

August 18, 1999

OLYMPIA, WASHINGTON

ISSUE 99-16



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filed not later than August 4, 1999

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 August 1999 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.

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$210.60 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER

Code Reviser's Office
Legislative Building
P.O. Box 40552
Olympia, WA 98504-0552

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.

John G. Schultz
Chair, Statute Law Committee

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Code Reviser

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Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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].

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	Jan 3, 01
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

¹ All 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.

² A 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.

³ At 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.

⁴ A 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 and 1.12.040.

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;

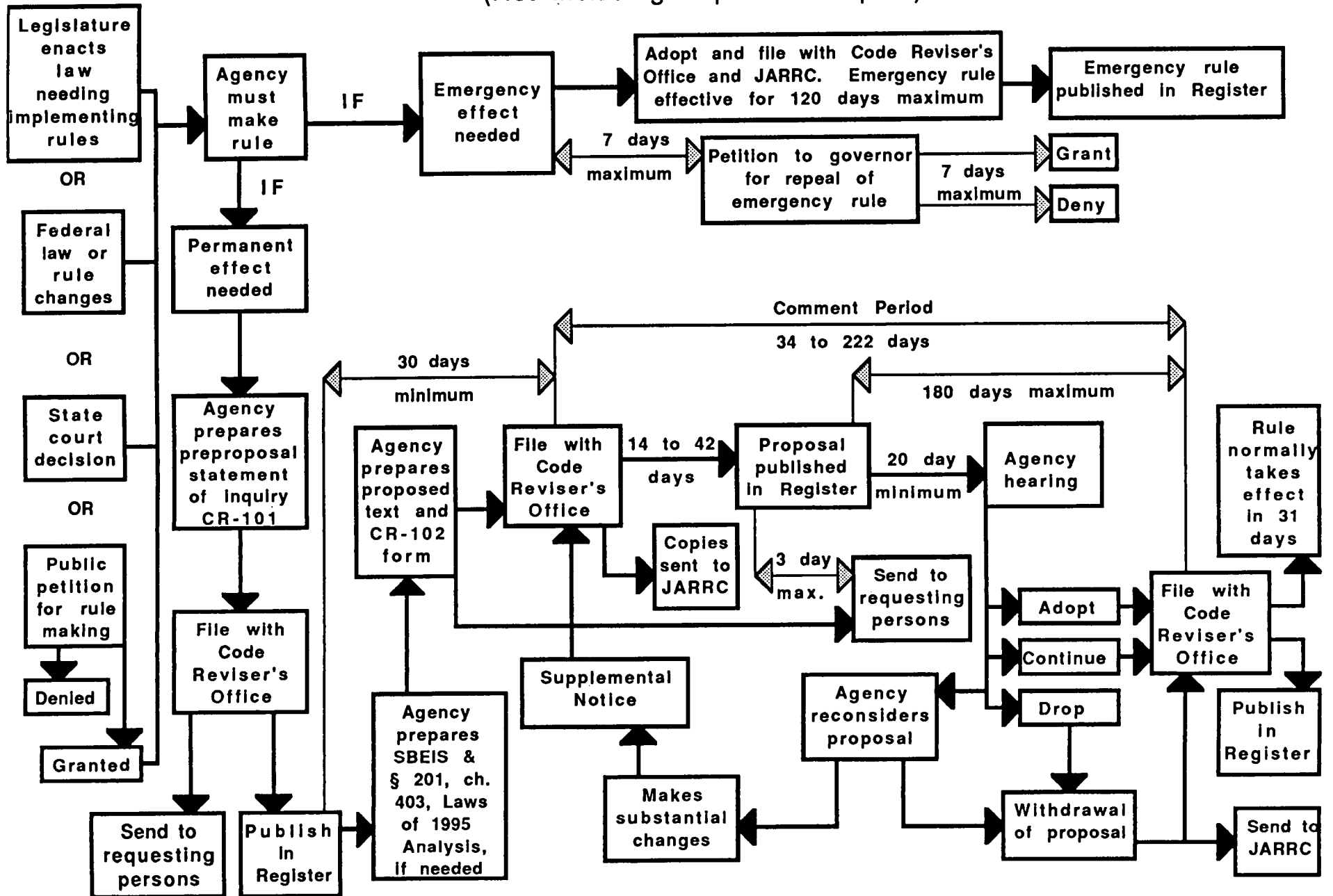
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 99-16-006
PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION

[Filed July 22, 1999, 10:24 a.m.]

Subject of Possible Rule Making: Publishing the probability of purchasing a winning lottery ticket.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending WAC 315-06-040 to clarify the publishing of the probability of purchasing a winning lottery ticket on lottery advertising and other materials.

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 by contacting Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

July 22, 1999
 Mary Jane Ferguson
 Rules Coordinator

WSR 99-16-021
PREPROPOSAL STATEMENT OF INQUIRY
STATE TREASURER

[Filed July 26, 1999, 8:22 a.m.]

Subject of Possible Rule Making: Newly incorporated city or town.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 35.02.135.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 35.02.135, the State Treasurer is directed to adopt by rule procedures to facilitate the borrowing and repayment of the moneys authorized by the above statute on a reasonable and equitable basis over the three-year period of the loan. WAC 474-02-010(2) states that each loan shall bear interest for the duration of the loan at the closing offering yield of the then current three-year treasury note, as quoted by the *Wall Street Journal*, on the day prior to the loan disbursement. The federal government no longer issues three-year treasury notes, consequently, a new basis for the interest rate of such loans must be established.

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 with local government input into the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Rosen, Legal Counsel, (360) 902-

9093. Alternate Contact: Douglas Extine, Deputy Treasurer, (360) 902-9012. Mailing address: P.O. Box 40200, Olympia, WA 98504-0200, fax (360) 902-9044.

July 26, 1999
 Gregory J. Rosen
 Legal Counsel

WSR 99-16-033
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed July 28, 1999, 12:05 p.m.]

Subject of Possible Rule Making: Public use, chapter 352-32 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks has set a schedule to review this chapter once each biennium for clarity, grammar, additions and deletions in order to provide clear and understandable rules for all state park visitors and staff.

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. To request additional information or to comment in writing, contact Pamela McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-5875, e-mail pamm@parks.wa.gov.

July 27, 1999
 Jim French
 Senior Policy Analyst

WSR 99-16-042
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed July 30, 1999, 1:06 p.m.]

Subject of Possible Rule Making: Form for Reporting Loans Received, Paid, Forgiven or Outstanding—Schedule L (to Form C-3 or C-4).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 42.17.090 (1)(k) and WAC 390-16-034, if an individual contributes \$100 or more to a candidate or political committee, the recipient must report that individual's occupation and the name, city and state of the individual's employer.

Anyone who loans money or anything of value to a campaign that has made a contribution to the campaign. However, the current loan reporting form does not accommodate reporting of the required occupation and employer information.

The commission may determine that it is appropriate for the Schedule L to be amended to include space for reporting

an individual's occupation and the name, city and state of his or her employer.

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

Process for Developing New Rule: At its meeting on August 24, 1999, the commission is expected to discuss whether to move forward with amending WAC 390-16-041 and Schedule L. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 23, 1999, to Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, fax (360) 753-1112, e-mail vrippie@pdc.wa.gov.

A public hearing on this matter may occur on October 26, 1999.

July 29, 1999
Melissa Warheit
Executive Director

WSR 99-16-043

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed July 30, 1999, 1:08 p.m.]

Subject of Possible Rule Making: Auction Reporting Form—Attachment Au (to PDC Form C-3).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 42.17.090 (1)(k) and WAC 390-16-034, if an individual contributes \$100 or more to a candidate or political committee, the recipient must report that individual's occupation and the name, city and state of the individual's employer.

Persons who donate to and purchase items at campaign auctions are making contributions to the campaign. However, currently, the auction reporting form does not accommodate reporting of this occupation and employer information on the face of the form. Instead, the form directs filers to attach a sheet giving the required information.

The commission may determine that it is appropriate for the actual form to be amended to include space for reporting this information.

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

Process for Developing New Rule: At its meeting on August 24, 1999, the commission is expected to discuss whether to move forward with revising WAC 390-16-032 and Attachment Au. Public comment will be welcome at this meeting. Interested persons are invited to submit written

comments by August 23, 1999, to Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, fax (360) 753-1112, e-mail vrippie@pdc.wa.gov.

A public hearing on this matter may occur on October 26, 1999.

July 29, 1999
Melissa Warheit
Executive Director

WSR 99-16-044

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed July 30, 1999, 1:10 p.m.]

Subject of Possible Rule Making: Registration Statement for Political Committees—Form C-1pc.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 401, Laws of 1999 (E2SSB 5931), amended RCW 42.17.080(4), the provision that relates to public inspection of campaign books during the eight days before an election. As of July 25, 1999, candidates and political committees that receive contributions or make expenditures in an election need to have their campaign books open for inspection as follows: On the eighth day before the election, even if that Monday is a legal holiday, the books must be available for two consecutive hours between 8 a.m. and 8 p.m. at the place and time indicated on their registration statement; on the other seven days, except on weekends and legal holidays, the books must be available by appointment.

The political committee registration form needs to be changed to implement this statutory amendment. The form also may be modified to include (1) space for reporting the committee's electronic mail address and facsimile number and (2) other changes that may be necessary to implement RCW 42.17.040, especially subsection (2)(f).

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

Process for Developing New Rule: At its meeting on August 24, 1999, the commission is expected to discuss whether to move forward with amending WAC 390-16-011 and the C-1pc form. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 23, 1999, to Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

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

lication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, fax (360) 753-1112, e-mail vrippie@pdc.wa.gov.

A public hearing on these matters may occur on October 26, 1999.

July 29, 1999
Melissa Warheit
Executive Director

WSR 99-16-045

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed July 30, 1999, 1:11 p.m.]

Subject of Possible Rule Making: Registration Statement for Candidates—Form C-1.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 401, Laws of 1999 (E2SSB 5931), amended RCW 42.17.080(4), the provision that relates to public inspection of campaign books during the eight days before an election. For many years, candidates and political committees that receive contributions or make expenditures in an election have been required to open their campaign books to public inspection for two consecutive hours between 8 a.m. and 8 p.m. during the eight days before an election, except on weekends and legal holidays. As of July 25, 1999, the law requires that campaign books be available for two consecutive hours between 8 a.m. and 8 p.m. on the eighth day before an election, even if this Monday is a legal holiday, and by appointment on the other seven days of the eight day period, except weekends and legal holidays.

The candidate registration form needs to be changed to implement this statutory amendment. The form also may be modified to include space for reporting the campaign's electronic mail address. The commission may decide that additional rule making is necessary to implement RCW 42.17.080(4).

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

Process for Developing New Rule: At its meeting on August 24, 1999, the commission is expected to discuss whether to move forward with (a) revising WAC 390-16-012 and the C-1 form and (b) adopting any other rules necessary to implement RCW 42.17.080(4) as amended by chapter 401, Laws of 1999. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 23, 1999, to Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA

98504-0908, phone (360) 586-4838, fax (360) 753-1112, e-mail vrippie@pdc.wa.gov.

A public hearing on this matter may occur on October 26, 1999.

July 29, 1999
Melissa Warheit
Executive Director

WSR 99-16-048

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Chemical Dependency Professionals)

[Filed July 30, 1999, 1:19 p.m.]

Subject of Possible Rule Making: The regulation of chemical dependency professionals. This effort includes establishing rules that set standards and procedures for approval of educational programs, alternative training and fees for educational program evaluations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules could be established to allow so many years of experience to substitute formal education. This could be a situation like a person has been in the chemical dependency field for twenty-five years and does not have formal education.

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

Process for Developing New Rule: Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kris Waidely, Department of Health, Chemical Dependency Professionals, P.O. Box 47689, Olympia, WA 98504-7869, phone (360) 236-4906, fax (360) 236-4909.

July 26, 1999
M. C. Selecky
Secretary

WSR 99-16-051

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 30, 1999, 1:26 p.m.]

Subject of Possible Rule Making: Chapter 308-61 WAC, Unauthorized and abandoned vehicles, review in accordance with Governor Gary Locke's Executive Order 97-02 and to implement ESB 5649.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to

ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness; also to implement ESB 5649.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol to review WAC with Department of Licensing program employees.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Dealer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

July 29, 1999
Fred Stephens
Director

WSR 99-16-059

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed August 2, 1999, 10:48 a.m.]

