, that all applicable criteria of this chapter and any applicable permit are met when bulk exceptional quality biosolids are applied to the land.

(ii) Any person who prepares exceptional quality biosolids for application to the land and who fails to satisfy the requirements in (a)(i) of this subsection, may be required to submit a general or site specific land application plan, or both, for any or all sites where bulk exceptional quality biosolids are applied to the land, and may also be required to comply with the public notice requirements in subsection (11) of this section.

(iii) The department may require a site specific land application plan for any site where bulk exceptional quality biosolids are proposed to be applied if the plan is necessary to evaluate potential permit conditions or if the department finds there would be a strong benefit to the public from the preparation of a site specific plan.

(iv) The department may require advance notice prior to the application of bulk exceptional quality biosolids to the land. In such case the department will notify the facility in

writing of the conditions requiring advance notice, the length of advance notice required, and the length of time the requirement for advance notice will remain in effect.

(b) Land application plans are required when bulk biosolids that do not meet criteria to be classified as exceptional quality are applied to the land. Except when biosolids are delivered to a beneficial use facility as provided in (g) of this subsection, facilities that propose to apply biosolids to the land that do not meet criteria to be classified as exceptional quality must either:

(i) Submit with their permit application a site specific land application plan for each site where biosolids will be applied during the life of the permit; or

(ii) Submit with their permit application a general land application plan, and at a later date prior to applying biosolids to a site, a site specific land application plan for each site where biosolids will be applied to the land;

(iii) Facilities that submit a general land application plan may also submit at the same time any available site specific land application plans for approval.

(c) All site specific land application plans must be consistent with a facility's general land application plan, if a general land application plan is required.

(d) Each site specific land application plan must provide information necessary to determine if the site is appropriate for land application of biosolids, and a description of how the site will be managed. At a minimum, site specific land application plans must address the following:

(i) In accordance with the provisions of WAC 173-308-160 (2)(b), whether or not it is known or can be determined that biosolids containing pollutants in excess of the values established in Table 3 of WAC 173-308-160 have ever been applied to the site, and if so:

(A) The date(s) when the biosolids were applied (if known);

(B) The amount of biosolids applied (if known);

(C) The concentrations of the pollutants in the biosolids (if known);

(D) The area(s) of the site to which the biosolids were applied (if known);

(ii) A discussion of the types of crops grown or expected to be grown, their intended end use (e.g., pasture grass for a feed crop, corn as a food crop), and the current distribution of crops on the site;

(iii) An explanation of how agronomic rates will be determined during the life of the site, along with any currently available calculations. Whenever agronomic rates are determined or conditions change (i.e., a change in crops or agronomic rates) an update of the agronomic rate calculations must be filed with the department;

(iv) Method(s) of application;

(v) Seasonal and daily timing of biosolids applications;

(vi) Any available data from soils, surface water, or ground water monitoring collected from the site within the last two years;

(vii) The name of the county and water resource inventory area where biosolids will be applied;

(viii) A description of how biosolids will be stored at the site and also addressing related off-site storage;

(ix) Site map(s) showing:

(A) The location and means of access to the facility;

(B) The number of acres in the site;

(C) Location and extent of any wetlands on the site;

(D) A topographic relief of the application site and surrounding area;

(E) Adjacent properties and uses and their zoning classification;

(F) Any seasonal surface water bodies located on the site or perennial surface water bodies within 1/4 mile of the site;

(G) The location of any wells within 1/4 mile of the site that are listed in public records or otherwise known to the applicant, whether for domestic, irrigation, or other purposes;

(H) The width of buffer zones to surface waters, property boundaries and other features requiring buffers;

(I) The presence and extent of any threatened or endangered species or related critical habitat;

(J) The location of any critical areas on site, as required to be identified under chapter 36.70A RCW in the county's growth management plan;

(K) The location and size of any areas that will be used to store biosolids.

(e) Except for facilities under (e)(vi) of this subsection, applicants including beneficial use facilities intending to apply biosolids to the land that do not meet criteria to be classified as exceptional quality, to sites for which a site specific land application plan is not submitted as a part of the permit application, must submit for approval as a part of their permit application, a general land application plan that at a minimum:

(i) Describes the geographical area covered by the plan, including the names of all counties and water resource inventory areas where biosolids may be applied;

(ii) Identifies site selection criteria;

(iii) Describes how sites will be managed;

(iv) Provides for not less than thirty days advance notice to the department of new or expanded land application sites, including those subject to provisional approval under subsection (17) of this section, to allow time for the department to object prior to the biosolids application; and

(v) Provides for advance public notice as required in subsection (11) of this section, and that is reasonably calculated to reach potentially interested adjacent and abutting property owners; except

(vi) A general land application plan is not required when biosolids are provided to a beneficial use facility and the requirements of (g) of this subsection are met.

(f) As individual sites are identified in accordance with the general land application plan in (6)(e) of this subsection, facilities, including beneficial use facilities applying biosolids that do not meet criteria to be classified as exceptional quality must develop and submit the information required for site specific land application plans in (d) of this subsection.

(g) When biosolids are provided to a beneficial use facility that has been permitted as a treatment works treating domestic sewage, the person who prepares the biosolids is not required to prepare a land application plan for the biosolids that will be applied to the beneficial use facility if:

(i) As a part of the permit application, the person who prepares the biosolids identifies the beneficial use facility(ies) to which biosolids may be provided, or, if specific beneficial use facilities cannot be identified, specifies the criteria by which beneficial use facilities may be selected at a future date; and

(ii) At least thirty days in advance of delivering biosolids to the beneficial use facility the person who prepares the biosolids submits to the department a certification statement, signed in accordance with the provisions of subsection (8) of this section by the person who prepares the biosolids, stipulating the following:

(A) That the applicable site specific land application plan and other management plans approved for the beneficial use facility are appropriate to the quality of biosolids being provided by the person who prepared the biosolids;

(B) That the person who prepared the biosolids has reviewed the public notice conducted by the beneficial use facility and the conditions in subsection (11)(d) of this section have been met, or additional public notice has been conducted in accordance with subsection (11) of this section;

(h) All land application plans, including those authorized under provisional approval in accordance with subsection (17) of this section, are subject to review and final approval by the department. If a land application plan is found to be insufficient, the department may either request additional information or may impose additional requirements as a condition of approval. Any additional requirements imposed under (h) of this subsection are considered to be permit requirements, fully enforceable in accordance with the provisions of this chapter and the applicable permit.

(7) Submitting permit applications and notices of intent. Facilities must submit copies of their permit application or notice of intent as follows:

(a) The original must be submitted to the biosolids coordinator at the headquarters office of the department of ecology, and one copy must be submitted to each regional office of the department of ecology where biosolids will be treated or applied to the land.

(b) Unless a local health department otherwise requests as provided in (b) of this subsection, one copy must be submitted to the local health department in each county where biosolids will be treated, stored, applied to the land, or disposed in a municipal solid waste landfill.

Local health departments that elect not to participate in the implementation of this chapter may notify the department in writing that they do not wish to receive copies of permit applications or land application plans.

(8) Signatories to permit applications, notices of intent, reports, and other documents.

(a) Applications. All permit applications must be signed as follows:

(i) For a corporation. By a responsible corporate officer. For the purpose of this chapter, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively;

(iii) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) All reports required by permits, and other information requested by the department must be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters; and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under (a) or (b) of this subsection must make the following certification, unless a different certification is applicable under another related section of this chapter:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(9) Public access to information. In accordance with chapter 42.17 RCW, the department must provide, upon request, any information submitted as part of an application for an individual permit or for coverage under a general permit, except as provided in (a) of this subsection.

(a) In accordance with chapters 42.17, 43.21A, 70.105, and 90.52 RCW, the department must protect any information (other than information on the quality of biosolids) contained in applications as confidential upon a showing by any person that the information, if made public, would divulge methods or processes entitled to protection as trade secrets of the person.

(b) Any information accorded confidential status, whether or not contained in any application form, must be disclosed, upon request, to the regional administrator of EPA.

(10) **Recordkeeping required for permit applications.** Applicants must keep records of all information used to complete permit applications and any supplemental information submitted for a period of five years, or longer if otherwise required by this chapter, the conditions of the applicable permit, or other state or local laws;

(11) **Public notice and comment period.**

(a) All facilities that are applying for coverage under a general permit, facilities applying for renewal of coverage under a general permit that propose a significant change in biosolids management practices, and those applying for an individual permit or for renewal thereof, must issue public notice within each county where they will prepare biosolids for application to the land, and except as provided in (c) and (d) of this subsection, in each county where biosolids not meeting the criteria to be classified as exceptional quality will be applied to the land. Notice must be given as follows:

(i) The applicant must publish two notices, at intervals of at least one week, in a newspaper of general circulation in each county where biosolids are proposed to be applied to the land.

(ii) The applicant must mail a copy of the notice to any person or group that has notified the applicant in writing of an interest in the applicant's biosolids management activities.

(iii) For a period of at least thirty days, beginning not later than the last date of newspaper publication required in (a)(i) of this subsection, notice must be posted at all sites identified in the permit application where bulk biosolids that do not meet the standards to be classified as exceptional quality will be applied to the land;

(A) When newspaper notice is not required for new sites being proposed in accordance with an approved general land application plan per (c) of this subsection, the thirty-day notice period in (a)(iii) of this subsection begins when the direct mail notice requirement of (a)(ii) of this subsection has been met.

(B) It is a violation of these rules for any person to remove a sign posted in accordance with the requirements of (a)(iii) of this subsection during the public notice period.

(iv) Notice must be given by any other method required by the department.

(v) At the time of the initial notice, copies of the notice and an explanation of all places where and when the notice was or will be published or posted must be submitted to:

(A) The contact person in the regional or headquarters office of the department of ecology that has lead responsibility for the permit; and

(B) The local health department in each county where biosolids will be treated, stored, applied to the land, or disposed in a municipal solid waste landfill, unless the local health department has waived receipt of notification under subsection (7)(b) of this section.

(b) Notices under (a) of this subsection must contain the information in (b)(i) through (xi) of this subsection:

(i) The name and address of the facility seeking the permit or filing a notice of intent, and a contact person;

(ii) When the local health department has accepted delegation of responsibility under WAC 173-308-050, the address of the local health department and a contact person;

(iii) The address of the regional or headquarters office of the department of ecology that has lead responsibility for the permit, and a contact person;

(iv) A brief statement of the applicant's biosolids management practices for which a permit is sought or a notice of intent is being submitted;

(v) If coverage under a general permit is being sought, the name of the general permit or the name and location of the site if notice is being given for a site specific land application plan;

(vi) The statement: "Any person wishing to comment on this application or desiring to present their views regarding this application to the department of ecology or its delegated representative must do so in writing within thirty days of the last date of newspaper publication of this notice. Comments should be addressed to (insert the name and address of the person identified in (b)(vii) of this subsection)."

(vii) The person to whom comments should be addressed is the person in (b)(vii)(A) or (B) of this subsection, whichever is appropriate;

(A) When the application or notice of intent is for coverage under a general permit or for an individual permit, the person to whom comments should be directed is the department of ecology contact in (b)(iii) of this subsection.

(B) When the proposal is for a specific land application site, the person to whom comments should be directed is the department of ecology contact in (b)(iii) of this subsection, except where responsibility has been delegated to a local health department, in which case the recipient of comments should be the local health department contact in (b)(ii) of this subsection.

(viii) A statement specifying:

(A) Whether or not the permit application contains any information about current or proposed biosolids application sites;

(B) Whether or not the permit application contains a plan specifying how future application sites will be identified;

(C) If biosolids will be provided to any other facility, including a beneficial use facility; and

(D) How the public will be notified regarding the selection of future land application sites.

(ix) The time and place of any public hearing or meeting that will be held or the procedures to request one, and other procedures by which the public may participate in the final permit decision;

(x) The means by which an interested person or organization can have their name placed on a list to be maintained by the applicant for the purpose of future notification of biosolids management activities.

On written request of the person seeking to have their name added to the list of interested parties, all facilities maintaining a list of interested persons or organizations under (b)(x) of this subsection must provide written confirmation by certified mail, return receipt requested, to each interested person or organization that their name has been placed on the list.

(xi) Any additional information considered necessary or proper.

(c) Except as provided in (d) of this subsection, public notice for a new or expanded land application site that is being proposed in accordance with an approved general land application plan must be satisfied as follows:

(i) If site specific local approval is required to be obtained through integrated project review under the State Growth Management Act and the substantive notice requirements of (b) of this subsection are met, public notice for the purposes of this rule will be satisfied by compliance with the public notice requirements of the local integrated project review process;

(ii) Public notice conducted in accordance with the State Environmental Policy Act satisfies the public notice requirements of this rule for new or expanded land application sites if the substantive requirements of (b) of this subsection are met and the site is specifically identified in an environmental checklist that is available for public review and comment;

(iii) The public notice process for new or expanded land application sites not applicable under (c)(i) or (ii) of this subsection must meet the requirements of (a)(ii) through (v) and (b) of this subsection.