Subject of Possible Rule Making: Proposed amendments to chapter 180-79A WAC, Standards for teacher, administrator and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments support the proposed amendments to chapter 180-79A WAC which reflect the findings of the field tests of the professional certificate for teachers.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

August 1, 1999
Larry Davis
Executive Director

WSR 99-16-060

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed August 2, 1999, 10:50 a.m.]

Subject of Possible Rule Making: WAC 180-79A-260 Establishing equivalency for course work, degrees and programs completed in countries outside the United States.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment will allow an individual from a foreign country to submit a transcript from a regionally accredited United States college/university as evidence of degree equivalency.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

August 1, 1999
Larry Davis
Executive Director

WSR 99-16-061

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed August 2, 1999, 10:52 a.m.]

Subject of Possible Rule Making: WAC 180-79A-241 Internship certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment would repeal the rules that govern the internship certificate pilot project.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

August 1, 1999
Larry Davis
Executive Director

WSR 99-16-062

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 2, 1999, 10:54 a.m.]

Subject of Possible Rule Making: Technical amendments to various sections of chapters 180-78A, 180-79A, and 180-82 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010, 28A.305.130 (1) and (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Technical amendments to correct WAC references, clarify text, etc.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

August 1, 1999
Larry Davis
Executive Director

WSR 99-16-063

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 2, 1999, 10:56 a.m.]

Subject of Possible Rule Making: Proposed amendments to chapter 180-78A WAC regarding the professional certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010, 28A.305.130 (1) and (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments to those chapters reflect the findings of the field tests of the professional certificate.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

August 1, 1999
Larry Davis
Executive Director

WSR 99-16-064

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 2, 1999, 11:48 a.m.]

Subject of Possible Rule Making: Establishment of initial fee structure for 2SSB 5821, chapter 263, Laws of 1999.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035 and 2SSB 5821, chapter 263, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SSB 5821 directed that fees be established for such elements of the on-site program as application, examination, renewals and comity but did not establish the actual fee amounts. The provisions of 2SSB 5821 identify the director of the Department of Licensing as the authority for adoption of fees for this program.

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 by contacting George A. Twiss, Executive Director, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-3361, fax (360) 664-2551.

July 30, 1999
George A. Twiss
Executive Director, Board of Registration for
Professional Engineers and Land Surveyors

WSR 99-16-072

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed August 2, 1999, 4:44 p.m.]

Subject of Possible Rule Making: Chapter 208-660 WAC, Mortgage brokers and loan originators—Licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.146.223, 43.320.010, and 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments reflect changes made to the statute in 1997 and add additional

clarifying language regarding redisclosure of mortgage broker fees and deposits of checks into trust accounts.

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

Process for Developing New Rule: Work with the industry and public through the Mortgage Broker Commission meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Assistant Director, Department of Financial Institutions, General Administration Building, 3rd Floor West, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8787.

August 2, 1999

John L. Bley

Director

WSR 99-16-077

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 3, 1999, 10:42 a.m.]

Subject of Possible Rule Making: Chapter 392-127 WAC, Finance—Certificated instructional staff ratio (46:1000) compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A number of minor changes are needed. The method of calculating staff changes after October 1 is simplified to maintain consistency with K-4 staff ratio rules under development. The Office of Superintendent of Public Instruction reporting procedures are updated to provide monthly electronic reports with apportionment. The process of calculating and withholding the penalty is clarified. An obsolete section is repealed. These changes should have no fiscal impact on school districts.

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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 753-3585.

Dr. Terry Bergeson
Superintendent of
Public Instruction

K-12 Staff Ratio Compliance

These rules govern school district compliance with the requirement for maintaining at least forty-six certificated instructional staff per 1000 K-12 full-time equivalent (FTE) students. The following changes are proposed:

- The method of calculating supplemental staff (changes after October 1) is simplified to match S-275 reporting instructions. This change is parallel to the supplemental staff calculation proposed in the new K-4 staff ratio rules.
- OSPI reporting requirements are updated to reflect the use of monthly electronic apportionment reports to inform school districts of staff ratio calculations.
- The process for calculating and withholding the penalty is clarified.
- Obsolete language is repealed.
- An out-of-place section (WAC 392-127-810) is repealed.
- Minor drafting changes are made.

This is a discussion draft provided to solicit comments before "proposed" rules are filed with the Washington State Code Reviser. After filing, proposed rules will be scheduled for public hearing and adoption under the Administrative Procedure Act. Notice of the hearing date will be posted to the School Apportionment and Financial Services web site when available.

Questions and comments about the discussion draft can be directed to Ross Bunda at (360) 753-3585 or RBunda@ospi.wednet.edu, or Allen Jones at (360) 753-6708 or AJones@ospi.wednet.edu.

Chapter 392-127 WAC

FINANCE—CERTIFICATED INSTRUCTIONAL STAFF RATIO (46:1000) COMPLIANCE

AMENDATORY SECTION [Amending Order 96-03, filed 2/13/96]

WAC 392-127-015 FTE enrollment—Definition. As used in this chapter, "full-time equivalent enrollment" means for the period selected by a school district, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122 (1) and (2) ~~((and for school years through 1994-95 minus: Special education full-time equivalent students calculated pursuant to WAC 392-122-131 and based on the enrollment reported by a school district pursuant to WAC 392-122-106)).~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION [Amending Order 10, filed 6/1/90]

WAC 392-127-065 Supplemental FTE staff—Definition. As used in this chapter, "supplemental full-time equivalent staff" means the ~~((sum of a school district's addition, reduction, or reassignment))~~ net change in full-time equivalents for basic education certificated instructional employees after October 1 of the school year determined as follows:

(1) Determine the basic education certificated instructional FTE that would be reported for each employee for the school year on Report S-275 if the current date were substituted for the October 1 snapshot date as required in S-275 instructions, and subtract the basic education certificated instructional FTE as of October 1 actually reported for the employee on the school district's most current Report S-275.

(2) Include decreases as well as increases in staff after October 1 including terminations, retirements, unpaid leave, or reassignment of staff.

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.

AMENDATORY SECTION [Amending Order 96-03, filed 2/13/96]

WAC 392-127-070 Basic education certificated instructional staff ratio—Definition. As used in this chapter, "basic education certificated instructional staff ratio" means the following calculation:

(1) Add the full-time equivalent basic education certificated instructional employees as reported on the S-275 and any supplemental full-time equivalent staff reported to the superintendent of public instruction;

(2) Divide the result obtained in subsection (1) of this section by the full-time equivalent enrollment for October or that period selected by the school district; and

(3) Multiply the result obtained in subsection (2) of this section by one thousand.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION [Amending Order 10, filed 6/1/90]

WAC 392-127-085 School district reporting—Optional report—Staff changes. At any time prior to September 30 following the end of a school year school districts may report to the superintendent of public instruction (~~prior to September 30 of the following school year~~) supplemental full-time equivalent staff for the (~~current~~) school year pursuant to WAC 392-127-065 and instructions provided by the superintendent.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION [Amending Order 10, filed 6/1/90]

WAC 392-127-111 Calculation of penalty for failure to maintain staffing ratio. For those school districts with a basic education certificated instructional staff ratio of less than forty-six (~~shown on the school district's final report~~), the superintendent shall (~~withhold from the next apportionment payment the following~~) reduce the districts basic education general apportionment entitlement for the school year by the amount determined as follows:

(1) Subtract the current school year final basic education certificated instructional staff ratio as reported to the school district from forty-six;

(2) Multiply the result obtained in subsection (1) of this section by the current school year full-time equivalent enrollment and further divide by one thousand; and

(3) Multiply the result obtained in subsection (2) of this section by the school district's average salary, average mandatory fringe benefits, and health insurance benefits for certificated instructional staff unit used for the purpose of calculating the school district's general apportionment entitlement for the current school year.

~~((4) The result obtained in subsection (3) of this section is the amount that the superintendent of public instruction shall withhold from the next apportionment payment for the school district in question.))~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 392-127-112 Reporting by the superintendent of public instruction. With each monthly apportionment payment for the school year beginning in January, the superintendent of public instruction shall show calculations of the district's basic education certificated instructional staff ratio and any penalty calculated pursuant to WAC 392-121-111. Calculations shall be based on the most current data from the district's Report S-275 and any optional reports received by the superintendent by the 15th of the month.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-127-030	Current school year—Definition
WAC 392-127-035	Following school year—Definition
WAC 392-127-040	Academic year—Definition
WAC 392-127-050	Addition FTE—Definition
WAC 392-127-055	Reduction FTE—Definition
WAC 392-127-060	Reassignment FTE—Definition
WAC 392-127-095	Initial report by the superintendent of public instruction
WAC 392-127-101	Interim report by the superintendent of public instruction
WAC 392-127-106	Final report by the superintendent of public instruction
WAC 392-127-810	Finance—Limitations on enrollment counts

REPEALED SECTION

WAC 392-127-030 Current school year—Definition. As used in this chapter, "current school year" means the school year for which the calculations set forth in this chapter are being performed.

REPEALED SECTION

WAC 392-127-035 Following school year—Definition. As used in this chapter, "following school year" means the school year immediately after the current school year.

REPEALED SECTION

WAC 392-127-040 Academic year—Definition. As used in this chapter, "academic year" means any nine-month period within the current school year in which the minimum one hundred eighty school days required by law is conducted.

REPEALED SECTION

WAC 392-127-050 Addition FTE—Definition. As used in this chapter, "addition full-time equivalent" means the increase in full-time equivalent for a basic education certificated instructional employee who is not reported on the S-275 or whose certificated instructional full-time equivalent is increased after October 1 of the current school year calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on the S-275 if the employee had served the full academic year at the level of service after the contract change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on the S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the change occurred; and
- (4) Divide the result obtained in subsection (3) of this section by nine.

REPEALED SECTION

WAC 392-127-055 Reduction FTE—Definition. As used in this chapter, "reduction full-time equivalent" means the decrease in full-time equivalent for a basic education certificated instructional employee who is no longer employed or whose certificated instructional full-time equivalent is reduced after October 1 of the current school year calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on the S-275 if the employee had served the full academic year at the level of service after the contract change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on the S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the change occurred; and

- (4) Divide the result obtained in subsection (3) of this section by nine.

REPEALED SECTION

WAC 392-127-060 Reassignment FTE—Definition. As used in this chapter, "reassignment full-time equivalent" means the change in full-time equivalent for a basic education certificated instructional employee after October 1 whose certificated instructional full-time equivalent does not change calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on the S-275 if the employee had served the full academic year at the level of service after the assignment change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported on the S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (1) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the reassignment is in effect; and
- (4) Divide the result obtained in subsection (2) of this section by nine.

REPEALED SECTION

WAC 392-127-095 Initial report by the superintendent of public instruction. Prior to January 31 of each school year the superintendent of public instruction shall report to each school district its basic education certificated instructional staff ratio for the current school year. The report shall include any supplemental data submitted by the school district to the superintendent of public instruction prior to January 1 of the current school year.

REPEALED SECTION

WAC 392-127-101 Interim report by the superintendent of public instruction. Within thirty days of receiving an optional report of staff or enrollment changes from a school district, the superintendent of public instruction shall report to the school district its basic education certificated instructional staff ratio for the current school year.

REPEALED SECTION

WAC 392-127-106 Final report by the superintendent of public instruction. Prior to January 1 of the following school year, the superintendent of public instruction shall report to each school district its basic education certificated instructional staff ratio for the current school year. Calculations shall include supplemental data for the current school year submitted by the school district prior to September 30 of the following school year.

REPEALED SECTION

WAC 392-127-810 Finance—Limitations on enrollment counts. No eligible student enrolled in a high school,

community college, vocational-technical institute, or any combination thereof, reported under WAC 392-127-800 and 392-127-805 shall be counted as more than one full-time equivalent student for any single month or more than one annual average full-time equivalent student in any school year: Provided, That an eligible student who enrolls in grade eleven and elects to enroll in a summer community college or vocational-technical institute program that school year in order to accelerate his or her high school graduation may be counted as more than one annual average full-time equivalent student for that school year: Provided further, That the student shall not be counted the succeeding school year as more than one annual average full-time equivalent student less than portion of the prior school year count which exceeded one annual average full-time equivalent student count.

WSR 99-16-082

**PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION**

[Filed August 3, 1999, 4:06 p.m.]

Subject of Possible Rule Making: Chapter 352-32 WAC, Public use of state park areas, specifically, the agency is requesting public comment on WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes, and all related rules within this chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.040, 43.51.050, 43.51.055, 43.51.060, and 43.51.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules are inconsistent, unclear to those members of the public eligible for fee reductions and too restrictive for easy documentation of eligibility. The agency proposes to clarify and simplify the process of proving Washington state residency, age, and disability.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state parks has sole responsibility for regulating the state park pass program.

Process for Developing New Rule: Agency study, an agency Process Improvement Team was created to review the state park pass program to improve customer service. Stakeholder groups will be invited and encouraged to participate in the necessary rule revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For additional information on proposed rule-making activities and schedule of meetings and related presentations contact Rita Cooper, Assistant Director, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, e-mail ritac@parks.wa.gov, (360) 902-8525, fax (360) 753-1574, TDD (360) 664-3133.

August 3, 1999

Jim French
Senior Policy Analyst

WSR 99-16-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 4, 1999, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 16-103 WAC, Milk processing assessments and collections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.36 RCW, Fluid milk.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule establishes the assessment collected on all milk processed in the state, collection of the assessment and penalties for late payment. It also set the renewal date and late fee for milk processing plant licenses.

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

Process for Developing New Rule: The department has determined after review of this rule that it does not require any changes. It will be scheduled for review again in 2003.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments will be accepted for thirty days after the date of publication of this order. Please direct written comments to Verne E. Hedlund, Washington State Department of Agriculture, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560 or by phone (360) 902-1860, fax (360) 902-2087.

August 4, 1999

Candace A. Jacobs, DVM
Assistant Director

WSR 99-16-089

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 4, 1999, 9:18 a.m.]

Subject of Possible Rule Making: Chapter 16-720 WAC, Dietary supplements—Elemental iron, this is filed to correct error in original filing on June 23, 1999, where caps for bottles of iron supplements were referred to as child-proof instead of the correct term which is child-resistant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.106 RCW, Washington Poison Prevention Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule establishes requirements for child-resistant caps on iron supplements containing 250 Mg of iron or more per package. This helps to prevent accidental poisoning of children from iron supplements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Food and Drug Administration and Consumer Product Safety Commission. Rule is consistent with requirements of these federal agencies.

Process for Developing New Rule: The department has determined after review of this rule that it does not require any changes. It will be scheduled for review again in 2003.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments will be accepted for thirty days after the date of publication of this order. Please direct written comments to Verne E. Hedlund, Washington State Department of Agriculture, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560 or by phone (360) 902-1860, fax (360) 902-2087.

August 4, 1999

Candace A. Jacobs, DVM
Assistant Director

WSR 99-16-097

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(WorkFirst Division)**

[Filed August 4, 1999, 10:10 a.m.]

Subject of Possible Rule Making: WAC 388-310-1850 Washington state WorkFirst program, reemploy Washington workers, and related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to clarify client eligibility (family size and income); timeliness in the fair hearing procedure; and the availability of funding for bonus payments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although WorkFirst is regulated by DSHS, reemploy Washington workers (RWW) is administered by the Employment Security Department (ESD). DSHS and ESD are jointly coordinating this rule clarification.

Process for Developing New Rule: Several meetings have been held between DSHS and ESD concerning the clarification of this WAC. ESD and DSHS will jointly develop the clarifying language and will send it out to interested parties informing them of the proposed clarifications. Please let us know if you have comments or suggestions on the draft language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sandy Jsames, WorkFirst Division, Department of Social and Health Services, phone (360) 413-3239, fax (360) 413-3482, e-mail jsamesm@DSHS.wa.gov; or Bonnie Ross, WorkFirst Division, Department of Social and Health Services, phone (360) 413-3239, fax (360) 413-3482, e-mail rossbp@DSHS.wa.gov.

August 3, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-16-107

**PREPROPOSAL STATEMENT OF INQUIRY
TACOMA COMMUNITY COLLEGE**

[Filed August 4, 1999, 10:52 a.m.]

Subject of Possible Rule Making: Code of student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to existing policy, chapter 132V-120 WAC.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Trish Geringer, Dean for Student Services, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5115, fax (253) 566-6011, e-mail tgeringe@tcc.tacoma.ctc.edu.

August 2, 1999

Trish Geringer
Dean for Student Services

WSR 99-16-108

**PREPROPOSAL STATEMENT OF INQUIRY
TACOMA COMMUNITY COLLEGE**

[Filed August 4, 1999, 10:53 a.m.]

Subject of Possible Rule Making: Grievance procedure—Sexual harassment, sex discrimination and disability discrimination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to existing policy, chapter 132V-300 WAC.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Trish Geringer, Dean for Student Services, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5115, fax (253) 566-6011, e-mail tgeringe@tcc.tacoma.ctc.edu.

August 2, 1999

Trish Geringer
Dean for Student Services

WSR 99-16-109

**PREPROPOSAL STATEMENT OF INQUIRY
TACOMA COMMUNITY COLLEGE**

[Filed August 4, 1999, 10:54 a.m.]

Subject of Possible Rule Making: Loss of eligibility—Student athletic participation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to existing policy, chapter 132V-400 WAC.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Trish Geringer, Dean for Student Services, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5115, fax (253) 566-6011, e-mail tgeringe@tcc.tacoma.ctc.edu.

August 2, 1999

Trish Geringer

Dean for Student Services

WSR 99-16-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 4, 1999, 11:23 a.m.]

Subject of Possible Rule Making: WAC 296-20-01002 Definitions, to create a definition of "proper and necessary" in WAC 296-20-01002 and to replace the term "medically necessary" with "proper and necessary" wherever it appears in chapters 296-20, 296-21, 296-23, and 296-23A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.36.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.36.010 specifies that a worker entitled to compensation under the provisions of Title 51 RCW shall receive "proper and necessary" health care services. Although a definition of "medically necessary" currently exists in WAC 296-20-01002 Definitions, a definition of "proper and necessary" in rule will further clarify what health care services a worker is entitled to. A new definition of "proper and necessary" is intended to replace the definition of "medically necessary" but is likely to include many of the concepts currently detailed in the definition of "medically necessary."

Process for Developing New Rule: Workers Compensation Advisory Committee, Washington State Medical Association's Industrial Insurance Advisory Committee, Chiropractic Advisory Committee, Washington State Trial Lawyers Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka by phone (360) 902-4941, or fax (360) 902-4249, or mail Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321.

August 2, 1999

Joel Sacks

for Gary Moore

Director

WSR 99-16-114

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Assistant Program)

[Filed August 4, 1999, 11:26 a.m.]

Subject of Possible Rule Making: WAC 246-841-990 Nursing assistant—Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88A.050(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 requires all health care professions to be self sufficient. The Nursing Assistant Program has a \$344,000 deficit because of investigative and prosecutory costs relating to approximately 1,680 complaints per year. A fee study is being conducted to determine what fees should be increased to cover this deficit and at what levels the new fees should be set.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services provides the courses and testing necessary for nursing assistants to become certified. Representatives of DSHS have been added to the mailing list to receive notices and invitations to rules writing work sessions.

Process for Developing New Rule: The Nursing Assistant Program received a 601 exemption in the governor's budget. The Nursing Assistant Program has met with members of the nursing assistant professional organizations and plans several rules writing workshops to meet with nursing assistants and employers to explain the fee study, the expenses and work on proposed fee changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Health Administrator, Department of Health, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738.

July 20, 1999

Paula R. Meyer, RN, MSN

Executive Director

WSR 99-16-117

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed August 4, 1999, 11:31 a.m.]

Subject of Possible Rule Making: Use of electronic imaging systems for the maintenance of public records, chapter 434-663 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These proposed amendments will update existing rules on the use of electronic imaging systems to reflect changes in the relevant technologies.

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

Process for Developing New Rule: An ad-hoc committee representing state and local government agencies which now use or plan to use imaging systems is advising the division on a draft of possible amendments to chapter 434-663 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For further information or to submit comments, contact Donald F. Whiting, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4148, fax (360) 586-5629.

August 4, 1999

Donald F. Whiting
Assistant Secretary of State

WSR 99-16-028
EXPEDITED REPEAL
PENINSULA COLLEGE
 [Filed July 27, 1999, 8:29 a.m.]

The Following Sections are Proposed for Expedited Repeal: Current Title 132A WAC (except WAC 132A-276-045).

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Bonnie Cauffman, Rules Coordinator, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362.

Reason the Expedited Repeal of the Rule is Appropriate: Peninsula College's WACs need revision to correspond with current policies, practices, and procedures. New rules have been filed.

July 26, 1999
 Bonnie Cauffman
 Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132A-104-010 Conduct of business.
- WAC 132A-104-015 Place of meetings.
- WAC 132A-104-020 Official minutes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132A-116-005 Registration.
- WAC 132A-116-010 Physically handicapped.
- WAC 132A-116-015 Visitor parking.
- WAC 132A-116-020 General regulations.
- WAC 132A-116-025 Enforcement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132A-120-005 Purpose.
- WAC 132A-120-010 Alcoholic beverages.
- WAC 132A-120-015 Drugs and narcotics.
- WAC 132A-120-020 Assembly rights.
- WAC 132A-120-025 Criminal violations.

- WAC 132A-120-030 Damaging property.
- WAC 132A-120-035 Cheating.
- WAC 132A-120-040 Trespass.
- WAC 132A-120-045 Responsibility for discipline.
- WAC 132A-120-050 Disciplinary procedures.
- WAC 132A-120-055 Discipline and due process.
- WAC 132A-120-060 Disciplinary committee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132A-122-010 Policy.
- WAC 132A-122-020 Notification.
- WAC 132A-122-030 Informal hearing notification.
- WAC 132A-122-040 Procedure for informal hearing.
- WAC 132A-122-050 Withholding services.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132A-128-005 Purpose of policies.
- WAC 132A-128-010 Notification of potential RIF.
- WAC 132A-128-015 Employee consultation and response.
- WAC 132A-128-020 Major criteria for layoff.
- WAC 132A-128-025 Necessary duties.
- WAC 132A-128-030 Order of layoff.
- WAC 132A-128-035 Seniority.
- WAC 132A-128-040 Determination of qualifications.
- WAC 132A-128-045 Right to recall.
- WAC 132A-128-050 Dismissal policy.
- WAC 132A-128-060 Procedure for layoff or dismissal.
- WAC 132A-128-070 Hearing.
- WAC 132A-128-080 Recommendations.
- WAC 132A-128-090 Waiver of rights.
- WAC 132A-128-100 Evaluation policy.

EXPEDITED REPEAL

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-136-005	Placement service.
WAC 132A-136-010	Student publications.
WAC 132A-136-015	Distribution of material on campus.
WAC 132A-136-020	Speakers policy.
WAC 132A-136-025	Use of facilities.
WAC 132A-136-030	Smoking regulations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132A-140-005	General policy.
WAC 132A-140-010	Limitations.
WAC 132A-140-015	Liability.
WAC 132A-140-020	Commercial ventures on campus.
WAC 132A-140-025	Bookstore.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-156-005	General regulations.
WAC 132A-156-010	Specific regulations.
WAC 132A-156-015	Visitors.
WAC 132A-156-020	Attire.
WAC 132A-156-025	Damages.
WAC 132A-156-030	Room inspection.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-160-005	Application and registration.
WAC 132A-160-015	Foreign students.
WAC 132A-160-020	Tuition refund policy.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-165-005	Admission.
WAC 132A-165-015	Assessment and placement.

WAC 132A-165-025	Advanced placement in English.
WAC 132A-165-035	Grading.
WAC 132A-165-045	Honor roll.
WAC 132A-165-055	Academic probation.
WAC 132A-165-065	Transfer policies.
WAC 132A-165-075	Armed services courses.
WAC 132A-165-085	College level examination program (CLEP).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132A-168-005	Circulation.
WAC 132A-168-010	Fines and charges.
WAC 132A-168-015	Hours.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132A-176-005	Environmental policy.
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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-180-005	General statement.
WAC 132A-180-010	Scope of policy.
WAC 132A-180-015	Materials subject to copyright.
WAC 132A-180-020	Rights to copyrightable materials.
WAC 132A-180-025	Procedures.
WAC 132A-180-030	Use of materials.
WAC 132A-180-035	Payments to the individual creator.
WAC 132A-180-040	Protection and liability.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132A-276-005	Purpose.
WAC 132A-276-010	Definitions.
WAC 132A-276-015	Description of district.
WAC 132A-276-020	Operations and procedures.