(d) Facilities that will provide biosolids to a permitted beneficial use facility must conduct public notice in accordance with this subsection as follows:

(i) Public notice must be given when applying for an individual permit or for coverage under a general permit;

(ii) Other than sites that are part of a beneficial use facility, public notice must be given for all new or expanded sites where biosolids not meeting the criteria to be classified as exceptional quality will be applied to the land;

(iii) Facilities that provide biosolids to a permitted beneficial use facility are not required to carry out public notice specific to the land application of biosolids at the beneficial use facility if:

(A) Public notice given for the beneficial use facility identified the facility providing the biosolids; or

(B) Public notice given for the beneficial use facility clearly stated that biosolids would be accepted from unknown sources, including sources outside of the county in which the beneficial use facility is located, as applicable.

(e) Facilities applying for individual permits must complete the public notice requirements in this subsection at the time they apply for a permit and at the time when a draft permit is provided for formal review by the department.

(12) Public hearings and meetings.

(a) The department may require an applicant to hold a public hearing or meeting when applying for coverage under a general permit, for an individual permit, or for any land application plan if it finds, on the basis of requests, a significant degree of public interest, or that a public discussion might clarify one or more aspects important to compliance with the requirements of this chapter or an applicable permit.

(b) During the public comment period provided for in subsection (11) of this section, any person may request the department to require a public hearing or meeting if none has been scheduled. Any request for a public hearing or meeting must be in writing and must state the nature of the issues proposed to be raised. The department will consider all requests that are received not later than the final comment date specified in the notice required under subsection (11)(b) of this section.

(c) Notice of hearing. If the department determines that a public hearing must be held, the applicant must give notice of a public hearing in accordance with the procedures in subsection (11)(a) and (b) of this section, except that posting

of sites that are not specifically subject to the hearing is not required.

(i) The notice of hearing must contain the following information:

(A) The dates of previous public notices relating to the permit application;

(B) The date, time, and place of the hearing;

(C) A brief description of the nature and purpose of the hearing, including any rules and procedures that apply.

(ii) Copies of the notice and an explanation of all places where and when the notice was published must be submitted to:

(A) The contact person in the regional or headquarters office of the department of ecology that has lead responsibility for the permit; and

(B) Any applicable local health department that has accepted delegation of authority under WAC 173-308-050.

(d) Public hearings required under this subsection, must be held in each county where biosolids will be treated or applied to the land, unless otherwise allowed by the department.

(e) Public hearings required under this subsection must be held no sooner than thirty days after the final notice of public hearing published in accordance with subsection (11)(a)(i) of this section, and at a time and place as can be reasonably expected to be convenient to the department and interested parties.

Public hearings must be attended by a representative of the permit applicant who is authorized to respond to questions from the public and the department, and by a representative of the department.

(f) Notice conducted for public meetings is the same as that required for public hearings unless otherwise allowed by the department.

(13) Record and response to comments received.

(a) The department will maintain a record of all written comments received during the public comment period in subsection (11) of this section, and of all comments properly submitted in response to a public hearing required under subsection (12) of this section.

(b) The department will prepare a response to all relevant comments received, and will briefly describe any changes that resulted (other than editorial changes) to an individual permit or to an applicant's coverage under a general permit.

(c) The department is not obligated to consider or respond to comments or information that is received later than thirty days after the initial date of publication of public notice, or the date of a public hearing, whichever is later.

(14) **Additional requirements.** In addition to the requirements of this chapter, the department may impose additional requirements as part of the approval process for coverage under a general permit or as conditions of an individual permit if any of the conditions in subsection (1)(b)(i) through (iv) of this section are met.

(a) Any additional requirements imposed under this subsection are considered to be permit requirements, fully enforceable in accordance with the provisions of this chapter and the applicable permit.

(b) If known, any additional requirements must be disclosed at a public hearing if a public hearing is held, or if imposed subsequent to a public hearing, must become a

part of the written record required under subsection (13)(b) of this section.

(15) Compliance schedules.

(a) A permit may specify a schedule leading to compliance with the federal Clean Water Act and these regulations. Any compliance schedule under this section must require compliance as soon as possible, but not later than any applicable statutory deadline under the Clean Water Act or chapter 70.95J RCW.

(b) Interim dates. If a permit establishes a compliance schedule that exceeds one year from the date of permit issuance, the schedule must set forth interim requirements and the date for their achievement. The time between interim dates must not exceed six months.

(c) Reporting. The permit must require that no later than fourteen days after each interim date and the final date of compliance, the permittee must notify the department in writing of its compliance or noncompliance with the interim or final requirements.

(16) Fact sheet required for individual permits.

(a) The department must prepare a fact sheet for every draft individual permit for a class I biosolids management facility, for every draft individual permit requiring permit conditions developed on a case-by-case basis to implement section 405(d)(4) of the Clean Water Act, for every draft individual permit that includes a general land application plan under subsection (6)(b)(iii) of this section, and for every draft individual permit that the director finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The director must send this fact sheet to the applicant and, on request, to any other person.

(b) The fact sheet must include:

(i) A brief description of the type of facility or activity that is the subject of the draft permit;

(ii) Any calculations or other necessary explanation of the derivation of conditions for biosolids use and disposal, including a citation to the applicable standards for biosolids use or disposal and reasons why they are applicable, or in the case of conditions developed on a case-by-case basis to implement section 405 (d)(4) of the Clean Water Act, an explanation of, and the bases for the conditions; and

(iii) For permits that include a general land application plan under subsection (6)(b)(iii) of this section, a brief description of how each of the required elements of the land application plan is addressed in the permit.

(17) Approval of coverage. After reviewing an application for an individual permit or for coverage under a general permit, and considering other pertinent information including any testimony received during a public hearing or meeting, or written comments submitted in response to a public notice, the department may approve coverage under a general permit or issue an individual permit.

(a) If coverage under a general permit is approved or an individual permit is issued, the department will notify the applicant in writing, conveying a final copy of the issued permit including any additional requirements or stipulations that are imposed as a condition of coverage under a general permit.

(b) If an application for an individual permit or for coverage under a general permit is disapproved, the department will notify the applicant in writing, including an explanation of why coverage was disapproved.

(c) On and after the effective date of this chapter, if there are no significant changes to biosolids management practices at an existing site, a facility may continue to apply biosolids to sites that were permitted by the local health department before the effective date of this chapter, in accordance with the requirements of the local health department, the applicable general permit, and this chapter, unless the department objects in writing.

(i) Facilities applicable under (c) of this subsection that have submitted a notice of intent to be covered or have been notified that they are covered under a general permit, and those that have applied for coverage under a general permit, are provisionally approved for coverage under an applicable general permit to apply biosolids to existing sites as permitted by the local health department and in accordance with the requirements of the applicable general permit and this chapter.

(ii) A beneficial use facility may not obtain provisional approval for coverage under a general permit, but may obtain provisional approval for existing land application sites after being permitted as a beneficial use facility.

(d) Except for provisionally approved facilities under this subitem (d), a facility may not engage in new biosolids management practices or implement significant changes to biosolids management practices at existing sites, or apply biosolids to new or expanded sites until all applicable requirements of this section including those for public notice, and public hearings or meetings, have been satisfied.

Facilities that have submitted a notice of intent or that have been notified of coverage under a general permit, or that have applied for coverage under a general permit, are provisionally approved for coverage under an applicable general permit to apply biosolids to sites consistent with the applicable requirements of this chapter and the applicable general permit and as approved by the local health department, if the public notice requirements under subsection (11) of this section have been fulfilled, and no request for a public hearing has been made or the department has denied the request, and all comments received have been resolved to the satisfaction of the local health department;

(e) Facilities with provisional approval are subject to further review and permitting requirements at a later date, and are subject at all times to all applicable conditions of this chapter and the applicable general permit.

(f) In no case may a lack of action by the department be construed as relieving an applicant of the obligation to comply with any of the provisions of this chapter or an applicable general permit, or as approving final use or disposal practices that are not consistent with the provisions of this chapter or an applicable general permit, or that pose a threat to human health or the environment.

(18) Prohibition. The department may not issue a permit when the Regional Administrator of EPA has objected in writing under 40 CFR 123.44.

(19) Duration of permits.

(a) Permits are issued for fixed terms, up to but not exceeding five years from the effective date of the permit.

(i) Coverage under a general permit may be issued for a period up to the remaining term of issuance for the permit.

(b) The term of a permit may not be extended by modification beyond five years.

(20) Transfer of permit coverage.

(a) Except as provided in (b) of this subsection, a permit may be transferred by the permittee to a new owner operator only if the permit has been modified or revoked and reissued to identify the new permittee and incorporate other requirements as may be necessary to assure compliance with the requirements of this chapter.

(b) Coverage under a permit is automatically transferred from the old permittee to a new permittee, on the date agreed to, if:

(i) A written, signed agreement, between the old and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability is submitted in accordance with the requirements of subsection (7) of this section at least thirty days in advance of the proposed date of transfer; and

(ii) The department has not notified both permittees of any objection to the transfer, or of the intent to revoke coverage under the general permit.

(c) No condition or requirement of a permit or this chapter may be waived by the transfer of permit coverage from one party to another.

(21) Modification or revocation and reissuance of individual permits and modification of conditions of coverage under a general permit.

(a) When the department receives any information (for example, upon inspection of a facility, receipt of information submitted by the permittee as required in the permit, receipt of a request for modification or revocation and reissuance, or upon a review of the permit file), the department may determine whether or not one or more of the causes listed in (b) or (c) of this subsection for modification or revocation and reissuance, or both, exist.

(i) If cause for modification or revocation and reissuance, or both, exists, the department may modify or revoke and reissue an individual permit, or modify conditions of coverage or revoke and reissue coverage under a general permit, and may request an updated application if necessary.

(ii) When an individual permit or conditions for coverage under a general permit is/are modified, only the conditions subject to modification are reopened.

(iii) If an individual permit or authorization for coverage under a general permit is revoked and reissued, the entire individual permit or consideration of coverage under a general permit is reopened and subject to revision, and the individual permit or coverage under the general permit may be reissued for a new term.

(iv) If cause does not exist under this section, the department may not modify or revoke and reissue an individual permit or conditions of coverage under a general permit.

(b) Causes for modification. The following are causes for modification but not revocation and reissuance of individual permits or authorization of coverage under a general permit except when the permittee requests or agrees.

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity

that occurred after permit issuance that justify the application of permit conditions that are different from or absent in the existing permit.

(ii) Information. The department has received new information. Individual permits or authorization of coverage under a general permit may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

(iii) New regulations. New regulations have been adopted or the standards or regulations on which the permit was based have been changed by adoption of amended standards or regulations or by judicial decision after the permit was issued.

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonable available remedy. However, in no case may a compliance schedule be modified to extend beyond an applicable Clean Water Act statutory deadline.

(v) Land application plans. When required by a permit condition to incorporate a general land application plan for beneficial use of biosolids, to revise a general land application plan, or to add a general land application plan.

(c) The following are causes to modify or alternatively, revoke and reissue, an individual permit or the conditions for coverage under a general permit.

(i) Cause exists for termination under subsection (22) of this section and the department determines that modification or revocation and reissuance is appropriate.

(ii) The department has received notification of a proposed transfer of the permit.

(d) When an individual permit or coverage under a general permit is modified or revoked and reissued, the public notice requirements of subsection (11) of this section, and if required the public hearing requirements of subsection (12) of this section must be complied with for the reopened conditions or reissued permit.

(22) Termination of permits. The following are causes for terminating an individual permit or coverage under a general permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(d) A change in any condition that requires either a temporary or a permanent reduction or elimination of any activity controlled by the permit.

(23) Enforcement. Any violation of this chapter or any permit issued under this chapter, may be subject to the

enforcement provisions of applicable law, including chapters 70.95 and 70.95J RCW.

(24) **Appeals.** Any person aggrieved by a decision of the department made in accordance with provisions of this chapter may appeal that decision only as provided by applicable law, including chapters 43.21B RCW and 34.05 RCW.

(25) **Requirement to coordinate permitting with delegated local health departments.** When a local health department has received delegation to administer any portion of, or to carry out any activity required under this chapter, all facilities subject to permitting under this chapter must cooperate with the department and the local health department by coordinating permitting activities so as to assure an opportunity for local health department involvement consistent with the terms of the delegation agreement.

NEW SECTION

WAC 173-308-320 Permit fees. (1) All facilities that are required to obtain a permit under this section must pay an annual biosolids permit fee to the department of ecology.

(2) Biosolids permit fees are assessed prospectively on an annual basis and apply regardless of the date of issuance of a permit.

(3) Biosolids permit fees are assessed and collected for fiscal years and are due and payable within forty-five days after the department mails a billing statement.

(a) Failure to pay a permit fee is cause for denial of coverage under a permit or revocation of existing coverage. Fees are considered delinquent if they are not received by the first invoice billing due date. Permit holders will be notified by certified letter and have thirty days to bring their account up-to-date before further action is taken by the department.

(b) The department may at its discretion mail partial billing statements two or more times per year, in which case a facility is responsible only for the amount reflected on the current (and any past due) billing statement.