WAC 132A-276-025	Records availability.
WAC 132A-276-030	Public records officer.
WAC 132A-276-035	Office hours.
WAC 132A-276-040	Requests for public records.
WAC 132A-276-050	Exemptions.
WAC 132A-276-055	Review of denials.
WAC 132A-276-060	Protection of public records.
WAC 132A-276-065	Records index.
WAC 132A-276-070	Adoption of form—Appendix A.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869, Attention: Diane Young.

Reason the Expedited Repeal of the Rule is Appropriate: The language in the rule is outdated, unclear and unnecessary. The content of the rule is redundant of WAC 246-828-095 and 246-828-100 no longer appropriate.

July 9, 1999

Diane Young

Program Manager

EXPEDITED REPEAL

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132A-280-005	General statement.
WAC 132A-280-010	Definition of student.
WAC 132A-280-015	Definition of official records.
WAC 132A-280-020	Administrative safeguards.
WAC 132A-280-030	Application of terms of the policy.

WSR 99-16-087

EXPEDITED REPEAL

DEPARTMENT OF AGRICULTURE

[Filed August 4, 1999, 9:14 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-150 WAC, Federal meat inspection regulations, all sections; chapter 16-152 WAC, Federal poultry inspection regulations, all sections; chapter 16-12 WAC, Meat inspection, all sections; and chapter 16-122 WAC, Milk distributors (WAC 16-122-001).

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860, fax (360) 902-2087.

Reason the Expedited Repeal of the Rule is Appropriate: The statute that this rule was based upon, chapter 16.49A RCW, Washington Meat Inspection Act was repealed in the 199 legislature. It is no longer necessary to adopt the federal meat and poultry inspection regulations because the department has not had a meat or poultry inspection program for many years. It was taken over by the United States Department of Agriculture in 1972. The requirement for a milk distributors license under chapter 15.36 RCW, Fluid milk, has been repealed by the 1999 legislature.

August 4, 1999

Candace A. Jacobs, DVM

Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-300-005	Statement of policy.
WAC 132A-300-010	Grievance procedure.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-310-005	Statement of policy.
WAC 132A-310-010	Grievance procedure.

WSR 99-16-046

EXPEDITED REPEAL

DEPARTMENT OF HEALTH

[Filed July 30, 1999, 1:14 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-828-280 Documentation of referrals.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

WSR 99-16-113
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 4, 1999, 11:25 a.m.]

EXPEDITED REPEAL

The Following Sections are Proposed for Expedited Repeal: WAC 296-150C-0330, 296-150C-1580, 296-150C-1590, 296-150C-1600, 296-150C-1610, 296-150C-1620, 296-150C-1630, 296-150C-1640, 296-150C-1650, 296-150C-1660, 296-150C-1670, 296-150C-1680, 296-150C-1690, 296-150C-1700, 296-150C-1710, 296-150C-1720, 296-150C-1730, 296-150C-1740, 296-150C-1750, 296-150C-1751, 296-150C-1752, 296-150C-1753, 296-150C-1754, 296-150C-1755, 296-150C-1756, 296-150C-1757, 296-150C-1758, 296-150C-1759, 296-150C-1760, 296-150C-1770, 296-150C-1780, 296-150C-1790, 296-150C-1800, 296-150C-1810, 296-150C-1820, and 296-150C-1830.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Selwyn Walters, Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, fax (360) 902-4202.

Reason the Expedited Repeal of the Rule is Appropriate: The department is adopting a new rule chapter specifically for vendor units as a result of statutory changes in the 1999 legislative session. Currently, vendor units are covered in the chapter on commercial coaches. To eliminate duplication and inaccuracies, the references and sections related to vendor units are being repealed. These changes will take effect following the effective date of the new chapter.

July 30, 1999
 Gary Moore
 Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-150C-0330 What must I provide with my request for a commercial coach vendor unit design-plan approval by the department?
- WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units?
- WAC 296-150C-1590 Is a structural analysis required when converting a vehicle or structure to a vendor unit?

- WAC 296-150C-1600 What are the live load requirements of a vendor unit?
- WAC 296-150C-1610 Design load deflection.
- WAC 296-150C-1620 Structural load tests.
- WAC 296-150C-1630 Roof coverings/membrane/ weather resistant.
- WAC 296-150C-1640 Floors.
- WAC 296-150C-1650 Floor closure material.
- WAC 296-150C-1660 Chassis approval.
- WAC 296-150C-1670 Standards for equipment and installations.
- WAC 296-150C-1680 Flame-spread limitations.
- WAC 296-150C-1690 Cabinet protection.
- WAC 296-150C-1700 Insulation standards.
- WAC 296-150C-1710 Light and ventilation.
- WAC 296-150C-1720 What requirements apply to vending unit exits?
- WAC 296-150C-1730 What code and installation requirements apply to vendor unit electrical systems?
- WAC 296-150C-1740 What are the mechanical requirements for a vendor unit?
- WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit?
- WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit?
- WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit?
- WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit?
- WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit?
- WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit?
- WAC 296-150C-1756 How are gas supply connections in a vendor unit identified?
- WAC 296-150C-1757 What requirements apply to gas piping system openings?

- WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit?
- WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected?
- WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected?
- WAC 296-150C-1770 Appliances—Installation.
- WAC 296-150C-1780 Safety devices—Water heater relief valves.
- WAC 296-150C-1790 Plumbing—General.
- WAC 296-150C-1800 Plumbing—Definitions.
- WAC 296-150C-1810 Drainage—Cap or plug.
- WAC 296-150C-1820 Drainage—Clearance from drain outlet.
- WAC 296-150C-1830 Water supply connection.



WSR 99-15-090
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed July 21, 1999, 9:52 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation I - Sections 1.01, 1.03, 1.05, 1.07, 3.01, 3.03, 7.03, 8.07, 8.08, 13.01; Regulation II - Sections 1.01, 1.02, 1.03, 1.05; and Regulation III - Section 1.02.

Purpose: To update the regulations with the agency's new name.

Other Identifying Information: Regulation I: Article 1 - Policy, Short Title, and Definitions; Article 3 - General Provisions; Article 7 - Operating Permits; Article 8 - Outdoor Fires; Article 13 - Solid Fuel Burning Device Standards. Regulation II: Article 1 - Purpose, Policy, Short Title, and Definitions. Regulation III: Article 1 - General Requirements.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Our agency board of directors has elected to change the name of the agency from Puget Sound Air Pollution Control Agency to Puget Sound Clean Air Agency.

Reasons Supporting Proposal: This is a technical change to update our regulations with the new name of the agency.

Name of Agency Personnel Responsible for Drafting: Lynn Hughes, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4067; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would update the regulations with the new name of the agency.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 9, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 2, 1999, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by August 30, 1999.

Date of Intended Adoption: September 9, 1999.

July 20, 1999

David S. Kircher
 Manager - Engineering

AMENDATORY SECTION

REGULATION I SECTION 1.01 POLICY

The Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency, consisting of the counties of Pierce, King, Snohomish and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency, to provide for the uniform administration and enforcement of this Regulation, and to carry out the requirements and purposes of the Washington Clean Air Act and the Federal Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area and facilitate the enjoyment of the natural attractions of the Puget Sound area.

AMENDATORY SECTION

REGULATION I SECTION 1.03 NAME OF AGENCY

The name of the multicounty ~~g((A))ir p((P))ollution~~ g((C))ontrol g((A))gency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County, and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency" or "Agency (PSAPCA)".

AMENDATORY SECTION

REGULATION I SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation I of the Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency".

AMENDATORY SECTION

REGULATION I SECTION 1.07 DEFINITIONS

When used herein:

(a) **ACTUAL EMISSIONS** means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may

PROPOSED

approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.

(b) **AGENCY** means the Puget Sound (~~((Air Pollution Control))~~) Clean Air Agency.

(c) **AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(d) **AIR POLLUTION** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. Air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(e) **ALLOWABLE EMISSIONS** means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:

(1) Any applicable standard under 40 CFR Parts 60, 61, and 63;

(2) Any applicable emission standard under Regulation I, II, or III;

(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or

(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.

(f) **AMBIENT AIR** means the portion of the atmosphere, external to buildings, to which the general public has access.

(g) **BEST AVAILABLE CONTROL TECHNOLOGY** means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(h) **BOARD** means the Board of Directors of the Puget Sound (~~((Air Pollution Control))~~) Clean Air Agency.

(i) **COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

(j) **COMMENCED CONSTRUCTION** means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.

(k) **CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

(l) **CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound (~~((Air Pollution Control))~~) Clean Air Agency.

(m) **EMISSION** means a direct or indirect release of any air contaminant into the ambient air.

(n) **EMISSION STANDARD** means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(o) **EQUIPMENT** means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere.

(p) **FACILITY** means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.

(q) **FUEL BURNING EQUIPMENT** means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(r) **FUGITIVE DUST** means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(s) **FUGITIVE EMISSION** means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.

(t) **GASOLINE** means a volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch (10.3 kPa) at 68°F (20°C), that is a liquid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa), and is used as a fuel for internal combustion engines.

(u) **GASOLINE STATION** means any site dispensing gasoline into fuel tanks of motor vehicles, marine vessels, or aircraft from stationary storage tanks.

(v) **HAZARDOUS AIR POLLUTANT** means any air pollutant listed in or pursuant to section 112(b) of the federal Clean Air Act, 42 U.S.C. §7412.

(w) **INSTALLATION** means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(x) **LOWEST ACHIEVABLE EMISSION RATE** means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementation plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

(y) **MAJOR MODIFICATION** means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated nonattainment by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM ₁₀	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. (Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone.)

(z) **MAJOR SOURCE** means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

(aa) **MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS** means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the U.S. EPA Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

(bb) **MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY EMISSION LIMITATION FOR NEW SOURCES** means the emission limitation that is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and that reflects the maximum degree of reduction in emissions that the Agency, taking into consideration the cost

of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

(cc) **MODIFICATION** means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.

(dd) **MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(ee) **MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(ff) **NONATTAINMENT AREA** means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.

(gg) **OWNER OR OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

(hh) **PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa).

(ii) **PERSON** means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

(jj) **PM₁₀** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(kk) **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.

(ll) **REASONABLY AVAILABLE CONTROL TECHNOLOGY** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Reasonably avail-

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able control technology is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

(mm) **REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.

(nn) **SOURCE** means a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.

(oo) **STANDARD CONDITIONS** means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.

(pp) **TOTAL ALLOWABLE EMISSIONS** means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.

(qq) **TOXIC AIR CONTAMINANT** or TAC means an air contaminant listed in Appendix A of Regulation III.

(rr) **TRUE VAPOR PRESSURE** means the equilibrium partial pressure of an organic liquid (determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporative Loss from External Floating Roof Tanks", May 1996).

(ss) **URBANIZED AREA** means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

(tt) **VOLATILE ORGANIC COMPOUND** or VOC means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s) in effect July 1, 1998.

AMENDATORY SECTION

REGULATION I SECTION 3.01 DUTIES AND POWERS OF THE CONTROL OFFICER

Pursuant to the provisions of the "Washington Clean Air Act" (Chapter 70.94 RCW), the Board has appointed a Control Officer whose sole responsibility is to observe and enforce the provisions of the Act and all orders, rules, and regulations pursuant thereto, including but not limited to Regulations I, II, and III of the Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency. The Control Officer is empowered by the Board to sign official complaints, issue citations, initiate court suits, or use other legal means to enforce the provisions of the Act.

AMENDATORY SECTION

REGULATION I SECTION 3.03 GENERAL REGULATORY ORDERS

(a) **Purpose.** The Board may, by regulatory order, apply to a specific source or sources any applicable provision of chapter 70.94 RCW or the rules adopted thereunder.

(b) **Public Involvement Process.** The Board may issue a regulatory order after the following public involvement process has been completed:

(1) Public notice of the proposed order shall be published in a newspaper of general circulation in the area where the source that is the subject of the order is located. Notice shall also be sent to the U.S. Environmental Protection Agency Regional Administrator. The public notice shall include, at a minimum, the following information:

(A) The name and address of the owner or operator and the source;

(B) A brief description of the purpose of the proposed order and the requirements included in the proposed order;

(C) The deadline for submitting written comments to the Agency ((PSAPCA)); and

(D) The opportunity for a public hearing if the Agency ((PSAPCA)) determines that there is significant public interest in the proposed order.

(2) The initial public comment period shall be at least 30 days.