(c) Receiving-only facilities, centralized septage treatment facilities, and persons who apply septage to the land that determine a residential equivalent value under subsection (4)(b) or (c) of this section may submit periodic payments as provided in (c)(i), (ii), and (iii) of this subsection, based on

the actual level of service, provided that they submit a letter to the department indicating their intent to do so.

(i) Facilities under (c) of this subsection must submit a quarterly payment and statement of actual service level within ten days of the end of each quarter (not later than the 10th day of March, June, September, and December of each year), except as provided in (c)(ii) or (iii) of this subsection.

(ii) Facilities under (c) of this subsection that estimate and provide a level of service less than three hundred residential equivalents per year are subject to a fee of \$0.00 per residential equivalent and are not required to submit periodic payments, but must submit a statement of actual service level at least once per year.

(iii) Facilities under (c) of this subsection that calculate an annual residential equivalent value equal to or greater than three hundred residential equivalents per year may withhold a payment for any quarter where the total amount due is less than fifty dollars, provided a statement of the actual service level is submitted and that all accounts are brought up-to-date by July 10th of each year.

(4) The permit fee schedule is based on the number of residences or residential equivalents (residential equivalent value) contributing to a permittee's biosolids management system, and incorporates the annual fiscal growth factor calculated under chapter 43.135 RCW.

(a) For facilities with NPDES permits issued under chapter 173-220 WAC or state waste discharge permits issued under chapter 173-216 WAC, the department will use residential equivalent values determined under chapter 173-224 WAC.

(b) The residential equivalent value for receiving-only facilities other than septage facilities in (c) of this subsection is the sum of the fraction of residential equivalent values contributed from all sources, as determined by considering the portion of the current annual biosolids production of each originating source that is provided to the receiving facility.

A receiving-only facility must determine an estimated residential equivalent value based on projected capacity as detailed in the permit application submitted under WAC 173-308-310 and the method described in (b) of this subsection.

(c) For centralized septage treatment facilities and persons who apply septage to the land, 1,250 gallons of septage received for treatment or applied to the land is equal to one residential equivalent as shown in Equation (4).

$$\text{REV} = \frac{\text{Gallons of septage received or applied to the land}}{1,250 \text{ Gallons per Residential Equivalent}} \quad \text{Equation (4)}$$

A centralized septage treatment facility and a person who applies septage to the land must determine an estimated residential equivalent value based on projected capacity as detailed in the permit application submitted under WAC 173-308-310 and the method described in (c) of this subsection.

(d) Equation (5) below is used to calculate permit fees:

$$\text{Permit Fee} = (\text{REV} \times \text{Cost per RE}_{\text{FGF}}) \text{ where:} \quad \text{Equation (5)}$$

- (i) REV = residential equivalent value.
- (ii) FGF = An annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.
- (iii) Cost per RE_{FGF} = cost per residential equivalent in dollars including a fiscal growth factor. The Cost per RE_{FGF} is obtained by multiplying the cost per residential equivalent in the preceding year by the current year's fiscal growth factor as follows in (6):

$$\text{Cost per RE}_{\text{FGF}} = \text{Previous year's cost per RE} \times [1 + (\text{FGF})] \quad \text{Equation (6)}$$

For implementation of the fiscal growth factor, the base year for all biosolids permit fees will be fiscal year 1998, ending June 30, 1998. In the base year, the FGF will be zero.

(e) Unless a lower cost is specified in a permit, the cost per residential equivalent in the base year will be as follows:

(i) \$0.00 per residential equivalent for any permit for any facility with a total residential equivalent value of less than 300, including those that would otherwise fall under (e)(ii) through (v) of this subsection.

(ii) \$0.015 per residential equivalent for a permit authorizing municipalities that own or operate incinerators that fire municipal sewage sludge to dispose of municipal sewage sludge generated by their own facility in a municipal solid waste landfill or through another facility on an emergency basis.

(iii) \$.20 per residential equivalent for permits authorizing disposal in a municipal solid waste landfill, except for facilities under (e)(ii) of this subsection.

(iv) \$0.04 per residential equivalent for permits issued to receiving-only facilities as defined in WAC 173-308-080.

(v) \$0.162 per residential equivalent for permits authorizing any other type of biosolids management activity, including but not limited to the following:

(A) Direct beneficial use by a treatment works treating domestic sewage;

(B) Transfer from one facility to another facility, including delivery of biosolids to an incinerator from nonincinerating jurisdictions;

(C) Prolonged treatment or storage, including lagoon systems;

(D) Treatment or land application of septage.

NEW SECTION

WAC 173-308-900 Appendix A—Procedure to determine the annual whole biosolids application rate. When biosolids are sold or given away in a bag or other container for application to the land, and any of the pollutant concentration limits in Table 3 of WAC 173-308-160 are exceeded, the mathematical product of the concentration in the biosolids of each pollutant listed in Table 4 of WAC 173-308-160 and the annual whole biosolids application rate (AWBAR) must not cause the annual pollutant loading rate for the pollutant in Table 4 of WAC 173-308-160 to be exceeded. This appendix contains the procedure used to determine an AWBAR that does not cause the annual pollutant loading rates in Table 4 of WAC 173-308-160 to be exceeded. The relationship between the annual pollutant loading rate (APLR) for a pollutant and the annual whole biosolids application rate (AWBAR) is shown in equation (7).

$$\text{APLR} = C * \text{AWBAR} * 0.001 \quad \text{Equation (7)}$$

Where:

APLR = Annual pollutant loading rate in kilograms per hectare per 365 day period.

C = Pollutant concentration in milligrams, per kilogram of total solids (dry weight basis).

AWBAR = Annual whole biosolids application rate in metric tons per hectare per 365 day period (dry weight basis).

PERMANENT

0.001 = A conversion factor.

To determine the AWBAR, equation (7) is rearranged into equation (8):

$$\text{AWBAR} = \frac{\text{APLR}}{C * 0.001} \quad \text{Equation (8)}$$

The procedure used to determine the AWBAR is presented below.

Procedure:

1. Analyze a sample of the biosolids to determine the concentration for each of the pollutants listed in Table 4 of WAC 173-308-160.
2. Using the pollutant concentrations from Step 1 and the APLRs from Table 4 of WAC 173-308-160, calculate an AWBAR for each pollutant using equation (8).
3. The correct AWBAR is the lowest AWBAR calculated in Step 2.



**WSR 98-05-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-16—Filed February 5, 1998, 5:15 p.m., effective February 7, 1998, 12:01 a.m.]

Date of Adoption: February 5, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900C.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It has been determined that winter steelhead egg take demands will be achieved, therefore the closures instituted under WAC 232-28-61900C are no longer needed. The reopening of these river sections will also facilitate the removal of hatchery steelhead from the rivers by allowing anglers to harvest them.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: February 7, 1998, 12:01 a.m.
February 5, 1998
Bern Shanks
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 7, 1998:

WAC 232-28-61900C Washington game fish seasons and catch limits—Exceptions to statewide rules. (98-08)

**WSR 98-05-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-19—Filed February 6, 1998, 1:16 p.m.]

Date of Adoption: February 5, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-20-01000A; and amending WAC 220-20-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation allows for both sturgeon and smelt on days when the two commercial seasons overlap. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 5, 1998
Bern Shanks
Director

NEW SECTION

WAC 220-20-01000A General provisions. Notwithstanding the provisions of WAC 220-20-010, effective immediately through March 1, 1998, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. March 1, 1998:

WAC 220-20-01000A General provisions

**WSR 98-05-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-18—Filed February 6, 1998, 4:28 p.m.]

Date of Adoption: February 5, 1998.

Purpose: Commercial fishing regulations.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600Z; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The closures in this emergency rule are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires by passing the time periods inherent in permanent rule making. Failure to comply with such plans may result in contempt of federal court or failure of all commercial crab fishing in a given region addressed by a plan. Rule changes establishing area closures on February 15, 1998, are required by state tribal harvest management plan modifications established to address north Puget Sound harvest imbalances. The remainder of these rules were adopted by permanent regulation by the Washington State Department of Fish and Wildlife on January 24, 1998, but will not take effect until after current emergency rules expire.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 5, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-52-04600A Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound except during the times and in the areas provided for in this section.

(1) Effective immediately until further notice, all Puget Sound Marine Fish/Shellfish Management and Catch Reporting Areas are open except Areas 25C, 26B, 26C, 26D,

27A, 27B, 27C, 28A, 28B, 28C, and 28D and the closures provided for in this section.

(2) The following areas are closed to non-Indian commercial crab fishing.

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 25D within a line from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, thence following the shoreline to the point of origin.

(3) The following areas are closed to non-Indian commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 20A, 21A, and 21B are closed from February 16, 1998 through April 15, 1998.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary are closed from February 16, 1998 through April 15, 1998.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A north and east of a line from Clark Point on Guemes Island to Toe Point on Cypress Island, thence to Lawrence Point on Orcas Island are closed from February 16, 1998 through April 15, 1998.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B north of a line from William Point to Clark Point on Guemes Island, thence to Toe Point on Cypress Island are closed from February 16, 1998 through April 15, 1998.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed from March 1, 1998 through April 15, 1998.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed from March 1, 1998 through April 15, 1998.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed from March 1, 1998 through April 15, 1998.

(4) The following areas are closed to non-Indian commercial crab fishing until further notice:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24A within a line northeast from Rocky Point to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 26A south and east of a line projected from the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(f) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(g) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(h) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(i) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(j) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(k) All waters in the San Juan Islands Marine Preserve Area.

(5) In all open areas as provided for in this section, it is unlawful to pull or set commercial crab gear from one-half hour after sunset to one-half hour before sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600Z Crab fishery—Seasons, areas and gear restrictions. (98-10)

WSR 98-05-034 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 98-20—Filed February 10, 1998, 10:50 a.m.]

Date of Adoption: February 10, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000T; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1 and 2 and that portion of Razor Clam Area 3 specified above. Clams from these areas have been certified by the Department of Health as safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 10, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-56-36000T Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

(1) Effective 12:01 p.m. February 26 through 11:59 p.m. February 28, 1998 between 12:01 p.m. and 11:59 p.m. only, razor clam digging is allowed in Razor Clam Area 1.

(2) Effective 12:01 p.m. March 27 through 11:59 p.m. March 28, 1998 between 12:01 p.m. and 11:59 p.m. only, razor clam digging is allowed in Razor Clam Area 1.

(3) Effective 12:01 a.m. March 29 through 11:59 a.m. April 3, 1998, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in the following areas: all of Razor Clam Area 2; that portion of Razor Clam Area 3 that is between the mouth of the Copalis River and the southern

boundary of the Quinault Indian Nation; and that portion between Olympic National Park South Beach Campground (Kalaloch area, Jefferson County) and Browns Point Olympic National Park Beach (Kalaloch area, Jefferson County).

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon April 3, 1998:

WAC 220-56-36000T Razor clams—Areas and seasons.

**WSR 98-05-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-22—Filed February 13, 1998, 8:59 a.m.]

Date of Adoption: February 12, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300A; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 12, 1998
Bern Shanks
Director

NEW SECTION

WAC 220-52-07300B Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4 and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, are open only on February 16, 17, 18, and 19, 1998. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(2) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on February 14 and 15, 1998.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300A Sea urchins (98-11)

WSR 98-05-009
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—February 3, 1998]

NOTICE OF MEETING LOCATION CHANGE

The location for the Public Works Board regular meeting scheduled for April 7, 1998, in Wenatchee, Washington, has been changed to the Wyndham Garden Hotel in SeaTac, Washington. The meeting will begin at 8:30 a.m.

WSR 98-05-010
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—February 3, 1998]

NOTICE OF MEETING LOCATION CHANGE

The location for the Public Works Board regular meeting scheduled for May 5, 1998, in SeaTac, Washington, has been changed to Wenatchee, Washington. The meeting will begin at 9:00 a.m.

WSR 98-05-013
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—February 6, 1998]

WASHINGTON STATE BOARD OF EDUCATION
SCHEDULE OF REGULAR MEETING DATES AND LOCATIONS
 1998 CALENDAR YEAR

January 28-29, 1998	ESD 113 (Olympia) 601 McPhee Road S.W. Olympia, WA 98502 (360) 586-2933
March 18-19, 1998	Fife School District 5802 20th Street East Tacoma, WA (253) 922-6697
May 13-15, 1998	Location to be determined
June 15-17, 1998	Location to be determined
August 19-21, 1998	Location to be determined
October 28-29, 1998	Location to be determined

WSR 98-05-015
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
 [Memorandum—February 3, 1998]

The February 17, 1998, regular meeting of the board of trustees of Community Colleges of Spokane (Washington State Community College District #17) has been canceled.

The regular meeting of the board of trustees of Community Colleges of Spokane (Washington State Community College District #17) originally scheduled in the Lair at Spokane Community College on April 21, 1998, has been moved to the Community Colleges of Spokane District Office Board

Room, 2000 North Greene Street, Spokane, WA 99217-5499. The meeting will convene at 1:30 p.m.

WSR 98-05-016
NOTICE OF PUBLIC MEETINGS
BENTON COUNTY
CLEAN AIR AUTHORITY
 [Memorandum—February 4, 1998]

This is notification of our annual schedule of meetings for our board of directors. The Benton County Clean Air Authority board of directors meets on the third Thursday of each month with the meeting starting at 7:00 p.m. The location is 5600 West Canal Place, Kennewick, WA 99336.

WSR 98-05-017
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—February 4, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Biochemistry Faculty

Meeting Dates	Location	Time
January 20, 1998	J412, Health Sciences	2 p.m.
February 17, 1998	J412, Health Sciences	2 p.m.
March 17, 1998	J412, Health Sciences	2 p.m.
April 21, 1998	J412, Health Sciences	2 p.m.
May 19, 1998	J412, Health Sciences	2 p.m.
June 16, 1998	J412, Health Sciences	2 p.m.

GPSS Executive

Meeting Dates	Location	Time
Tuesday February 17, 1998	HUB 200A	4 p.m.
Monday March 2	HUB 204N	5 p.m.
Tuesday March 17	HUB 304F	4 p.m.

MISC.

WSR 98-05-018
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
HISTORICAL SOCIETY
 [Memorandum—February 5, 1998]

The February 16, 1998, meeting of the Washington State Historical Society board of trustees has been cancelled. As soon as the rescheduled date is confirmed, we will notify you.

WSR 98-05-019
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—February 4, 1998]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER

- February 8, 1998* Trustees Association of Community and Technical Colleges Winter Conference: Holiday Inn Select, 2300 Evergreen Park Drive, Olympia, WA, 2:00 p.m.
- February 9-10, 1998* Trustees Association of Community and Technical Colleges Winter Conference: Holiday Inn Select, 2300 Evergreen Park Drive, Olympia, WA, 8:00 a.m.
- February 11, 1998* Edmonds Community College Floral Center Grand Opening Ceremony: Edmonds Floral Center, 203 Fourth Avenue North, Edmonds, WA, 3:00 p.m.
- February 12, 1998* Edmonds Community College Board of Trustees Regular Session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- February 16, 1998* Edmonds Community College Board of Trustees Study Session: EdCC, Triton Union Building, Room 200, 20200 68th Avenue West, Lynnwood, WA, 3:00 p.m. Business: Discussion of self-assessment issues.
- February 21-24, 1998* Association of Community College Trustees National Legislative Seminar: Sheraton Washington Hotel, 2660 Woodley Road N.W., Washington, DC, 8:30 a.m.

February 27, 1998*

Retirement Reception for EdCC Vice-President of Marketing, College Relations and Resource Development: EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 2:00 p.m.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 98-05-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)
 [Memorandum—February 4, 1998]

Please publish a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the State Register.

DATE: March 24, 1998
 TIME: 1:30 p.m. to 3:30 p.m.
 PLACE: DoubleTree Hotel - Seattle Airport
 Cascade 12 Room
 18740 Pacific Highway South
 Seattle, WA 98188

WSR 98-05-029
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—February 5, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Pharmacy
 Faculty Meeting

Meeting Dates	Location	Time
January 26, 1998	H-375 Conference Room	9:30 - 11:00
February 23, 1998	H-375 Conference Room	9:30 - 11:00
March 30, 1998	H-375 Conference Room	9:30 - 11:00
April 27, 1998	H-375 Conference Room	9:30 - 11:00
May 18, 1998	H-375 Conference Room	9:30 - 11:00
June 22, 1998	H-375 Conference Room	9:30 - 11:00
July 27, 1998	H-375 Conference Room	9:30 - 11:00
August 24, 1998	H-375 Conference Room	9:30 - 11:00
September 28, 1998	H-375 Conference Room	9:30 - 11:00
October 26, 1998	H-375 Conference Room	9:30 - 11:00
November 23, 1998	H-375 Conference Room	9:30 - 11:00
December 21, 1998	H-375 Conference Room	9:30 - 11:00

MISC.

WSR 98-05-032
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—February 6, 1998]

WAC 468-500-001 specifies that the Transportation Commission meets on the third Thursday of every month and on the Wednesday immediately preceding that day. Due to other scheduled commitments on the regular dates in March 1998, the commission meeting will be held on March 24 and 25 at 9:00 a.m. in Room 1D2 of the Transportation Building, Olympia, Washington.

WSR 98-05-033
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Commission on Pesticide Registration)
[Memorandum—February 5, 1998]

The Washington State Commission on Pesticide Registration has adopted a schedule for 1998 regular meetings. Per RCW 42.30.075, we are making this schedule available to the public through your office. Meetings commence at 10 a.m.

- March 9 Richland
- May 19 Wenatchee
- July 28 Ellensburg
- September 2 SeaTac
- November 19 Moses Lake

The commission accepts proposals to request funding at any time throughout the year. Proposals should be submitted fifteen days preceding the meeting. Examples of proposal format can be requested by contacting Alan Schreiber, or by accessing the WSCPR web page at <http://picol.cahe.wsu.edu>. All proposals must be transmitted to Schreiber (fifteen days prior to meeting) either via e-mail or surface mail, in which case both a hard copy and a disk copy are required.

Alan Schreiber
WSCPR Administrator
4518 Desert Drive
Pasco, WA 99301
phone (509) 543-9757
FAX 9758
e-mail aschreib@cbvcp

Interested parties may contact the public documents officer for the Washington State Commission on Pesticide Registration, Tanya Wojtowych at (208) 285-0121, e-mail juliana@moscow.com or Alan Schreiber (see above) for the time and site of each meeting.

WSR 98-05-044
POLICY STATEMENT
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
[Filed February 12, 1998, 2:08 p.m.]

POLICY STATEMENT

Date: January 28, 1998.

Agency: Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division.

Title of Statement: Policy No. 41 - Appointment of Pro Tem Board Member.

Subject Matter: Describes the procedure the Board of Registration for Professional Engineers and Land Surveyors will use to appoint a pro tem board member. Pro tem board members are used to assist in rendering an opinion for a given set of circumstances if the appropriate technical expertise is not represented on the board.

Effective Date: January 23, 1998.

Contact Person: Shanan Gillespie, Program Coordinator, Board of Registration for Professional Engineers and Land Surveyors, Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, (360) 753-6966.

Shanan Gillespie
Program Coordinator

WSR 98-05-047
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—February 11, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Chemistry
Faculty Meetings

Meeting Dates	Location	Time
January 15, 1998	102 CHB	3:30 p.m.
February 5, 1998	102 CHB	3:30 p.m.
February 19, 1998	102 CHB	3:30 p.m.
March 5, 1998	102 CHB	3:30 p.m.
March 19, 1998	102 CHB	3:30 p.m.
April 2, 1998	102 CHB	3:30 p.m.
April 16, 1998	102 CHB	3:30 p.m.
May 7, 1998	102 CHB	3:30 p.m.
May 21, 1998	102 CHB	3:30 p.m.
June 4, 1998	102 CHB	3:30 p.m.
June 18, 1998	102 CHB	3:30 p.m.
October 1, 1998	102 CHB	3:30 p.m.
October 15, 1998	102 CHB	3:30 p.m.
November 5, 1998	102 CHB	3:30 p.m.
November 19, 1998	102 CHB	3:30 p.m.
December 3, 1998	102 CHB	3:30 p.m.
December 17, 1998	102 CHB	3:30 p.m.

MISC.

WSR 98-05-050
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed February 13, 1998, 3:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: *Healthy Options* Licensed Health Carriers Billing Instructions and 98-04 MAA Numbered Memo.

Subject: Supplemental premiums: Instructions for billing, rebilling and adjustments.

Effective Date: February 1998.

Document Description: This publication includes Supplemental Premiums Information and Policy, Supplemental Premium Procedure Codes, Instructions for Completing HCFA-1500 Claim Forms, Rebillings and Adjustments, Instructions for Completing the Adjustment Request Form 525-109, and Multiple Premium Payment Adjustment; the numbered memo explains the changes which have occurred in this billing instruction since the last billing instruction printed January 1996.

To receive a copy of the interpretive or policy statement, contact Leslie Baldwin, RI Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail baldwl@dshs.wa.gov.

February 9, 1998
 Roxie Schalliol, Section Head
 Program Assistance Services Section

WSR 98-05-067
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—February 17, 1998]

Eastern Washington University
 BOARD OF TRUSTEES
 February 18, 1998
 2:00 p.m. - 4:00 p.m.
 Spokane Center
 Room 222
 Special Meeting

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 98-05-071
WASHINGTON STATE LOTTERY
 [Filed February 17, 1998, 2:55 p.m.]

The Washington State Lottery has recently adopted or revised the following policies:

POL 110.001 - Smoking (revision)

Clarified that smoking is also prohibited at the lottery's off-site warehouse.

Signed October 10, 1997

POL 220.002 - Travel Reimbursement (revision)

The technical service supervisor is now authorized to review the lottery director's travel expense voucher for correctness and compliance with the Office of Financial Management regulations, and sign it as approved. This authorization expires when the assistant director of finance position is filled or a new authorization is issued.

Signed November 3, 1997

POL 220.005 - Prepaid Expenses (revision)

Differentiated between the scenarios of purchasing goods and services for future consumption and purchasing for goods and services provided over a several month period.

Signed November 25, 1997

POL 230.002 - Electronic Funds Transfer (EFT) Rejections (revision)

Updated the policy to update terms and names of forms used by the lottery's new on-line vendor, including stating that resweeps are now done on Tuesday, rather than Friday. Also, the lottery no longer accepts a telephone notification from banks that the reject was their error; the notification must be faxed to the lottery by 3:00 (instead of 5:00) that business day. The customer service accounting supervisor is now authorized to make the decision that a third rejection will not result in license revocation, due to extraordinary circumstances.

Signed November 5, 1997

POL 250.010 - Prize Payments to Minors (revision)

Added that, for payments of \$5,000 or more (before taxes), the minor's custodian is responsible for the tax liability on the income, unless the custodian and minor complete a Form 5754 (Attachment B). Modified the notation written on checks over \$5,000. Also updated the RCWs that govern payments to minors.

Signed October 9, 1997

POL 410.002 - Mail Administration (revision)

The lottery's operations manager can now designate an employee to approve each use and resupply action of the emergency postage supply.

Signed November 5, 1997

POL 420.018 - Fire Safety (new)

The lottery's fire safety policy outlines the manner in which the safety officer and regional sales managers ensure that each lottery facility has a fire safety plan, including but not limited to functioning fire extinguishers and smoke detectors, and a fire egress plan.

Signed October 16, 1997

POL 420.011 - Inventory and Accountability of Fixed Assets (revision)

The lottery no longer includes items that cost less than \$301 in their definition of small and attractive assets.

Signed October 16, 1997

POL 430.007 - Temporary Placement of Additional Sales Terminals (revision)

Clarified that it is the responsibility of the regional sales managers and sales manager to determine that temporary placement of a second terminal would result in long-term advantage for the lottery. The customer service designee

will tie the second terminal to the retailer's primary electronic funds transfer account. If reports aren't available after the second terminal is removed, customer service will call the retailer with the amount that will be swept for the second terminal.

Signed October 9, 1997

To receive a copy of any of these policy statements, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 586-1051, FAX (360) 586-6586.

February 12, 1998
Merritt D. Long
Director

WSR 98-05-072
ATTORNEY GENERAL'S OFFICE
[February 17, 1998, 3:12 p.m.]

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

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by March 25, 1998. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by March 25, 1998, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

98-02-06 Request by Senators Harold Hochstatter, Chair, and Rosemary McAuliffe, Ranking Minority Member Washington State Senate, Education Committee

What is the constitutionality of SB 6576, which appropriates state funds to pay for fingerprint/background checks for employees of approved private schools?

WSR 98-05-075
ATTORNEY GENERAL OPINION
Cite as: AGO 1998 No. 1
[January 20, 1998]

COMMUNITY COLLEGES - OFFICES AND OFFICERS - SALARIES AND WAGES - DEFERRED COMPENSATION - Authority of community college Boards of Trustees to grant salary increases to college presidents in light of statutory restrictions.

1. When the term of employment of a community college president expires, and the college's Board of Trustees wishes to re-appoint the same president for an additional term, the Board may not increase the president's salary by any amount greater than permitted in the current budget pursuant to RCW 28B.50.140(3).
2. A community college Board of Trustees and the college president may mutually rescind an existing employment contract before it expires, and enter into a new contract with new duties and a different compensation, but increases in compensation are limited to those authorized in the current budget pursuant to RCW 28B.50.140(3).
3. Community college presidents are entitled to the deferred compensation benefits provided to other state employees; changes in these benefits are potentially subject to statutory limitations on increases in compensation.

The Honorable Robert J. Bavasi, Chair
Board of Trustees
Everett Community College
801 Wetmore Avenue
Everett, WA 98201-1327

WSR 98-05-076
ATTORNEY GENERAL OPINION
Cite as: AGO 1998 No. 2
[January 27, 1998]

PUBLIC DISCLOSURE LAW - Authority of public agencies to allow inspection and copying of lists of individuals.