(3) During the initial 30-day public comment period, any person may request a public hearing be held. Any such request shall be submitted in writing to the Agency, shall indicate the interest of the entity filing it, and describe why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held before a hearing officer and upon such notice and at a time and place as the Agency deems reasonable. The hearing officer shall hear testimony at the public hearing and prepare a written summary of the testimony received at the hearing. The Agency shall provide at least 30 days prior notice of any hearing. If a public hearing is held, the public comment period shall extend through the hearing date.

(c) **Board Action.** The Board shall only issue an order under this section after:

(1) The public comment period has ended;

(2) Any public hearing scheduled has been held; and

(3) The Board has considered all information and data related to the proposed order received by the Agency ((PSAPCA)), including all written comments received and any summary of testimony prepared by the hearing officer.

The Board shall take action on a proposed order at a Board meeting. Unless otherwise ordered by the Board, an order issued under this section shall be effective on the date the Board approves the order.

(d) **Appeals.** Orders issued by the Board under this section may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.

(e) **Fees.** The Agency shall assess a fee of \$1,000.00 to cover the costs of processing and issuing a general regulatory order under this section. The Agency shall also assess a fee equal to the cost of providing public notice in accordance with Section 3.03(b) of this regulation. These fees shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.

AMENDATORY SECTION**REGULATION I SECTION 7.03 APPLICABILITY**

The provisions of this article apply to all Chapter 401 sources subject to the requirements of WAC 173-401 and shall become effective 90 days after the EPA authorizes Puget Sound (~~((Air Pollution Control))~~) Clean Air Agency to issue operating permits under the federal Clean Air Act.

AMENDATORY SECTION**REGULATION I SECTION 8.07 FIRE EXTINGUISHER TRAINING**

(a) **Applicability.** This section applies to small, short-duration fires for teaching the proper use of hand-held fire extinguishers.

(b) **General Requirements.** Hand-held fire extinguisher training may be conducted provided the following requirements are met:

(1) Training shall not occur during any stage of an air pollution episode or period of impaired air quality;

(2) Flammable or combustible materials used during the fire extinguisher training shall be limited to:

(A) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire marshals, or fire districts;

(B) As much gaseous fuel (propane or natural gas) as required for the training exercise; or

(C) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused computer paper.

(3) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to the Agency ((PSAPCA)) upon request;

(4) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements; and

(5) Person(s) conducting hand-held fire extinguisher training shall be responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

AMENDATORY SECTION**REGULATION I SECTION 8.08 FIRE DEPARTMENT TRAINING EXERCISES**

(a) **Applicability.** This section applies to structural fires set by fire departments, fire marshals, vocational schools, or fire districts for training fire fighters under realistic conditions.

(b) **General Requirements.** Fire departments, fire marshals, vocational schools, or fire districts may conduct structural fire training provided all of the following requirements are met:

(1) The fire training shall not occur during any stage of an air pollution episode or period of impaired air quality;

(2) Before the training begins, the fire department, fire marshal, vocational school, or fire district conducting the training fire must have submitted to the Agency ((PSAPCA)) a copy of the asbestos survey for the structure, and a completed Agency ((PSAPCA)) Asbestos/Demolition Notification form indicating all asbestos has been removed from the structure prior to training;

(3) The fire department, fire marshal, vocational school, or fire district conducting the fire training must have a fire-training plan available to the Agency ((PSAPCA)) upon request, and the purpose of the structural fire must be to train fire fighters;

(4) Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile must not be burned. These materials must be lawfully removed from the structure and disposed of in a lawful manner prior to the training exercise;

(5) Nuisance complaints or citizen inquiries relating to any training fire shall be resolved by the fire departments, fire marshals, vocational schools, or fire districts conducting the training fire; and

(6) The fire departments, fire marshals, vocational schools, or fire districts conducting the training fire shall obtain any permits, licenses, or other approvals required by any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

AMENDATORY SECTION**REGULATION I SECTION 13.01 POLICY AND PURPOSE**

The Board of Directors of the Puget Sound (~~((Air Pollution Control))~~) Clean Air Agency declares it to be the public policy of the Agency to control and reduce air pollution caused by woodstove emissions. It is the Agency's policy to reduce woodstove emissions by encouraging the continued efforts to educate the public about the effects of woodstove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from woodstoves pursuant to the emissions performance standards as adopted by the Department of Ecology. It is further the policy of the Board to encourage the replacement of uncertified woodstoves with cleaner sources of heat.

The Board encourages cities, towns and counties within its jurisdiction to adopt woodsmoke control programs including enhanced public education and abatement ordinances and assist in the enforcement of this Regulation during declared air quality episodes and periods of impaired air quality. Nothing in this Regulation shall be construed to impair the right of any city, town or county to adopt and enforce woodsmoke abatement ordinances.

PROPOSED

AMENDATORY SECTION**REGULATION II SECTION 1.01 PURPOSE**

The Puget Sound (~~((Air Pollution Control))~~ Clean Air Agency, consisting of the counties of King, Kitsap, Pierce, and Snohomish, having been activated by the Washington Clean Air Act, RCW 70.94, adopted Regulation I on March 13, 1968 to control the emission of air contaminants from all sources, to provide for the uniform administration and enforcement of air pollution control in its jurisdiction, and to carry out the requirements and purposes of the Washington Clean Air Act.

The Board of Directors of the Puget Sound (~~((Air Pollution Control))~~ Clean Air Agency has amended Regulation I from time to time as necessary and now recognizes the need for a special regulation to reduce ozone concentrations as required by the Federal Clean Air Act as amended. Accordingly, the Board has adopted Regulation II to provide for control of photochemically reactive volatile organic compounds (VOC), which are precursors to ozone, to meet the National Ambient Air Quality Standard for ozone.

AMENDATORY SECTION**REGULATION II SECTION 1.02 POLICY**

The Puget Sound (~~((Air Pollution Control))~~ Clean Air Agency hereby reaffirms its public policy as defined in Section 1.01 of Regulation I and further asserts its intent to secure and maintain control of emissions of volatile organic compounds to the extent needed to attain and maintain the National Ambient Air Quality Standard for ozone, and minimize the emission of stratospheric ozone depleting and toxic organic compounds, thus protecting the health and welfare of the people of the central Puget Sound region.

It is therefore the policy of the Board that water-based, high solids, or powder coatings and water-based cleaning materials are preferred to be used to comply with this regulation. The substitution of negligibly reactive VOCs for photochemically reactive VOCs shall not be an accepted method of compliance.

AMENDATORY SECTION**REGULATION II SECTION 1.03 SHORT TITLE**

This regulation may be known and cited as "Regulation II of the Puget Sound (~~((Air Pollution Control))~~ Clean Air Agency".

AMENDATORY SECTION**REGULATION II SECTION 1.05 SPECIAL DEFINITIONS**

When used in Regulation II of the Puget Sound (~~((Air Pollution Control))~~ Clean Air Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTI GLARE/SAFETY COATING** means a coating that does not reflect light.

(c) **BOTTOM LOADING** means the filling of a tank through a line entering the bottom of the tank.

(d) **BULK GASOLINE PLANT** means a gasoline storage and transfer facility that receives more than 90% of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(e) **CAMOUFLAGE COATING** means a coating applied on motor vehicles to conceal such vehicles from detection.

(f) **COLOR MATCH** means the ability of a repair coating to blend into an existing coating so that color difference is not visible.

(g) **COMMERCIAL AEROSPACE PRIMER** means BMS 10-11, Type I.

(h) **COMMERCIAL AEROSPACE TOPCOAT** means BMS 10-11, Type II.

(i) **CUTBACK ASPHALT** means an asphalt that has been blended with more than 7% petroleum distillates by weight.

(j) **EXTREME PERFORMANCE COATING** means any coating used on the surface of a Group II vehicle, mobile equipment or their parts or components that during intended use is exposed to industrial grade detergents, cleaners or abrasive scouring agents or extreme environmental conditions as determined by the Control Officer.

(k) **FLEXOGRAPHIC PRINTING** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(l) **GASOLINE** means a volatile organic compound having a true vapor pressure greater than 10.5 kilopascals (kPa) (1.5 pounds per square inch absolute - psia) at 20°C temperature, that is a liquid at standard conditions of 102.9 kPa (14.7 psi) and 20°C, and is used as a fuel for internal combustion engines.

(m) **GASOLINE LOADING TERMINAL** means a gasoline transfer facility that receives more than 10% of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(n) **GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

(o) **GROUP I VEHICLES** means passenger cars, large/heavy-duty truck cabs and chassis ($\geq 10,000$ pounds gross vehicle weight), light- and medium-duty trucks and vans ($< 10,000$ pounds gross vehicle weight), and motorcycles.

(p) **GROUP II VEHICLES** means public transit buses.

(q) **METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

(r) **MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

(s) **MILITARY AEROSPACE TOPCOAT** means the current version of MIL-C-85285.

(t) **MOBILE EQUIPMENT** means any equipment that may be drawn or is capable of being driven on a roadway, including, but not limited to, truck bodies, truck trailers, utility bod-

ies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry.

(u) **PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(v) **PETROLEUM REFINERY** means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives.

(w) **PETROLEUM SOLVENT** means organic material produced by petroleum distillation comprising a hydrocarbon range of 8 to 12 carbon atoms that exists as a liquid under standard conditions, frequently called "Stoddard" solvent.

(x) **POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

(y) **PRECOAT** means any coating that is applied to bare metal primarily to deactivate the metal surface for corrosion resistance to a subsequent water-based primer.

(z) **PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

(aa) **PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

(bb) **PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

(cc) **PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

(dd) **PROCESS UNIT** means all the equipment essential to a particular production process.

(ee) **PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

(ff) **ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

(gg) **SOLVENT RECOVERY DRYER** means a dry cleaning dryer that employs a condenser to liquify and recover solvent vapors evaporated in a closed-loop, recirculating stream of heated air.

(hh) **SPECIALTY COATINGS** are coatings that are necessary due to unusual job performance requirements. Said coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and antiglare/safety coatings.

(ii) **SUBMERGED FILL LINE** means any discharge pipe or nozzle that meets either of the following conditions:

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6" from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18" from the bottom of the tank.

(jj) **TEMPORARY PROTECTIVE COATING** means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

(kk) **TOPCOAT** means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

(ll) **TOUCHUP** means the portion of the operation that is necessary to cover minor imperfections.

(mm) **TRANSPORT TANK** means a container with a capacity greater than 1,000 liters (264 gallons) used for transporting gasoline, including but not limited to, tank truck, tank trailer, railroad car, and metallic or nonmetallic tank or cell conveyed on a flatbed truck, trailer, or railroad car.

(nn) **TRUE VAPOR PRESSURE** means the equilibrium partial pressure of an organic liquid (determined with methods described in American Petroleum Institute Bulletin 2517, "~~(Evaporation)~~ Evaporative Loss from External Floating Roof Tanks", May ~~((1994))~~ 1996).

(oo) **TURNAROUND** means the shutting down and starting up of process units for periodic maintenance and repair of equipment, or other planned purpose.

(pp) **VAPOR RECOVERY SYSTEM** means a process that prevents emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

AMENDATORY SECTION

REGULATION III SECTION 1.02 SHORT TITLE

This Regulation may be known and cited as "Regulation III of the Puget Sound (~~(Air Pollution Control)~~) Clean Air Agency".

WSR 99-16-001

WITHDRAWAL OF PROPOSED RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 21, 1999, 1:17 p.m.]

The Washington State Department of Fish and Wildlife withdraws its proposal to amend WAC 232-12-242 contained in WSR 99-13-194. All other proposed WAC changes in this filing are unaffected by this withdrawal.

Evan Jacoby, Rules Coordinator
Fish and Wildlife Legal Services

WSR 99-16-034
PROPOSED RULES
OFFICE OF THE
STATE TREASURER
 [Filed July 28, 1999, 2:51 p.m.]

Date of Intended Adoption: October 5, 1999.

July 28, 1999

Greg Rosen

Legal Counsel

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 389-12 WAC, Public Deposit Protection Commission (PDPC).

Purpose: To amend and update the procedures to be followed by financial institutions who hold public funds in accordance with the Public Deposit Protection Act.

Statutory Authority for Adoption: Chapter 39.58 RCW.

Statute Being Implemented: Chapter 39.58 RCW.

Summary: Amendment of rules to conform to chapter 39.58 RCW updates.

Reasons Supporting Proposal: Makes rules consistent with recent updates in statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Adams, P.O. Box 40200, (360) 902-9077.