RCW 42.17.260 prohibits public agencies from disclosing or allowing the inspection of lists of individuals if the requester intends to make commercial use of the information; the prohibition is not limited to cases where the requester intends to commercially solicit the individuals on the list.

The Honorable Phil Dyer
State Representative, 5th District
P.O. Box 40600
Olympia, WA 98504-0600

The Honorable Cathy Wolfe
State Representative, 22nd District
P.O. Box 40600
Olympia, WA 98504-0600

The Honorable Mary Margaret Haugen
State Senator, 10th District
P.O. Box 40482
Olympia, WA 98504-0482

The Honorable Dino Rossi
State Senator, 5th District
P.O. Box 40482
Olympia, WA 98504-0482

WSR 98-05-077
ATTORNEY GENERAL OPINION
Cite as: AGO 1998 No. 3
[February 2, 1998]

PUBLIC TRANSPORTATION BENEFIT AREA - CITIES AND TOWNS - COUNTIES - Authority of Public Transportation Benefit Area to contract with cities or counties for projects benefiting public transportation services.

A Public Transportation Benefit Area (PTBA) may contract with a city, town, or county whose jurisdiction includes territory served by the PTBA for the use of PTBA funds to pay for, or contribute toward the cost of, construction projects in public rights of way which will provide a tangible and accountable benefit for improving, enhancing or extending or extending the PTBA's public transportation services.

The Honorable Eugene Prince
Washington State Senator
PO Box 40482
Olympia, WA 98504-0482

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- Note: These filings will appear in a special section of Issue 98-09
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25	AMD-C	98-05-020	25-18-050	REP	98-05-027	51-11-0701	AMD	98-03-003
16-08-151	AMD-XA	98-04-082	25-18-060	REP	98-05-027	51-11-0800	AMD	98-03-003
16-32-009	PREP	98-05-104	25-18-070	REP	98-05-027	51-11-1002	AMD	98-03-003
16-102	PREP	98-04-075	25-18-080	REP	98-05-027	51-11-1003	AMD	98-03-003
16-167-010	AMD-XA	98-04-076	25-18-090	REP	98-05-027	51-11-1004	AMD	98-03-003
16-167-020	AMD-XA	98-04-076	25-18-100	REP	98-05-027	51-11-1005	AMD	98-03-003
16-167-030	AMD-XA	98-04-076	25-18-110	REP	98-05-027	51-11-1006	AMD	98-03-003
16-167-040	AMD-XA	98-04-076	25-18-120	REP	98-05-027	51-11-1007	AMD	98-03-003
16-167-050	AMD-XA	98-04-076	25-18-130	REP	98-05-027	51-11-1008	AMD	98-03-003
16-167-060	AMD-XA	98-04-076	25-36-010	REP	98-05-027	51-11-1009	AMD	98-03-003
16-168-010	AMD	98-03-089	25-36-020	REP	98-05-027	51-11-1010	REP	98-03-003
16-168-020	AMD	98-03-089	25-36-030	REP	98-05-027	51-11-1120	AMD	98-03-003
16-168-030	AMD	98-03-089	25-36-040	REP	98-05-027	51-11-1130	AMD	98-03-003
16-168-040	AMD	98-03-089	25-36-050	REP	98-05-027	51-11-1132	AMD	98-03-003
16-168-050	AMD	98-03-089	25-36-060	REP	98-05-027	51-11-1133	AMD	98-03-003
16-168-060	AMD	98-03-089	25-36-070	REP	98-05-027	51-11-1210	AMD	98-03-003
16-168-070	AMD	98-03-089	25-36-080	REP	98-05-027	51-11-1310	AMD-W	98-05-064
16-168-075	NEW	98-03-089	25-36-090	REP	98-05-027	51-11-1312	AMD	98-03-003
16-168-080	AMD	98-03-089	25-36-100	REP	98-05-027	51-11-1322	AMD-W	98-05-064
16-168-090	AMD	98-03-089	25-36-110	REP	98-05-027	51-11-1323	AMD	98-03-003
16-168-100	AMD	98-03-089	25-36-120	REP	98-05-027	51-11-1331	AMD	98-03-003
16-325-005	NEW-XA	98-05-106	25-36-130	REP	98-05-027	51-11-1334	AMD	98-03-003
16-325-010	NEW-XA	98-05-106	51-04-015	AMD	98-02-048	51-11-1411	AMD	98-03-003
16-325-015	NEW-XA	98-05-106	51-04-070	AMD	98-02-048	51-11-1412	AMD	98-03-003
16-325-020	NEW-XA	98-05-106	51-06-020	AMD	98-02-049	51-11-1414	AMD	98-03-003
16-325-025	NEW-XA	98-05-106	51-06-120	AMD	98-02-049	51-11-1421	AMD	98-03-003
16-532-010	AMD-P	98-02-073	51-11-0101	AMD	98-03-003	51-11-1422	AMD	98-03-003
16-532-0402	REP-P	98-02-073	51-11-0104	AMD	98-03-003	51-11-1423	AMD	98-03-003
16-532-0404	REP-P	98-02-073	51-11-0201	AMD	98-03-003	51-11-1433	AMD	98-03-003
16-532-0406	REP-P	98-02-073	51-11-0402	AMD	98-03-003	51-11-1452	AMD	98-03-003
16-532-0408	REP-P	98-02-073	51-11-0502	AMD	98-03-003	51-11-1454	AMD	98-03-003
16-532-0410	REP-P	98-02-073	51-11-0503	AMD	98-03-003	51-11-1512	AMD	98-03-003
16-532-0412	REP-P	98-02-073	51-11-0504	AMD	98-03-003	51-11-1530	AMD	98-03-003
16-532-0414	REP-P	98-02-073	51-11-0505	AMD-W	98-05-064	51-11-1701	AMD	98-03-003
16-573-010	NEW	98-04-093	51-11-0525	AMD	98-03-003	51-11-2005	AMD	98-03-003
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16-573-030	NEW	98-04-093	51-11-0530	AMD	98-03-003	51-11-2007	AMD	98-03-003
16-573-040	NEW	98-04-093	51-11-0541	AMD	98-03-003	51-11-99903	AMD	98-03-003
16-573-041	NEW	98-04-093	51-11-0602	AMD	98-03-003	51-11-99904	AMD	98-03-003
16-573-050	NEW	98-04-093	51-11-0606	REP	98-03-003	51-13-106	AMD	98-02-047
16-573-060	NEW	98-04-093	51-11-0607	REP	98-03-003	51-13-402	AMD	98-02-047
16-573-070	NEW	98-04-093	51-11-0608	REP	98-03-003	51-13-502	AMD	98-02-047
16-573-080	NEW	98-04-093	51-11-0625	AMD	98-03-003	51-26-001	REP	98-02-055
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25-18-010	REP	98-05-027	51-11-0627	AMD	98-03-003	51-26-003	REP	98-02-055
25-18-020	REP	98-05-027	51-11-0628	AMD	98-03-003	51-26-004	REP	98-02-055
25-18-030	REP	98-05-027	51-11-0629	AMD	98-03-003	51-26-008	REP	98-02-055
25-18-040	REP	98-05-027	51-11-0630	AMD	98-03-003	51-26-0300	REP	98-02-055

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51-26-0315	REP	98-02-055	51-30-1030	REP	98-02-054	51-32-0601	REP	98-02-056
51-26-0400	REP	98-02-055	51-30-1100	REP	98-02-054	51-32-0605	REP	98-02-056
51-26-0401	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-1101	REP	98-02-056
51-26-0503	REP	98-02-055	51-30-1103	REP	98-02-054	51-32-1102	REP	98-02-056
51-26-0909	REP	98-02-055	51-30-1104	REP	98-02-054	51-32-1103	REP	98-02-056
51-26-1000	REP	98-02-055	51-30-1105	REP	98-02-054	51-32-1104	REP	98-02-056
51-26-1004	REP	98-02-055	51-30-1106	REP	98-02-054	51-32-1105	REP	98-02-056
51-26-1007	REP	98-02-055	51-30-1107	REP	98-02-054	51-32-1106	REP	98-02-056
51-26-1009	REP	98-02-055	51-30-1108	REP	98-02-054	51-32-1107	REP	98-02-056
51-26-1020	REP	98-02-055	51-30-1109	REP	98-02-054	51-32-1108	REP	98-02-056
51-26-1301	REP	98-02-055	51-30-1110	REP	98-02-054	51-32-1300	REP	98-02-056
51-26-1800	REP	98-02-055	51-30-1111	REP	98-02-054	51-32-1312	REP	98-02-056
51-26-1801	REP	98-02-055	51-30-1112	REP	98-02-054	51-32-1313	REP	98-02-056
51-26-1802	REP	98-02-055	51-30-1113	REP	98-02-054	51-34-001	REP	98-02-053
51-26-1803	REP	98-02-055	51-30-1114	REP	98-02-054	51-34-002	REP	98-02-053
51-26-1804	REP	98-02-055	51-30-1120	REP	98-02-054	51-34-003	REP	98-02-053
51-26-1810	REP	98-02-055	51-30-1121	REP	98-02-054	51-34-007	REP	98-02-053
51-26-1820	REP	98-02-055	51-30-1122	REP	98-02-054	51-34-008	REP	98-02-053
51-26-1830	REP	98-02-055	51-30-1123	REP	98-02-054	51-34-0200	REP	98-02-053
51-26-1840	REP	98-02-055	51-30-1124	REP	98-02-054	51-34-0206	REP	98-02-053
51-26-1845	REP	98-02-055	51-30-1125	REP	98-02-054	51-34-0216	REP	98-02-053
51-26-2200	REP	98-02-055	51-30-1200	REP	98-02-054	51-34-0219	REP	98-02-053
51-26-2300	REP	98-02-055	51-30-1203	REP	98-02-054	51-34-0223	REP	98-02-053
51-26-2301	REP	98-02-055	51-30-1600	REP	98-02-054	51-34-0900	REP	98-02-053
51-27-001	REP	98-02-055	51-30-1614	REP	98-02-054	51-34-0901	REP	98-02-053
51-27-002	REP	98-02-055	51-30-1700	REP	98-02-054	51-34-0902	REP	98-02-053
51-27-003	REP	98-02-055	51-30-1702	REP	98-02-054	51-34-1000	REP	98-02-053
51-27-004	REP	98-02-055	51-30-1900	REP	98-02-054	51-34-1003	REP	98-02-053
51-27-008	REP	98-02-055	51-30-1909	REP	98-02-054	51-34-1007	REP	98-02-053
51-30-001	REP	98-02-054	51-30-2200	REP	98-02-054	51-34-2500	REP	98-02-053
51-30-002	REP	98-02-054	51-30-2211	REP	98-02-054	51-34-2501	REP	98-02-053
51-30-003	REP	98-02-054	51-30-2400	REP	98-02-054	51-34-5200	REP	98-02-053
51-30-004	REP	98-02-054	51-30-2406	REP	98-02-054	51-34-5201	REP	98-02-053
51-30-005	REP	98-02-054	51-30-2900	REP	98-02-054	51-34-5204	REP	98-02-053
51-30-007	REP	98-02-054	51-30-2902	REP	98-02-054	51-34-6100	REP	98-02-053
51-30-008	REP	98-02-054	51-30-2903	REP	98-02-054	51-34-6103	REP	98-02-053
51-30-009	REP	98-02-054	51-30-2904	REP	98-02-054	51-34-6104	REP	98-02-053
51-30-0100	REP	98-02-054	51-30-2910	REP	98-02-054	51-34-6105	REP	98-02-053
51-30-0104	REP	98-02-054	51-30-3102	REP	98-02-054	51-34-6106	REP	98-02-053
51-30-0200	REP	98-02-054	51-30-31200	REP	98-02-054	51-34-6107	REP	98-02-053
51-30-0204	REP	98-02-054	51-30-31201	REP	98-02-054	51-34-6301	REP	98-02-053
51-30-0207	REP	98-02-054	51-30-31202	REP	98-02-054	51-34-6302	REP	98-02-053
51-30-0217	REP	98-02-054	51-30-31203	REP	98-02-054	51-34-6303	REP	98-02-053
51-30-0220	REP	98-02-054	51-30-31204	REP	98-02-054	51-34-6304	REP	98-02-053
51-30-0300	REP	98-02-054	51-30-31205	REP	98-02-054	51-34-6305	REP	98-02-053
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51-30-0403	REP	98-02-054	51-30-93115	REP	98-02-054	51-34-6313	REP	98-02-053
51-30-0405	REP	98-02-054	51-30-93116	REP	98-02-054	51-34-6314	REP	98-02-053
51-30-0500	REP	98-02-054	51-30-93117	REP	98-02-054	51-34-6315	REP	98-02-053
51-30-0510	REP	98-02-054	51-30-93118	REP	98-02-054	51-34-6316	REP	98-02-053
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51-30-0601	REP	98-02-054	51-30-93120	REP	98-02-054	51-34-6318	REP	98-02-053
51-30-0800	REP	98-02-054	51-32-001	REP	98-02-056	51-34-6319	REP	98-02-053
51-30-0804	REP	98-02-054	51-32-002	REP	98-02-056	51-34-6320	REP	98-02-053
51-30-0900	REP	98-02-054	51-32-003	REP	98-02-056	51-34-6321	REP	98-02-053
51-30-0902	REP	98-02-054	51-32-004	REP	98-02-056	51-34-6322	REP	98-02-053
51-30-0904	REP	98-02-054	51-32-005	REP	98-02-056	51-34-6323	REP	98-02-053
51-30-1000	REP	98-02-054	51-32-007	REP	98-02-056	51-34-6324	REP	98-02-053
51-30-1001	REP	98-02-054	51-32-008	REP	98-02-056	51-34-7800	REP	98-02-053
51-30-1004	REP	98-02-054	51-32-0200	REP	98-02-056	51-34-7802	REP	98-02-053
51-30-1005	REP	98-02-054	51-32-0223	REP	98-02-056	51-34-7900	REP	98-02-053
51-30-1006	REP	98-02-054	51-32-0300	REP	98-02-056	51-34-7902	REP	98-02-053
51-30-1007	REP	98-02-054	51-32-0327	REP	98-02-056	51-34-7904	REP	98-02-053
51-30-1009	REP	98-02-054	51-32-0500	REP	98-02-056	51-34-8000	REP	98-02-053
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51-46-0903	NEW	98-02-055	173-202-020	AMD-W	98-04-069	173-308-160	NEW	98-05-101
51-46-1000	NEW	98-02-055	173-224-030	AMD	98-03-046	173-308-170	NEW	98-05-101
51-46-1003	NEW	98-02-055	173-224-040	AMD	98-03-046	173-308-180	NEW	98-05-101
51-46-1012	NEW	98-02-055	173-224-050	AMD	98-03-046	173-308-190	NEW	98-05-101
51-46-1300	NEW	98-02-055	173-303-017	AMD	98-03-018	173-308-200	NEW	98-05-101
51-46-1301	NEW	98-02-055	173-303-040	AMD	98-03-018	173-308-210	NEW	98-05-101
51-46-1302	NEW	98-02-055	173-303-045	AMD	98-03-018	173-308-220	NEW	98-05-101
51-46-1303	NEW	98-02-055	173-303-070	AMD	98-03-018	173-308-230	NEW	98-05-101
51-46-1304	NEW	98-02-055	173-303-071	AMD	98-03-018	173-308-240	NEW	98-05-101
51-46-1305	NEW	98-02-055	173-303-073	AMD	98-03-018	173-308-250	NEW	98-05-101
51-46-1400	NEW	98-02-055	173-303-077	AMD	98-03-018	173-308-260	NEW	98-05-101
51-46-1401	NEW	98-02-055	173-303-081	AMD	98-03-018	173-308-270	NEW	98-05-101
51-46-1491	NEW	98-02-055	173-303-082	AMD	98-03-018	173-308-275	NEW	98-05-101
51-46-97120	NEW	98-02-055	173-303-090	AMD	98-03-018	173-308-280	NEW	98-05-101
51-46-97121	NEW	98-02-055	173-303-100	AMD	98-03-018	173-308-290	NEW	98-05-101
51-46-97122	NEW	98-02-055	173-303-104	AMD	98-03-018	173-308-295	NEW	98-05-101
51-46-97123	NEW	98-02-055	173-303-110	AMD	98-03-018	173-308-300	NEW	98-05-101
51-46-97124	NEW	98-02-055	173-303-120	AMD	98-03-018	173-308-310	NEW	98-05-101
51-46-97125	NEW	98-02-055	173-303-140	AMD	98-03-018	173-308-320	NEW	98-05-101
51-46-97126	NEW	98-02-055	173-303-145	AMD	98-03-018	173-308-900	NEW	98-05-101
51-46-97127	NEW	98-02-055	173-303-160	AMD	98-03-018	173-460-060	AMD	98-04-062
51-46-97128	NEW	98-02-055	173-303-180	AMD	98-03-018	173-490-203	REP	98-04-061
51-46-97129	NEW	98-02-055	173-303-201	AMD	98-03-018	180-16-002	AMD-P	98-04-088
51-47-001	NEW	98-02-055	173-303-210	AMD	98-03-018	180-16-180	REP-P	98-04-088
51-47-002	NEW	98-02-055	173-303-230	AMD	98-03-018	180-18-010	AMD	98-05-001
51-47-003	NEW	98-02-055	173-303-280	AMD	98-03-018	180-22-150	AMD	98-05-003
51-47-007	NEW	98-02-055	173-303-282	AMD	98-03-018	180-34-010	AMD	98-05-002
51-47-008	NEW	98-02-055	173-303-300	AMD	98-03-018	180-34-015	REP	98-05-002
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132B-120-020	AMD-P	98-05-049	173-303-350	AMD	98-03-018	180-34-025	REP	98-05-002
132B-120-030	AMD-P	98-05-049	173-303-380	AMD	98-03-018	180-36-007	NEW	98-05-021
132B-120-040	AMD-P	98-05-049	173-303-395	AMD	98-03-018	180-39-025	AMD	98-05-004
132B-120-055	NEW-P	98-05-049	173-303-400	AMD	98-03-018	180-39-027	REP	98-05-004
132B-120-065	NEW-P	98-05-049	173-303-505	AMD	98-03-018	180-39-028	REP	98-05-004
132B-120-075	NEW-P	98-05-049	173-303-520	AMD	98-03-018	180-39-030	REP	98-05-004
132B-120-080	AMD-P	98-05-049	173-303-522	NEW	98-03-018	180-39-035	REP	98-05-004
132B-120-085	NEW-P	98-05-049	173-303-573	NEW	98-03-018	180-56-003	REP	98-05-005
132B-120-120	AMD-P	98-05-049	173-303-600	AMD	98-03-018	180-58-010	REP	98-05-006
132B-120-130	AMD-P	98-05-049	173-303-610	AMD	98-03-018	180-58-015	REP	98-05-006
132B-120-135	NEW-P	98-05-049	173-303-620	AMD	98-03-018	180-58-020	REP	98-05-006
132B-120-170	AMD-P	98-05-049	173-303-655	AMD-W	98-05-062	180-58-030	REP	98-05-006
132B-120-180	AMD-P	98-05-049	173-303-665	AMD	98-03-018	180-58-040	REP	98-05-006
132B-120-190	AMD-P	98-05-049	173-303-675	AMD	98-03-018	180-58-045	REP	98-05-006
132B-120-200	AMD-P	98-05-049	173-303-800	AMD	98-03-018	180-58-055	REP	98-05-006
132B-120-210	NEW-P	98-05-049	173-303-802	AMD	98-03-018	180-58-065	REP	98-05-006
132B-120-220	NEW-P	98-05-049	173-303-804	NEW	98-03-018	180-58-075	REP	98-05-006
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136-130-040	AMD-P	98-05-036	173-303-807	AMD	98-03-018	180-59-005	REP	98-05-007
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136-161-080	AMD-P	98-05-036	173-303-815	AMD	98-03-018	180-59-015	REP	98-05-007
136-161-090	AMD-P	98-05-036	173-303-830	AMD	98-03-018	180-59-020	REP	98-05-007
136-200-040	AMD-P	98-05-036	173-303-840	AMD	98-03-018	180-59-025	REP	98-05-007
136-210-030	AMD-P	98-05-036	173-303-900	AMD	98-03-018	180-59-030	REP	98-05-007
136-220-020	AMD-P	98-05-036	173-303-910	AMD	98-03-018	180-59-032	REP	98-05-007
136-220-030	AMD-P	98-05-036	173-303-9903	AMD	98-03-018	180-59-035	REP	98-05-007
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137-28-190	AMD	98-04-086	173-303-9905	AMD	98-03-018	180-59-040	REP	98-05-007
137-100-001	AMD-P	98-02-074	173-308-010	NEW	98-05-101	180-59-045	REP	98-05-007
137-100-010	AMD-P	98-02-074	173-308-020	NEW	98-05-101	180-59-047	REP	98-05-007
137-100-020	AMD-P	98-02-074	173-308-030	NEW	98-05-101	180-59-050	REP	98-05-007
137-100-030	AMD-P	98-02-074	173-308-040	NEW	98-05-101	180-59-055	REP	98-05-007
137-100-040	NEW-P	98-02-074	173-308-050	NEW	98-05-101	180-59-060	REP	98-05-007
173-152	NEW-C	98-04-019	173-308-060	NEW	98-05-101	180-59-065	REP	98-05-007
173-152-010	NEW-E	98-04-018	173-308-070	NEW	98-05-101	180-59-070	REP	98-05-007
173-152-020	NEW-E	98-04-018	173-308-080	NEW	98-05-101	180-59-075	REP	98-05-007
173-152-025	NEW-E	98-04-018	173-308-090	NEW	98-05-101	180-59-080	REP	98-05-007
173-152-040	NEW-E	98-04-018	173-308-100	NEW	98-05-101	180-59-090	REP	98-05-007
173-152-050	NEW-E	98-04-018	173-308-110	NEW	98-05-101	180-59-095	REP	98-05-007
173-160	AMD-C	98-04-020	173-308-120	NEW	98-05-101	180-59-100	REP	98-05-007
173-162	AMD-C	98-04-020	173-308-130	NEW	98-05-101	180-59-105	REP	98-05-007
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180-59-125	REP	98-05-007	212-17-21513	NEW	98-04-007	230-08-080	AMD	98-04-024
180-59-130	REP	98-05-007	212-17-21515	NEW	98-04-007	230-12-330	AMD-P	98-03-069
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180-59-140	REP	98-05-007	212-17-21519	NEW	98-04-007	230-20-115	AMD	98-04-024
180-59-145	REP	98-05-007	220-20-01000A	NEW-E	98-05-014	230-20-325	AMD-P	98-03-068
180-59-150	REP	98-05-007	220-20-01000A	REP-E	98-05-014	230-20-335	AMD-P	98-03-068
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180-79A-220	AMD-P	98-04-089	220-32-05100E	REP-E	98-04-068	232-12-297	AMD	98-05-041
180-79A-340	AMD	98-05-023	220-32-05700X	NEW-E	98-04-006	232-12-61900A	NEW-E	98-02-040
180-79A-420	PREP	98-04-087	220-32-05700X	REP-E	98-04-006	232-28-02201	AMD-P	98-05-082