Name of Proponent: Washington State Treasurer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules govern the operation of the Public Deposit Protection Commission (PDPC). The rules specify requirements for becoming a public depository and sets forth the reporting requirements and operational procedures for maintaining qualification to hold public funds. The rules give direction to PDPC members and allows the commission chairman and members to maintain the viability and success of the PDPC program.

Proposal Changes the Following Existing Rules: The changes update the existing rules so as to be consistent with previous statute amendments to chapter 39.58 RCW regarding reporting requirements due to banking requirement changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not regulate or have an economic impact on any small business. The rule only impacts participants of the PDPC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not elect to have section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Office of the State Treasurer, 416 14th Avenue S.W., Second Floor, Room 240, Olympia, WA 98504, on September 13, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nancy Adams by September 6, 1999, TDD (360) 902-8963, or (360) 902-9077.

Submit Written Comments to: Fax (360) 902-9044, by September 6, 1999.

AMENDATORY SECTION (Amending Order 86-I, Resolution No. 86-003, filed 6/19/86)

WAC 389-12-020 Definitions. Unless the context requires otherwise:

(1) (~~Qualified public depository. "Qualified~~) "Public depository" means a financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and (~~which~~) whose charter has been approved by the commission to hold public deposits.

(2) (~~Financial institution. A~~) "Financial institution" means any of the following which are located in this state and are lawfully engaged in business:

(a) Bank depositories—Any branch of a bank engaged in the banking business in this state in accordance with RCW 30.04.300, and any state bank or trust company or national banking association.

(b) Thrift depositories—Any state chartered mutual savings bank or stock savings bank, any state or federally chartered savings and loan association (including federally chartered savings bank).

(3) (~~Investment deposits. The term~~) "Investment deposit" shall mean time deposits, savings deposits, and money market deposit accounts of public funds available for investment. Savings (~~deposits~~) deposits shall mean an interest bearing deposit of public funds that is subject to withdrawal and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. Time deposit shall mean a single maturity or multiple maturity interest bearing investment deposit of public funds, which is either evidenced by a certificate of deposit issued by a (~~qualified~~) public depository, or reflected in a book-entry system of such depository approved by federal regulatory authorities, state supervisor of banking and/or state supervisor of savings and loan associations, and which is payable to a treasurer on a date certain. Such certificate shall not be negotiable, nor an interest in an investment deposit transferable, except between treasurers and/or (~~qualified~~) public depositories. Money market deposit account shall mean an account established with a (~~qualified~~) public depository in accordance with Public Law No. 97-320, the Garn-St. Germain Depository Institutions Act of 1982.

(4) (~~Commission report. The~~) "Commission report" shall mean a formal accounting rendered by (~~qualified~~) public depositories to the commission, which details pertinent information of each depository as of the close of the last business day of each calendar quarter; the commission report is due in the office of the commission not later than thirty days after the end of (~~the~~) each calendar quarter. In addition, each public depository shall submit to the commission a nonquarter monthly reporting of public funds. This report

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shall be due eight working days after the end of each non-quarter month.

(5) ~~((Date of loss. The term))~~ "Date of loss" shall mean the date on which a loss shall be deemed to have occurred within the meaning of the act, and shall be the first to happen of the following:

(a) The date of the taking of possession of the financial institution by a supervisory agency; or

(b) The date of the appointment of the receiver or conservator for a financial institution; or

(c) The date of the commencement of a voluntary liquidation proceeding for a financial institution; or

(d) The date of an order issued by a regulatory authority or a court of competent jurisdiction restraining a financial institution from making payments on deposit liabilities; or

(e) The date on which the commission declares that a financial institution no longer has the ability to repay public deposits in full.

(6) ~~((Depository pledge agreement.))~~ "Depository pledge agreement" means a written tri-party agreement, on a form supplied by the commission, wherein a financial institution, in compliance with the act and as a condition precedent to becoming or continuing to be a ~~((qualified))~~ public depository, transfers and delivers securities which are eligible collateral to a corporate fiduciary under the exercise of its trust powers, to ~~((a))~~ the federal reserve bank ((or any branch thereof) of San Francisco, the federal home loan bank ((or any branch thereof) of Seattle, the trust department of the public depository, or any other institution as approved by the commission, which agrees to safekeep such securities for the primary benefit of the commission under the terms and conditions of the agreement and for the purposes set forth by the act and the regulations of the commission. Such agreement shall be executed on behalf of the commission by the chairman, who shall be the state treasurer. Upon completion, the agreement shall be approved by the board of directors or loan committee of the financial institutions. The agreement must be continuously, from the time of its execution, an official record of the bank. Copies of the meeting minutes which reflect this are to be provided to the commission.

(7) ~~((Segregation of collateral.))~~ "Segregation of collateral" means the transfer and delivery of eligible securities by a ~~((qualified))~~ public depository pursuant to a depository pledge agreement (RCW 39.58.050). A depository wishing to reduce the amount of securities pledged as collateral must submit a written request to the commission. The trustee holding the collateral shall not allow a reduction of securities without the prior written approval of the commission. When a ~~((qualified))~~ public depository pledges eligible securities whose payments include a periodic principal reduction, the ~~((depository))~~ trustee shall ~~((promptly))~~ advise the commission, on no less than a monthly basis, of the ((dates and)) amounts of such principal payments as well as the new total value which result from the principal payments.

(8) ~~((Net worth.))~~ "Net worth" of a ~~((qualified))~~ public depository means:

(a) For a bank depository, the aggregate of capital, surplus, undivided profits and all capital notes and debentures which are subordinate to the interest of depositors;

(b) For a thrift depository, the aggregate of such capital stock, guaranty fund, general reserves, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors, as are eligible for inclusion in otherwise determining the net worth of a mutual savings bank, stock savings bank, or savings and loan association, excluding appraised equity capital, income capital certificates, net worth certificates~~((f-))~~, and deferred losses on loans sold;

Net worth for both bank and thrift depositories headquartered outside Washington state may be adjusted by the commission to reflect the depositories' proportional net worth position in Washington state.

(9) ~~((Corporate fiduciary.))~~ "Corporate fiduciary" for the purposes of these rules means a financial institution as defined herein which is possessed of statutorily granted trust authority: Provided, That for the purposes of this definition such financial institution need not be located or doing business in the state of Washington.

(10) ~~((Banking institution.))~~ "Banking institution" for the purposes of these rules means ~~an institution organized under the laws of the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, except an institution the accounts of which are insured by the federal savings and loan insurance corporation or an institution chartered by the federal home loan bank board, which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans.~~

~~((11) Out-of-state bank.))~~ "Out-of-state bank" for the purposes of these rules means a ~~((banking))~~ financial institution ~~((as defined in WAC 389-12-020(10)))~~ which has its principal place of business outside the state of Washington.

~~((12) Alien bank.))~~ (11) "Alien bank" for the purposes of these rules means a ~~((bank))~~ financial institution organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-030 New ~~((qualified))~~ public depositories. Any financial institution in the state of Washington eligible under the act, in order to become a ~~((qualified))~~ public depository, must be approved by the commission and segregate collateral in the manner as set forth in these rules prior to the receipt of public deposits. Until such time as ~~((qualified))~~ public depositories have submitted four consecutive reports to the commission as required by RCW 39.58.100, they shall at all times be required to pledge and segregate eligible securities, valued at market value, in an amount equal to not less than 10% of all public funds on deposit in said depository. During the interim period in which a financial institution is required to file four consecutive reports, each such institution shall report to the commission on each commission report date ~~((on forms))~~ in a format supplied by the commission.

PROPOSED

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-040 Computation and report of maximum liability. On each commission report date each public depository shall ~~((recompute))~~ recalculate its maximum liability ~~((on a form))~~ in a format to be supplied by the commission. Such report shall, in addition to other information, show the current amount of deposits of Washington state and its political subdivisions for the most recent commission report date, such deposits as shown on the four most recent reports (i.e., current report and three immediately preceding reports), the average of these deposits for the four report periods, and the depository's maximum liability as defined in RCW 39.58.010(6).

The quarterly report to the commission shall be received in the office of the commission not later than thirty days following each calendar quarter end, and shall have attached a completed copy of the balance sheet and deposit liabilities portion of the depository's most recent consolidated report of condition or ~~((most recent report to the Federal Home Loan Bank, whichever is applicable))~~ consolidated statement of condition as reported to the depository's primary regulator.

At the end of each calendar quarter, the commission shall provide ~~((appropriate reporting forms to))~~ each ~~((qualified))~~ public depository ~~((and))~~ the amount constituting thirty percent of total public funds on deposit in Washington state for the preceding quarter. Depositories will use this figure for the current report period and to monitor their total public funds on deposit for the ensuing quarter, unless notified of a revised figure by the commission.

Upon written request from a public depository the commission may, for good cause shown, extend the due date for commission reports for a period not to exceed ten days.

If the maximum liability has increased from the previous report or if aggregate public deposits exceed the limitations prescribed in section 19, chapter 177, Laws of 1984, the depository shall immediately increase its collateral and the commission shall be so notified.

Each public depository shall provide to the commission a copy of any changes, amendments, or alterations to the depository's financial report as submitted to appropriate regulatory authority which relate to (a) deposits of states and political subdivision, and/or (b) net worth.

A monthly report of public funds shall, in a format supplied by the commission, be submitted by each public depository to the commission no later than eight working days following the end of each month. If applicable, adjustments to the depositories' last reported net worth and/or additional collateral being pledged shall be listed on the monthly report. The monthly report shall be submitted to the commission every month, except for those months in which the quarterly report must be submitted to the commission.

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-050 Valuation. Securities pledged as collateral by a ~~((qualified))~~ public depository shall be reported at market value.

Market value shall be computed as of the date of segregation or the last preceding commission report date, whichever is later. When the commission report is submitted, each depository shall provide ~~((on))~~ in a ((form)) format supplied by the commission a current listing of those securities pledged and their then current market and par value.

AMENDATORY SECTION (Amending Order 77-XIII, filed 9/27/77)

WAC 389-12-060 Deposit of collateral. Except for the exchange or substitution of securities having a like or greater market value, the trustee shall not permit the withdrawal of any security without advance written approval of the commission.

The trustee, under a depository pledge agreement, shall inform the commission whenever assets are delivered to or by the trustee by mailing to the commission, within twenty-four hours following such deposit or withdrawal, a copy of the receipt signed by the party that accepted delivery of such assets.

No costs, fees and expenses incidental to the functioning of the pledge agreement shall be a charge against the commission or its interest in the securities pledged.

Each ~~((qualified))~~ public depository shall at all times maintain eligible collateral segregated and pledged with its trustee having a value at least equal to its maximum liability as defined in the act and under these rules and regulations. Compliance with the foregoing requirement shall be the depository's responsibility regardless of the frequency and form of reports required by the commission.

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-065 Aggregate deposit limitations. Whenever the public funds on deposit in a ~~((qualified))~~ public depository exceed the limits set forth in section 19, chapter 177, Laws of 1984, such depository shall immediately:

- (1) Notify the commission; and
- (2) Provide additional collateral, if necessary, to provide one hundred percent collateralization of such excess deposits.

When a depository's net worth position is reduced, such depository shall determine if any public treasurer's funds on deposit exceed the revised net worth. If any such excess deposits exist, the depository shall immediately notify the commission and provide the commission with a detailed accounting of deposits. The depository shall also advise the commission of its intent to:

- (1) Provide one hundred percent collateralization of the excess deposits; or
- (2) Allow the treasurer to withdraw such deposits in accordance with section 18, chapter 177, Laws of 1984.

AMENDATORY SECTION (Amending Order 86-I, Resolution No. 86-003, filed 6/19/86)

WAC 389-12-071 Minimum standards for the financial condition of ((qualified)) public depositories. Notwithstanding any other provisions of chapter 39.58 RCW and

chapter 389-12 WAC, a ~~((qualified))~~ public depository must maintain a specified ratio of net worth to assets of not less than three percent. If such ratio for a depository shall fall below three percent, the depository shall pledge securities as collateral, valued at current market value, in a total amount at least equal to one hundred percent of its current public deposits: Provided, That the commission may, at any time, in its discretion, require a depository to pledge additional collateral after consultation with appropriate regulatory authorities.

The collateral pledged under this section shall not be less than the maximum liability as required in RCW 39.58.050(1), but may include collateral required by RCW 39.58.130, 39.58.135, and WAC 389-12-065.

AMENDATORY SECTION (Amending Order 86-I, Resolution No. 86-003, filed 6/19/86)

WAC 389-12-075 Collateral level to be maintained. Whenever a public depository must pledge securities as collateral in accordance with RCW 39.58.130, 39.58.135, WAC 389-12-065, and 389-12-071, the depository must monitor its public funds on deposit on a daily basis and maintain securities, valued at current market value, accordingly.

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-080 Maximum deposit limitation. In determining the maximum deposit limitation of any financial institution, a treasurer, unless advised to the contrary by the commission, may assume that each public depository's net worth has remained unchanged from that stated in the most recently rendered commission report.

AMENDATORY SECTION (Amending Order 86-I, Resolution No. 86-003, filed 6/19/86)

WAC 389-12-140 Demand deposit account with ~~((banking))~~ financial institution located outside the state of Washington. A treasurer may, with the approval of the commission, establish a demand deposit account with an out-of-state bank or an alien bank. Prior to establishing such account, a treasurer shall submit, in writing, for review by the commission, the following information: (1) Detailed information setting forth the justification for such account, projected cash flows, and other benefits which will accrue to the public entity through the establishment of such account; (2) period of time such account will be in use; (3) reasons such account cannot be established with a ~~((qualified))~~ public depository; (4) name and location of ~~((banking))~~ financial institution or alien bank and name and telephone number of contact person at ~~((banking))~~ financial institution or alien bank; (5) extent of deposit insurance provided by ~~((banking))~~ financial institution or alien bank; (6) most recent fiscal year end and quarterly financial report, if any, provided to regulatory agency and/or shareholders by ~~((banking))~~ financial institution or alien bank; (7) proposed method of ensuring safety of deposits if not fully covered by deposit insurance, and (8) such other information as the commission reasonably may require.

The account shall not be established until it shall have been authorized by a resolution of the commission or action authorized by the chair, setting forth the terms and conditions for such account. A copy of such resolution will be forwarded to the public entity~~((;))~~ and the state auditor~~((; and the appropriate committee of the legislature))~~.

Accounts authorized under this section are not considered to be protected against loss by the Public Deposit Protection Act.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 389-12-210 Definitions. (1) ~~((Public records.))~~ "Public record" includes any writing containing information relating to the conduct of governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) ~~((Writing.))~~ "Writing" means handwriting, type-writing, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) ~~((Washington public deposit commission.))~~ The "Washington public deposit protection commission" is the commission established by chapter 39.58 RCW. The Washington state public deposit protection commission shall hereinafter be referred to as the "commission." Where appropriate, the term Washington public deposit protection commission also refers to the staff and employees of the commission.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 389-12-220 Description of central and field organization of the Washington public deposit protection commission. ~~((1) Washington public deposit protection commission.))~~ The Washington public deposit protection commission is a state agency empowered to perform all duties prescribed by law with respect to the collateralization of public funds. The administrative offices of the Washington public deposit protection commission and its staff are located in the state treasurer's office in the Legislative Building, Olympia, Washington.

AMENDATORY SECTION (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-230 Operations and procedures. The Washington public deposit protection commission is charged with the duty of protecting public funds on deposit by Washington's public treasurers in the event of a default of a ~~((qualified))~~ public depository, and such other duties as set forth in chapter 39.58 RCW.

WSR 99-16-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed August 2, 1999, 3:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-23-093.

Title of Rule: WAC 388-513-1300 Applicability of alternate living and institutional rules (repealed); 388-513-1301 Definitions related to long term care (LTC) services (new); 388-513-1305 Determining eligibility for noninstitutional medical assistance in an alternate living facility (ALF) (amended); 388-513-1310 Resource standard—Institutional (repealed); 388-513-1315 Determining eligibility for long term care (LTC) services—Institutional, waived, and hospice services (amended); 388-513-1320 Determining institutional status for long term care (LTC) services (amended); 388-513-1325 Determining available income for a single client for long term care (LTC) services (new); 388-513-1330 Determining available income for legally married couples for long term care (LTC) services (amended); 388-513-1350 Defining the resource standard and determining available resources for long term care (LTC) services (amended); 388-513-1360 Determining excluded resources for long term care (LTC) services (amended); 388-513-1365 Evaluating the transfer of an asset made on or after March 1, 1997, for long term care (LTC) services (amended); 388-513-1366 Evaluating the transfer of an asset made before March 1, 1997, for long term care (LTC) services (new); 388-513-1395 Determining eligibility for institutional or hospice services and for facility care-only medically needy (MN) program (amended); 388-513-1396 Clients living in a fraternal, religious, or benevolent nursing facility (amended); 388-513-1510 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) (amended); and 388-513-1530 Coordinated community AIDS services alternatives (CASA) program (amended).

Purpose: To comply with the Governor's Executive Order 97-02 by rewriting the long term care (LTC) eligibility rules in a simpler, clearer, and more effective style for the regulated audience; to streamline and consolidate rules as much as possible; and to repeal rules no longer-needed to manage the LTC medical assistance programs.

Statutory Authority for Adoption: RCW 11.92.180, 43.20B.460, 48.85.020, 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575, 74.09.585; 20 C.F.R. 416.1110-1112, 1123, and 1160; 42 C.F.R. 435.403 (j)(2) and 1005; and Sections 17, 1915©, and 1924 (42 U.S.C. 1396) of the Social Security Act.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575, 74.09.585.

Summary: Some LTC rules are being repealed (WAC 388-513-1300 and 388-513-1310), some new sections are being added (WAC 388-513-1301, 388-513-1325, and 388-513-1366, and the remaining rules are being reorganized and

retitled to make LTC eligibility easier for the regulated audience to read and understand.

Reasons Supporting Proposal: Regulated audience will better understand eligibility requirements for LTC medical assistance programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephen Kozak, Medical Assistance Administration, 617 8th Avenue S.E., Olympia, WA 98504, (360) 586-1034.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Client eligibility rules for long term care (LTC) medical assistance programs are being reorganized and rewritten in an attempt to make them simpler, clearer, and easier to understand for the regulated audience. To that end, some of the LTC Washington Administrative Code sections are being streamlined, consolidated, or repealed, while some new sections have been added.

Proposal Changes the Following Existing Rules: Although there are no substantive changes to LTC policy, this proposal does change the organization of the information resulting in the consolidation of some WAC sections, the repeal of two other sections, and the addition of three new WAC sections.

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 only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These rules do not fit the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October, 5, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by September 24, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 5, 1999.

Date of Intended Adoption: October 8, 1999.

July 27, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-18 issue of the Register.

PROPOSED

WSR 99-16-073**WITHDRAWAL OF PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE**

(By the Code Reviser's Office)

[Filed August 3, 1999, 8:09 a.m.]

WAC 284-43-130 and 284-43-810, proposed by the Insurance Commissioner's Office in WSR 99-03-006 and 99-03-007 appearing in issue 99-03 of the State Register, which was distributed on February 3, 1999, 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 99-16-074**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

(By the Code Reviser's Office)

[Filed August 3, 1999, 8:10 a.m.]

WAC 25-12-010, 25-12-020, 25-12-030, 25-12-040, 25-12-050, 25-12-060, 25-12-070, 25-12-110, 25-12-120, 25-12-130, 25-12-140, 25-12-150, 25-12-160, 25-12-170 and 25-12-180, proposed by the Department of Community, Trade and Economic Development in WSR 99-03-098 appearing in issue 99-03 of the State Register, which was distributed on February 3, 1999, 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 99-16-084**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 3, 1999, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-12-037 on May 26, 1999.

Purpose: Chapter 296-24 WAC, General safety and health standards; chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-307 WAC, Safety standards for agriculture.

The Federal Register, Volume 63, No. 230, December 1, 1998, adopted an OSHA final rule to amend 29 C.F.R. 1910, 1915, 1917, 1918, and 1926. The rule:

- Revised operator training requirements to base the type of training required on the operators:
 - Knowledge and skills,

- Types of powered industrial trucks the operator will operate in the workplace,
- Hazards present in the workplace, and
- Operator's demonstrated ability to operate the powered industrial truck.
- Requires operator refresher training if:
 - The operator is involved in an accident or near-miss incident,
 - Observed operating the vehicle in an unsafe manner,
 - Determined during an evaluation to need additional training,
 - Workplace changes have occurred that affect safe operation of the truck, or
 - Assigned to operate a different kind of truck.
- Requires each operator's performance to be evaluated as part of the initial and refresher training, at least once every three years.

The Department of Labor and Industries published the Rule Review Plan, in August 1997, to guide efforts for regulatory improvement through the year 2001 and beyond. This effort was in response to Governor Gary Locke's Executive Order 97-02 which mandated state agencies to review regulations to ensure they meet standards of need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost and fairness.

These revisions incorporate mandated federal and state initiated changes. In an effort to extend equal protection of all workers, the department is proposing that these requirements encompass agricultural employers.

The following is a summarization of both the federally mandated and state-initiated amendments being proposed:

Federally mandated (by chapter):**Chapter 296-24 WAC, General safety and health standards.**

Amended Section: **WAC 296-24-23025 Operator training.**

Rewritten to introduced OSHA mandated criteria for:

- Safe powered industrial truck operation.
- Training program implementation.
- Minimum training program content.
- Operator refresher training and evaluation.
- Prevention of duplicative training.
- Record keeping requirements.

Chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations.

Amended Section: **WAC 296-56-60077(1) Powered industrial trucks, applicability:** Added reference to WAC 296-24-230 for additional requirements for powered industrial trucks.

Chapter 296-155 WAC, Safety standards for construction work.

Amended Section: **WAC 296-155-615(3) Material handling equipment, lifting and hauling equipment:**

Added reference to WAC 296-24-230 for additional requirements for powered industrial trucks.

State initiated amendments (by chapter):**Chapter 296-24 WAC, General safety and health standards.**Amended Section: **WAC 296-24-23001** Definitions.

- Rewritten for clarity and ease of understanding; removed or modified language no longer common to the industry.

Amended Section: **WAC 296-24-23003** General requirements.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.
- Updated references to national and industry standards.

Amended Section: **WAC 296-24-23005** Designations.

- Rewritten for uniformity, clarity and ease of understanding.

Amended Section: **WAC 296-24-23007** Designated locations.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.
- Updated references to national and industry standards.
- Revised tables for clarity and ease of use.

Amended Section: **WAC 296-24-23009** Converted industrial trucks.

- Rewritten for uniformity, clarity and ease of understanding.

Amended Section: **WAC 296-24-23011** Safety guards.

- Rewritten for uniformity, clarity and ease of understanding.

Amended Section: **WAC 296-24-23013** Fuel handling and storage.

- Rewritten for uniformity, clarity and ease of understanding.
- Updated references to national and industry standards.

Amended Section: **WAC 296-24-23015** Changing and charging storage batteries.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

Amended Section: **WAC 296-24-23017** Lighting for operating areas.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.
- Updated references to national and industry standards.

Amended Section: **WAC 296-24-23019** Control of noxious gases and fumes.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

- Updated WAC references within the standard.

Amended Section: **WAC 296-24-23021** Deckboards (bridge plates).

- Rewritten for uniformity, clarity and ease of understanding.

Amended Section: **WAC 296-24-23023** Truck and railroad cars.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.
- Updated WAC references within the standard.

Amended Section: **WAC 296-24-23027** Powered industrial truck operations.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.
- Restated operator protection restraint requirements contained in WAC 296-24-073(2) to ensure uniform understanding and application.
- Introduced material from WRD 78-25A regarding requirements for safety harness, lanyard and tieoff points when high lift order picker rider trucks are not equipped with guardrails.
- Inclusion of this material and an illustration (figure 1) allows the rescission of WRD 78-25A.
- Illustrations (figures) were renumbered.

Amended Section: **WAC 296-24-23029** Traveling.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

Amended Section: **WAC 296-24-23031** Loading.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

Amended Section: **WAC 296-24-23035** Maintenance of industrial trucks.

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

New Section: WAC 296-24-23037 Appendix 1 Stability of Powered Industrial Trucks—Nonmandatory Appendix. To assist employers in the implementation of OSHA mandated operator training requirements, introduced a nonmandatory appendix that does not add to, alter, or reduce requirements. Rather, the appendix standardizes definitions and provides information to assist in the understanding of principles regarding basic, triangular, longitudinal, lateral and dynamic stability of the powered industrial truck. Introduced Figures 2 and 3 to graphically demonstrate narrative descriptions.

Chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations:Amended Section: **WAC 296-56-60077(1)** Powered industrial trucks, applicability.

Added reference to WAC 296-24-230 for additional requirements for powered industrial trucks.