180-79A-422	PREP	98-04-087	220-33-04000E	REP-E	98-04-067	232-28-02202	AMD-P	98-05-081
180-85-100	AMD	98-05-024	220-33-04000F	NEW-E	98-04-067	232-28-02204	AMD-P	98-05-098
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192-32-001	REP	98-05-042	220-44-050	AMD	98-05-043	232-28-02205	AMD-P	98-05-097
192-32-010	AMD	98-05-042	220-44-080	AMD	98-05-043	232-28-02206	AMD-P	98-05-096
192-32-015	REP	98-05-042	220-48-005	AMD	98-05-043	232-28-02210	REP-P	98-05-086
192-32-025	REP	98-05-042	220-48-00500G	NEW-E	98-02-039	232-28-02220	AMD-P	98-05-091
192-32-035	AMD	98-05-042	220-48-013	AMD	98-05-043	232-28-02230	REP-P	98-05-086
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192-32-120	REP	98-05-042	220-49-014	AMD	98-05-043	232-28-254	REP-P	98-05-086
192-32-125	REP	98-05-042	220-49-017	AMD	98-05-043	232-28-264	AMD-P	98-05-087
192-32-130	NEW	98-05-042	220-49-020	AMD	98-05-043	232-28-265	REP-P	98-05-086
192-32-135	NEW	98-05-042	220-49-021	AMD	98-05-043	232-28-267	REP-P	98-05-086
192-33-005	NEW	98-05-042	220-49-024	AMD	98-05-043	232-28-268	REP-P	98-05-086
192-33-006	NEW	98-05-042	220-49-056	AMD	98-05-043	232-28-271	AMD-P	98-05-083
194-10-010	REP	98-05-027	220-52-040	AMD	98-05-043	232-28-272	NEW-P	98-05-095
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194-10-080	REP	98-05-027	220-52-07300A	REP-E	98-05-045	232-28-61900C	NEW-E	98-03-057
194-10-090	REP	98-05-027	220-52-07300B	NEW-E	98-05-045	232-28-61900C	REP-E	98-05-011
194-10-100	REP	98-05-027	220-52-07300B	NEW-E	98-05-045	232-28-61900C	REP-E	98-05-063
194-10-110	REP	98-05-027	220-52-07300V	REP-E	98-02-041	232-28-61900N	NEW-W	98-05-063
194-10-120	REP	98-05-027	220-52-07300W	NEW-E	98-02-041	246-12-001	NEW	98-05-060
194-10-130	REP	98-05-027	220-52-07300W	REP-E	98-03-001	246-12-010	NEW	98-05-060
194-10-140	REP	98-05-027	220-52-07300X	NEW-E	98-03-001	246-12-020	NEW	98-05-060
194-10-140	REP	98-05-027	220-52-07300X	REP-E	98-03-058	246-12-030	NEW	98-05-060
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204-10-070	AMD	98-04-053	220-52-07300Y	REP-E	98-04-010	246-12-060	NEW	98-05-060
204-10-090	AMD	98-04-053	220-52-07300Z	NEW-E	98-04-010	246-12-070	NEW	98-05-060
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204-10-110	REP	98-04-053	220-56-27000B	NEW-E	98-04-055	246-12-090	NEW	98-05-060
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212-17-21505	NEW	98-04-007	224-12-090	AMD-P	98-03-081	246-12-220	NEW	98-05-060
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246-12-280	NEW	98-05-060	246-822-120	AMD	98-05-060	246-843-230	AMD	98-05-060
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246-12-300	NEW	98-05-060	246-824-020	AMD	98-05-060	246-843-320	REP	98-05-060
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246-12-360	NEW	98-05-060	246-824-170	AMD	98-05-060	246-847-060	REP	98-05-060
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246-249-090	AMD-XA	98-03-095	246-824-995	NEW	98-05-060	246-847-068	AMD	98-05-060
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246-310-080	AMD-XA	98-05-057	246-828-295	AMD-W	98-05-058	246-849-210	AMD	98-05-060
246-310-090	AMD-XA	98-05-057	246-828-295	AMD	98-05-060	246-849-220	AMD	98-05-060
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246-310-132	AMD-XA	98-05-057	246-828-300	AMD	98-05-060	246-849-990	AMD	98-05-060
246-310-150	AMD-XA	98-05-057	246-828-370	AMD-W	98-05-058	246-849-995	NEW	98-05-060
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246-310-395	AMD-XA	98-05-057	246-828-530	AMD	98-05-060	246-851-220	REP	98-05-060
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246-310-560	AMD-XA	98-05-057	246-828-560	REP	98-05-060	246-851-430	AMD	98-05-060
246-310-610	AMD-XA	98-05-057	246-828-990	AMD	98-05-060	246-851-510	REP	98-05-060
246-316-990	AMD-E	98-04-090	246-830-035	AMD	98-05-060	246-851-990	AMD	98-05-060
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246-328-200	AMD	98-05-060	246-830-460	AMD	98-05-060	246-853-045	AMD	98-05-060
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246-802-020	REP	98-05-060	246-830-470	REP	98-05-060	246-853-080	AMD	98-05-060
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246-808-155	AMD	98-05-060	246-834-400	NEW	98-05-060	246-854-080	AMD	98-05-060
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246-808-165	AMD	98-05-060	246-836-080	AMD	98-05-060	246-855-100	AMD	98-05-060
246-808-180	AMD	98-05-060	246-836-090	REP	98-05-060	246-861-010	AMD	98-05-060
246-808-181	NEW	98-05-060	246-836-410	AMD	98-05-060	246-861-020	AMD	98-05-060
246-808-185	REP	98-05-060	246-836-990	AMD-W	98-05-058	246-861-120	REP	98-05-060
246-808-215	AMD	98-05-060	246-836-990	AMD	98-05-060	246-863-030	AMD	98-05-060
246-808-990	AMD	98-05-060	246-840-010	AMD	98-05-060	246-863-050	REP	98-05-060
246-810-020	REP	98-05-060	246-840-020	AMD	98-05-060	246-863-070	AMD	98-05-060
246-810-022	REP	98-05-060	246-840-040	AMD	98-05-060	246-863-080	AMD	98-05-060
246-810-080	AMD	98-05-060	246-840-080	AMD	98-05-060	246-863-090	AMD	98-05-060
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246-812-120	AMD	98-05-060	246-840-111	NEW	98-05-060	246-887-020	AMD	98-05-060
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246-815-020	AMD	98-05-060	246-840-365	AMD	98-05-060	246-907-030	AMD	98-05-060
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246-815-100	AMD	98-05-060	246-840-440	AMD	98-05-060	246-915-010	AMD	98-05-060
246-815-140	AMD	98-05-060	246-840-450	AMD	98-05-060	246-915-050	AMD	98-05-060
246-815-150	REP	98-05-060	246-840-990	AMD	98-05-060	246-915-060	REP	98-05-060
246-815-300	REP	98-05-060	246-841-520	NEW	98-05-060	246-915-085	AMD	98-05-060
246-815-990	AMD	98-05-060	246-841-610	AMD	98-05-060	246-915-110	AMD	98-05-060
246-817-110	AMD	98-05-060	246-841-990	AMD	98-05-060	246-915-990	AMD	98-05-060
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246-918-085	REP	98-05-060	246-976-610	AMD	98-04-038	284-23-260	REP-P	98-04-083
246-918-170	AMD	98-05-060	246-976-615	NEW	98-04-038	284-23-270	REP-P	98-04-083
246-918-180	AMD	98-05-060	246-976-620	NEW	98-04-038	284-23-610	AMD	98-05-026
246-918-990	AMD	98-05-060	246-976-640	AMD	98-04-038	284-23-620	AMD	98-05-026
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246-919-305	REP	98-05-060	246-976-680	AMD	98-04-038	284-23-645	NEW	98-05-026
246-919-380	AMD	98-05-060	246-976-690	AMD	98-04-038	284-23-650	AMD	98-05-026
246-919-400	REP	98-05-060	246-976-720	AMD	98-04-038	284-23-660	AMD	98-05-026
246-919-410	REP	98-05-060	246-976-730	AMD	98-04-038	284-23-690	AMD	98-05-026
246-919-420	REP	98-05-060	246-976-740	AMD	98-04-038	284-23-710	AMD	98-05-026
246-919-430	AMD	98-05-060	246-976-770	AMD	98-04-038	284-23-730	AMD	98-05-026
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246-919-460	AMD	98-05-060	246-976-790	AMD	98-04-038	284-24-065	PREP	98-04-081
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246-919-990	AMD	98-05-060	246-976-820	AMD	98-04-038	284-36A-020	AMD-XA	98-04-085
246-922-070	AMD	98-05-060	246-976-822	NEW	98-04-038	284-36A-025	AMD-XA	98-04-085
246-922-275	REP	98-05-060	246-976-830	AMD	98-04-038	284-36A-030	REP-XA	98-04-085
246-922-280	REP	98-05-060	246-976-840	AMD	98-04-038	284-36A-040	NEW-XA	98-04-085
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246-922-290	AMD	98-05-060	246-976-860	AMD	98-04-038	284-36A-050	NEW-XA	98-04-085
246-922-295	AMD	98-05-060	246-976-870	NEW	98-04-038	284-36A-055	NEW-XA	98-04-085
246-922-300	AMD	98-05-060	246-976-880	REP	98-04-038	284-36A-060	NEW-XA	98-04-085
246-922-320	REP	98-05-060	246-976-881	NEW	98-04-038	284-36A-065	NEW-XA	98-04-085
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246-924-120	REP	98-05-060	251-10-030	AMD	98-03-051	284-43-040	REP	98-04-005
246-924-230	AMD	98-05-060	255-01-010	NEW-P	98-04-060	284-43-100	REP	98-04-005
246-924-290	REP	98-05-060	255-01-020	NEW-P	98-04-060	284-43-110	NEW	98-04-005
246-924-320	REP	98-05-060	255-01-030	NEW-P	98-04-060	284-43-120	NEW	98-04-005
246-924-490	REP	98-05-060	255-01-040	NEW-P	98-04-060	284-43-130	NEW	98-04-005
246-924-500	AMD	98-05-060	255-01-050	NEW-P	98-04-060	284-43-200	NEW	98-04-005
246-924-990	AMD	98-05-060	255-01-060	NEW-P	98-04-060	284-43-210	NEW	98-04-005
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246-926-170	AMD	98-05-060	255-01-080	NEW-P	98-04-060	284-43-250	NEW	98-04-005
246-926-200	AMD	98-05-060	255-01-090	NEW-P	98-04-060	284-43-300	NEW	98-04-005
246-926-990	AMD	98-05-060	255-01-100	NEW-P	98-04-060	284-43-310	NEW	98-04-005
246-926-995	NEW-W	98-05-059	255-01-110	NEW-P	98-04-060	284-43-320	NEW	98-04-005
246-928-090	REP	98-05-060	255-01-120	NEW-P	98-04-060	284-43-330	NEW	98-04-005
246-928-190	AMD	98-05-060	255-01-130	NEW-P	98-04-060	284-43-340	NEW	98-04-005
246-928-990	AMD	98-05-060	255-01-140	NEW-P	98-04-060	284-43-700	NEW	98-04-005
246-930-020	AMD	98-05-060	255-02-010	NEW-P	98-04-059	284-43-710	NEW	98-04-005
246-930-400	REP	98-05-060	255-02-020	NEW-P	98-04-059	284-43-720	NEW	98-04-005
246-930-410	AMD	98-05-060	255-02-030	NEW-P	98-04-059	284-43-730	NEW	98-04-005
246-930-420	AMD	98-05-060	255-02-040	NEW-P	98-04-059	284-43-800	NEW	98-04-005
246-930-430	REP	98-05-060	255-02-050	NEW-P	98-04-059	284-43-900	NEW	98-04-011
246-930-431	NEW	98-05-060	255-02-060	NEW-P	98-04-059	284-43-905	NEW	98-04-011
246-930-990	AMD	98-05-060	255-02-070	NEW-P	98-04-059	284-43-910	NEW	98-04-011
246-930-995	NEW	98-05-060	255-02-080	NEW-P	98-04-059	284-43-915	NEW	98-04-011
246-933-180	REP	98-05-060	255-02-090	NEW-P	98-04-059	284-43-920	NEW	98-04-011
246-933-305	AMD	98-05-060	255-02-100	NEW-P	98-04-059	284-43-925	NEW	98-04-011
246-933-420	AMD	98-05-060	255-02-110	NEW-P	98-04-059	284-43-930	NEW	98-04-011
246-933-430	REP	98-05-060	284-01-050	NEW	98-04-063	284-43-935	NEW	98-04-011
246-933-470	REP	98-05-060	284-10	REP-C	98-03-004	284-43-940	NEW	98-04-011
246-933-480	AMD	98-05-060	284-10-010	REP	98-04-005	284-43-945	NEW	98-04-011
246-933-990	AMD	98-05-060	284-10-015	REP	98-04-005	284-43-950	NEW	98-04-011
246-935-130	AMD	98-05-060	284-10-020	REP	98-04-005	284-43-955	NEW	98-04-011
246-935-990	AMD	98-05-060	284-10-030	REP	98-04-005	284-44	REP-C	98-02-063
246-937-050	AMD	98-05-060	284-10-050	REP	98-04-005	284-44	REP-C	98-03-004
246-937-080	AMD	98-05-060	284-10-060	REP	98-04-005	284-44-100	REP	98-04-011
246-937-990	AMD	98-05-060	284-10-070	REP	98-04-005	284-44-110	REP	98-04-011
246-976-470	REP	98-04-038	284-10-090	REP	98-04-005	284-44-120	REP	98-04-011
246-976-475	REP	98-04-038	284-10-140	REP	98-04-005	284-44-130	REP	98-04-011
246-976-480	REP	98-04-038	284-17-300	REP-XA	98-04-084	284-44-140	REP	98-04-011
246-976-485	NEW	98-04-038	284-23	AMD-C	98-02-062	284-44-150	REP	98-04-011
246-976-490	NEW	98-04-038	284-23	AMD-C	98-03-076	284-44-160	REP	98-04-011
246-976-500	AMD	98-04-038	284-23-200	AMD-P	98-04-083	284-44-190	REP	98-04-011
246-976-510	AMD	98-04-038	284-23-210	AMD-P	98-04-083	284-44-200	REP	98-04-011
246-976-520	AMD	98-04-038	284-23-220	AMD-P	98-04-083	284-44-210	REP	98-04-011
246-976-550	AMD	98-04-038	284-23-230	AMD-P	98-04-083	284-44-220	REP	98-04-011
246-976-560	AMD	98-04-038	284-23-235	NEW-P	98-04-083	284-44-240	REP	98-04-005

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284-46	REP-C	98-03-004	296-155-494	NEW	98-05-046	308-94-100	AMD-P	98-04-072
284-46-020	REP	98-04-005	296-155-496	NEW	98-05-046	308-94-110	REP-P	98-04-072
284-46-575	REP	98-04-005	296-155-497	NEW	98-05-046	308-96A-005	PREP	98-03-021
284-51-180	REP-XA	98-04-084	296-155-498	NEW	98-05-046	308-96A-010	PREP	98-03-021
284-58-040	REP-XA	98-04-084	296-155-528	NEW	98-05-046	308-96A-015	PREP	98-03-021
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284-58-060	REP-XA	98-04-084	296-155-615	AMD	98-05-046	308-96A-025	PREP	98-03-021
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286-04-010	AMD-P	98-04-079	296-155-689	AMD	98-05-046	308-96A-040	PREP	98-03-021
286-04-060	AMD-P	98-04-079	296-155-700	AMD	98-05-046	308-96A-065	AMD-P	98-04-071
286-06-065	AMD-P	97-04-079	296-155-730	AMD	98-05-046	308-96A-066	AMD-P	98-04-071
286-13-030	AMD-P	98-04-079	296-307	PREP	98-04-094	308-96A-067	NEW-P	98-04-071
286-13-040	AMD-P	98-04-079	308-04-010	PREP	98-03-023	308-96A-068	NEW-P	98-04-071
286-13-045	AMD-P	98-04-079	308-04-020	PREP	98-03-023	308-96A-070	AMD-P	98-04-071
286-13-070	AMD-P	98-04-079	308-12-326	PREP	98-05-012	308-96A-071	AMD-P	98-04-071
286-13-085	AMD-P	98-04-079	308-56A-005	PREP	98-03-024	308-96A-073	AMD-P	98-04-071
286-13-100	AMD-P	98-04-079	308-56A-010	PREP	98-03-024	308-96A-074	AMD-P	98-04-071
286-26-020	AMD-P	98-04-079	308-56A-015	PREP	98-03-024	308-96A-080	PREP	98-03-022
286-26-110	AMD-P	98-04-079	308-56A-020	PREP	98-03-024	308-96A-085	PREP	98-03-022
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286-27-075	AMD-P	98-04-079	308-56A-080	PREP	98-03-024	308-96A-175	AMD-P	98-04-071
286-30-050	NEW-P	98-04-079	308-56A-085	PREP	98-03-024	308-96A-176	AMD-P	98-04-071
286-35-060	AMD-P	98-04-079	308-56A-090	PREP	98-03-024	308-96A-180	PREP	98-03-021
292-110-050	NEW	98-03-045	308-93-060	PREP	98-03-026	308-96A-260	PREP	98-03-021
292-110-060	NEW	98-04-001	308-93-070	PREP	98-03-026	308-96A-295	PREP	98-03-021
296-20-135	AMD-P	98-05-100	308-93-071	PREP	98-03-026	308-96A-300	PREP	98-03-021
296-23-220	AMD-P	98-05-100	308-93-073	PREP	98-03-026	308-96A-340	AMD-P	98-04-014
296-23-230	AMD-P	98-05-100	308-93-074	PREP	98-03-026	308-96A-341	NEW-P	98-04-014
296-62-07477	AMD-P	98-05-061	308-93-075	PREP	98-03-026	308-300-310	REP	98-03-055
296-62-07515	AMD-P	98-05-061	308-93-078	PREP	98-03-026	308-312-010	NEW	98-03-055
296-81	PREP	98-02-080	308-93-079	PREP	98-03-026	308-312-020	NEW	98-03-055
296-104-700	AMD-P	98-04-017	308-93-080	PREP	98-03-026	308-312-030	NEW	98-03-055
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296-155-229	NEW-P	98-05-073	308-93-110	PREP	98-03-027	308-312-050	NEW	98-03-055
296-155-24525	AMD	98-05-046	308-93-120	PREP	98-03-027	308-312-060	NEW	98-03-055
296-155-330	AMD-P	98-05-073	308-93-180	PREP	98-03-027	308-312-080	NEW	98-03-055
296-155-481	AMD	98-05-046	308-93-190	PREP	98-03-027	308-312-090	NEW-W	98-03-054
296-155-482	NEW	98-05-046	308-93-200	PREP	98-03-027	308-312-100	NEW	98-03-055
296-155-483	AMD	98-05-046	308-93-210	PREP	98-03-027	314-12-200	NEW-P	98-05-103
296-155-484	NEW	98-05-046	308-93-215	PREP	98-03-027	314-64-08001	NEW-P	98-02-069
296-155-485	AMD	98-05-046	308-93-220	PREP	98-03-027	315-02-030	AMD-P	98-04-073
296-155-48503	REP	98-05-046	308-93-230	PREP	98-03-027	315-02-040	AMD-P	98-04-073
296-155-48504	REP	98-05-046	308-93-241	PREP	98-03-025	315-02-060	AMD-P	98-04-073
296-155-48505	REP	98-05-046	308-93-242	PREP	98-03-025	315-02-070	AMD-P	98-04-073
296-155-48506	REP	98-05-046	308-93-243	PREP	98-03-025	315-02-080	AMD-P	98-04-073
296-155-48507	REP	98-05-046	308-93-244	PREP	98-03-025	315-02-170	REP-P	98-04-073
296-155-48508	REP	98-05-046	308-93-245	PREP	98-03-025	315-02-180	REP-P	98-04-073
296-155-48509	REP	98-05-046	308-93-285	PREP	98-03-026	315-02-220	AMD-P	98-04-073
296-155-48510	REP	98-05-046	308-93-290	PREP	98-03-027	315-06-123	PREP	98-03-074
296-155-48511	REP	98-05-046	308-93-295	PREP	98-03-027	315-10-010	AMD-P	98-04-073
296-155-48512	REP	98-05-046	308-93-300	PREP	98-03-026	315-10-020	AMD-P	98-04-073
296-155-48513	REP	98-05-046	308-93-330	PREP	98-03-026	315-10-023	NEW-P	98-04-073
296-155-48514	REP	98-05-046	308-93-350	PREP	98-03-026	315-10-024	NEW-P	98-04-073
296-155-48515	REP	98-05-046	308-93-360	PREP	98-03-026	315-10-025	AMD-P	98-04-073
296-155-48516	REP	98-05-046	308-93-420	PREP	98-03-026	315-10-030	AMD-P	98-04-073
296-155-48517	REP	98-05-046	308-93-430	REP-P	98-05-068	315-11A-207	AMD	98-03-075
296-155-48518	REP	98-05-046	308-93-440	AMD-P	98-05-068	315-11A-215	NEW	98-03-075
296-155-48519	REP	98-05-046	308-93-450	AMD-P	98-05-068	315-11A-216	NEW	98-03-075
296-155-48523	REP	98-05-046	308-93-460	AMD-P	98-05-068	315-11A-217	NEW	98-03-075
296-155-48525	REP	98-05-046	308-93-470	AMD-P	98-05-068	315-34-055	AMD-P	98-05-070
296-155-48527	REP	98-05-046	308-93-480	REP-P	98-05-068	315-36-010	NEW-P	98-04-073
296-155-48529	REP	98-05-046	308-93-620	PREP	98-03-026	315-36-020	NEW-P	98-04-073
296-155-48531	REP	98-05-046	308-93-630	PREP	98-03-026	315-36-030	NEW-P	98-04-073
296-155-48533	REP	98-05-046	308-93-640	PREP	98-03-026	315-36-040	NEW-P	98-04-073
296-155-48536	REP	98-05-046	308-94-030	AMD-P	98-04-072	315-36-050	NEW-P	98-04-073
296-155-487	NEW	98-05-046	308-94-040	REP-P	98-04-072	315-36-060	NEW-P	98-04-073
296-155-488	NEW	98-05-046	308-94-050	AMD-P	98-04-072	315-36-070	NEW-P	98-04-073
296-155-489	NEW	98-05-046	308-94-070	REP-P	98-04-072	315-36-080	NEW-P	98-04-073
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315-36-120	NEW-P	98-04-073	388-15-030	REP-P	98-03-082	388-290-090	AMD-P	98-03-083
315-36-130	NEW-P	98-04-073	388-15-201	NEW	98-04-026	388-310-1300	NEW-S	98-03-080
315-36-140	NEW-P	98-04-073	388-15-209	AMD	98-04-026	388-511-1160	AMD	98-04-031
315-36-150	NEW-P	98-04-073	388-15-222	AMD	98-04-026	388-512-1275	AMD	98-03-004
317-01-010	REP	98-03-073	388-15-300	REP	98-02-058	388-512-1280	REP	98-03-004
317-01-020	REP	98-03-073	388-15-310	REP	98-02-058	388-513-1315	AMD	98-04-003
317-01-030	REP	98-03-073	388-15-320	REP	98-02-058	388-513-1340	PREP	98-05-052
317-02-010	REP	98-03-073	388-15-330	REP	98-02-058	388-513-1345	PREP	98-05-052
317-02-020	REP	98-03-073	388-15-610	AMD	98-04-026	388-513-1380	AMD-P	98-03-085
317-02-030	REP	98-03-073	388-15-830	AMD	98-04-026	388-513-1380	AMD-C	98-05-053
317-02-040	REP	98-03-073	388-15-880	AMD	98-04-026	388-515-1505	PREP	98-05-051
317-02-050	REP	98-03-073	388-15-890	AMD	98-04-026	388-517	PREP	98-04-066
317-02-060	REP	98-03-073	388-15-895	NEW	98-04-026	388-523-2305	PREP	98-03-079
317-02-070	REP	98-03-073	388-49-510	AMD	98-03-049	388-529-2960	AMD	98-04-004
317-02-080	REP	98-03-073	388-49-550	AMD-P	98-04-039	388-530-1600	AMD-P	98-05-054
317-02-090	REP	98-03-073	388-49-550	AMD-E	98-04-040	388-540-005	AMD-P	98-02-059
317-02-100	REP	98-03-073	388-49-560	REP-P	98-04-039	388-540-030	AMD-P	98-02-059
317-02-110	REP	98-03-073	388-49-560	REP-E	98-04-040	388-540-060	AMD-P	98-02-059
317-02-120	REP	98-03-073	388-49-570	REP-P	98-04-039	390-05-400	AMD-P	98-05-107
317-03-010	REP	98-03-073	388-49-570	REP-E	98-04-040	390-17-400	PREP	98-03-072
317-03-020	REP	98-03-073	388-49-580	REP-P	98-04-039	391-08	PREP	98-04-049
352-32-010	AMD	98-04-065	388-49-580	REP-E	98-04-040	391-25	PREP	98-04-049
352-32-01001	NEW	98-04-065	388-76-540	AMD-S	98-02-077	391-35	PREP	98-04-049
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352-32-037	AMD	98-04-065	388-76-560	AMD-S	98-02-077	391-55	PREP	98-04-049
352-32-045	AMD	98-04-065	388-76-561	NEW-S	98-04-032	391-95	PREP	98-04-049
352-32-047	AMD	98-04-065	388-76-570	AMD-S	98-02-077	392-115-005	AMD	98-05-008
352-32-075	AMD	98-04-065	388-76-590	AMD-S	98-04-032	392-115-010	AMD	98-05-008
352-32-080	AMD	98-04-065	388-76-595	AMD-S	98-02-077	392-115-015	AMD	98-05-008
352-32-085	AMD	98-04-065	388-76-600	AMD-S	98-04-032	392-115-020	AMD	98-05-008
352-32-120	AMD	98-04-065	388-76-605	AMD-S	98-02-077	392-115-025	AMD	98-05-008
352-32-130	AMD	98-04-065	388-76-610	AMD-S	98-04-032	392-115-045	AMD	98-05-008
352-32-140	AMD	98-04-065	388-76-615	AMD-S	98-04-032	392-115-050	AMD	98-05-008
352-32-150	AMD	98-04-065	388-76-620	AMD-S	98-02-077	392-115-055	AMD	98-05-008
352-32-165	AMD	98-04-065	388-76-635	AMD-S	98-02-077	392-115-060	AMD	98-05-008
352-32-170	AMD	98-04-065	388-76-655	AMD-S	98-02-077	392-115-065	AMD	98-05-008
352-32-195	AMD	98-04-065	388-76-660	AMD-S	98-02-077	392-115-085	AMD	98-05-008
352-32-200	AMD	98-04-065	388-76-665	AMD-S	98-02-077	392-115-090	AMD	98-05-008
352-32-210	AMD	98-04-065	388-76-670	AMD-S	98-02-077	392-115-110	AMD	98-05-008
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352-32-25001	AMD	98-04-065	388-76-680	AMD-S	98-02-077	392-115-120	AMD	98-05-008
352-32-25002	AMD	98-04-065	388-76-685	AMD-S	98-02-077	392-115-125	AMD	98-05-008
352-32-251	AMD	98-04-065	388-76-690	AMD-S	98-02-077	392-115-130	AMD	98-05-008
352-32-252	AMD	98-04-065	388-76-695	AMD-S	98-02-077	392-115-151	NEW	98-05-008
352-32-300	AMD	98-04-065	388-76-705	AMD-S	98-02-077	392-115-155	AMD	98-05-008
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352-60-140	NEW-P	98-03-086	388-79-020	NEW-P	98-03-085	392-121-182	AMD-W	98-04-070
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352-76-010	AMD-P	98-03-090	388-79-040	NEW-P	98-03-085	392-134-005	AMD-W	98-04-070
352-76-020	AMD-P	98-03-090	388-96	PREP	98-03-077	392-134-010	AMD-W	98-04-070
352-76-030	AMD-P	98-03-090	388-150-180	PREP	98-02-057	392-134-020	AMD-W	98-04-070
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352-76-060	AMD-P	98-03-090	388-150-470	PREP	98-02-057	392-139-120	REP-P	98-05-040
352-76-070	AMD-P	98-03-090	388-151-180	PREP	98-02-057	392-139-122	REP-P	98-05-040
352-76-075	NEW-P	98-03-090	388-151-190	PREP	98-02-057	392-139-126	REP-P	98-05-040
352-76-080	AMD-P	98-03-090	388-151-200	PREP	98-02-057	392-139-128	REP-P	98-05-040
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