Chapter 296-155 WAC, Safety standards for construction work:

Amended Section: **WAC 296-155-615(3)** Material handling equipment, lifting and hauling equipment.

- Added reference to WAC 296-24-230 for additional requirements for powered industrial trucks.
- Updated references to national and industry standards.

Chapter 296-307 WAC, Safety standards for agriculture:

Rewritten to introduce criteria for:

- Safe powered industrial truck operation.
- Training program implementation.
- Minimum training program content.
- Operator refresher training and evaluation.
- Prevention of duplicative training.
- Record keeping requirements.

Amended Section: **WAC 296-307-52005** What manufacturer's requirements apply to powered industrial trucks?

- Amended to update references to national standards.

Amended Section: **WAC 296-307-52007** What are the classifications of powered industrial trucks?

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

Amended Section: **WAC 296-307-52011** What requirements determine which trucks to use in specific hazardous environments?

- Rewritten for uniformity, clarity and ease of understanding.
- Removed or modified outdated information or references.

Amended Section: **WAC 296-307-52019** What requirements apply to fuel handling and storage?

- Amended to update references to national standards.

Amended Section: **WAC 296-307-52021** What requirements apply to lighting for operating areas?

- Amended to update references to national standards.

Amended Section: **WAC 296-307-52023** What level of carbon monoxide gas is allowed?

- Amended to clarify WAC reference.

Amended Section: **WAC 296-307-52029** Who may operate powered industrial trucks?

- Amended section title to read "What are the operator training requirements for powered industrial trucks?"
- Introduced powered industrial truck training requirements identical to those to be mandated by the federal government and the state for employers within general industries (general safety and health standards), longshore, stevedore and related waterfront operations, and those in construction work.

New Section: **WAC 296-307-52030** Is there any additional (nonmandatory) information that may assist me with powered industrial truck operator training?

- Introduced nonmandatory information to assist in the training of powered industrial truck operators.

Amended Section: **WAC 296-307-52031** What requirements apply to operating powered industrial trucks?

- Added subsection clarifying when active operator protection restraint devices or systems must be used.
- Rewritten for uniformity, clarity and ease of understanding.

Amended Section: **WAC 296-307-52039** What requirements apply to traveling in a powered industrial truck?

- Added subsection to clarify access requirements for fire aisles, stairways and fire equipment.

Amended Section: **WAC 296-307-52047** What requirements apply to maintaining powered industrial trucks?

- Removed outdated restriction on use of antifreeze.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

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, 29 C.F.R. 1910, 1915, 1917, 1918 and 1926, Vol. 63, No. 230, December 1, 1998.

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

Proposal Changes the Following Existing Rules: See Purpose above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

INTRODUCTION: The Department of Labor and Industries is proposing amendments to WAC 296-307-520 Agriculture safety standards—Powered industrial trucks (forklifts), to make them consistent with similar sections in chapter 296-24 WAC, General safety and health standards. The powered industrial truck (PIT) amendments are directly based on the recent rule issued by the Occupational Safety and Health Agency (OSHA) pertaining to powered industrial trucks. The current rule for powered industrial trucks requires employers to ensure that only trained and authorized operators will be permitted to operate a powered industrial truck. The proposed rule amendments formalize the current PIT operator training requirements and are not intended to create any significant additional requirements for operator training programs. The amendments do contain some additional requirements for record keeping and recertification. Recertification will not be as elaborate as initial certification. The overall intent of the proposed rule change is to reduce the number of injuries and fatalities that occur as a result of inad-

equate operator training. In addition the rule will be updated to incorporate clear rule writing practices.

SUMMARY OF PROPOSED RULE CHANGES: Some of the proposed amendments contain requirements that may have an economic impact on businesses in the agricultural industry. A partial summary of the proposed amendments is shown below:

1. Formalizing PIT operator training program requirements:

- The employer must ensure the forklift operator's competence by meeting specific training and evaluation guidelines developed by the Department of Labor and Industries.
- The employer must implement, or make available, a training program for powered industrial trucks. Currently, farm and agriculture organizations and equipment manufacturers offer forklift training and certification program. Other third party groups will be able to establish operator training and certification programs.
- The employer's PIT training program must include the requirements specified in the standard. The primary elements for the training program are:
 1. Training by a knowledgeable and experienced instructor.
 2. Training that includes a combination of formal (lecture, written material) and practical (operation of forklift) instruction, followed by evaluation of the operator's performance in the workplace.
 3. Subjects that must be covered in powered truck operation training include: a.) Vehicle operating instructions, b.) information on controls and instrumentation, c.) information on motor operation, maintenance and refueling requirements, d.) concepts regarding vehicle stability and capacity.
 4. Subjects that must be covered in the worksite related training include: a.) Influence of surface conditions on safety, b.) load manipulation, pedestrian traffic, and c.) negotiating

ramps, closed environments, or other hazardous areas.

2. Certification and refresher training:

- The employer will be required to certify that each PIT operator has been trained and evaluated. Certification must include the name of the operator, date of training and evaluation and the identity of the persons/organization performing the evaluation.
 - Refresher training and evaluation will be required under the following circumstances:
 1. The operator has been observed to operate the vehicle in an unsafe manner or has been involved in a serious accident.
 2. The operator has been assigned to a different kind of forklift.
 3. The work place conditions have changed substantially so as to alter safe working conditions.
 4. Three years have passed since previous evaluation.
3. Safety:
- An active operator restraining system (seat belt or enclosed cage) must be used when provided.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS). For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. The agency must prepare an SBEIS when a proposed rule, or rule amendments, have the potential of placing a more than minor economic impact on business. For the agricultural industries considered, see Table 1 below, the minor impact thresholds range from fifty to sixty-seven dollars (1990 dollars) per business. These values are calculated as 0.1% of profits for a business of fifty employees (Guide for Facilitating Regulatory Fairness, 1993). The results in Table 3 below reveal that the costs created by proposed changes to

Table 1: PIT survey categories, number of large and small businesses and corresponding employment.

SIC	Description	Total Bus.	Number employees	Small Bus.	Number employees	Percent	Large	Number employees	Percent
111	Wheat	6,184	57,495	6,018	38,131	66%	166	19,364	34%
115	Corn	857	1,674	857	1,674	100%	—	—	—
134	Irish potatoes	150	1,797	143	1,316	73%	7	481	27%
139	Field crops	453	4,435	438	2,542	57%	15	1,893	43%
161	Veg. and melons	359	3,660	349	2,776	76%	10	884	24%
171	Berry crops	223	1,825	216	1,215	67%	7	610	33%
172	Grapes	216	1,554	212	1,132	73%	4	422	27%
175	Decid. Trees	3,107	33,406	3,020	22,576	68%	87	10,830	32%
181	Ornam. Nursery	324	4,686	304	2,250	48%	20	2,436	52%
191	General farms	233	3,517	219	1,969	56%	14	1,548	44%
211	Cattle feedlots	26	483	22	162	34%	4	321	66%

212	Cattle	203	454	203	454	100%	—	—	—
241	Dairy farms	622	3,411	619	3,176	93%	3	235	7%
251	Chickens	20	39	20	39	100%	—	—	—
252	Chicken eggs	32	595	29	343	58%	3	252	42%
271	Fur-bearing animals	14	65	14	65	100%	—	—	—
711	Soil prep serv.	15	52	15	52	100%	—	—	—
Total		13,038	119,148	12,698	79,872	67%	340	39,276	33%

Cost of Compliance: To assess the financial impact of the proposed amendments to chapter 296-307 WAC, the agency conducted a mail cost survey. A total of 450 surveys were sent to randomly selected businesses from a complete mailing list representing the agricultural industries shown in Table 1 above. Businesses with fewer than 2.5 FTE's were excluded from the mailing list since these smaller businesses seldom respond to surveys and are often found to have out of date or incorrect addresses. In addition, fifty surveys were sent to agriculture interest groups such as growers associations and cooperatives. The cost survey contained a brief summary of the proposed rule change and then asked the recipient to estimate their current costs for PIT operator training and the anticipated costs under the proposed PIT training requirements. Recipients were asked to supply their estimated current PIT training costs and the anticipated costs for each components of the proposed PIT training amendments: 1. Operator training, 2. Record keeping and 3. Refresher training. Information regarding the number hours spent on training and the number of full-time and seasonal employees was also requested in the survey.

A total of forty-seven surveys were returned, of which forty-four were useable, for an effective response rate of 8.8%. The low response rate may be attributed to several factors, the primary one being that apparently only a minority of agricultural businesses operates PITs. Approximately 80% of the returned surveys were from small businesses (fifty or fewer FTEs), 18% from large businesses and 2% (one survey) from a growers association (contained summary data). Table 1 indicates that approximately 97% of the potentially impacted businesses were small and 3% were large. The mailing list was composed of 84% small and 16% large businesses. Thus a slightly higher proportion of large businesses responded to the PIT survey.

Analysis of Survey Cost Data: The survey data was compiled and analyzed in an Excel spreadsheet. Costs for current PIT training compliance cost and anticipated costs under the proposed PIT training requirements were determined for small and large business entities. While data was generally used as reported, a few people may have misinterpreted the questions or responded in a strategic manner.

Table 3: PIT training time requirements and costs for large and small businesses.

Category	Small business	Large business	Small/Large
Current requirements			
Time currently spent training PIT operators (hr.)	0.91	1.63	0.56

Adjustments were made for one survey in particular that contained cost estimates far in excess of other reported costs.

Table 2 reveals the fraction of survey respondents that use PITs, total number of PITs, the fraction conducting PIT training and the fraction anticipating additional PIT training cost, record-keeping and refresher training cost.

Table 2: PIT survey results

Category	Small business	Large business
Percent using PITs	43	63
Total number of PITs in operation	33	40
Percent currently conducting PIT training*	60	75
Percent anticipating additional PIT training costs*	40	20
Percent anticipating added record-keeping costs*	74	80
Percent anticipating refresher PIT training costs*	50	60

*Based on those businesses with PITs.

Table 2 reveals that a higher percentage of responding large businesses use PITs and conduct PIT training programs. A larger percentage of the responding small businesses anticipate additional training costs under the proposed amendments to agriculture safety standards for powered industrial trucks. The fractions of large and small businesses anticipating additional record keeping and refresher training costs were roughly the same.

The average PIT training time requirements and compliance costs for small and large businesses are shown in Table 3 below. A small to large business ratio is also shown. Values significantly larger than 1.0 indicates a disproportionate impact on small business.

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Current cost to train PIT operators (\$/training ses.)	30	73	0.41
New requirements			
Time to train operators under proposed rule (hr.)	1.9	2.5	0.76
New operator training cost (\$/training session)	52	80	0.65
Record-keeping costs (\$/yr.)	46	49	0.94
Refresher training cost (\$/training session)	30	52	0.58
Total costs per <u>full-time</u> FTE (\$/FTE-yr.)	80 (30)	36	2.2 (0.83)
Total costs per FTE (\$/FTE-yr.)	13 (9.4)	2.5	5.2 (3.76)
Total compliance cost per PIT (\$/PIT)	75	118	0.64

Values in parentheses have been adjusted for a high outlier value.

The results in Table 3 indicate that the time and costs requirements per operator trained for current compliance are higher for large businesses. Training time and costs are also projected to be higher for both large and small businesses under the proposed amendments to chapter 296-307 WAC. However, per operator time and costs values are still projected to be higher for large businesses under the proposed rule amendments. Examining the anticipated compliance costs per FTE or full-time FTE within a business, the costs appear significantly higher for the small business entities: Small to large cost ratios of 2.2 to 5.2. However, removal of the high cost outlier from the small business data set markedly changes the results. Compliance costs per full-time FTE are now slightly higher for the large businesses: Thirty-six versus thirty dollars per year: Small to large cost ratio of 0.83. Compliance costs per FTE (includes part-time and seasonal workers) are still higher for small businesses: 9.4 versus 2.5 dollars per year. Total compliance cost per PIT is significantly higher for large business: Small to large cost ratio of 0.64.

Conclusions: The survey results presented in the previous section indicate a more than minor impact on businesses from the proposed changes to chapter 296-307 WAC. Currently, large businesses take more time and spend more money to train each PIT operator. Under the proposed amendments for PITs, large businesses anticipate expending more time and money to train each PIT operator and to maintain records of their training. When the anticipated PIT training compliance costs are evaluated on a per FTE basis they are significantly higher for small businesses, even after adjustment for a high outlier response to the survey. Reexamination of the compliance costs on a full-time FTE basis reveals that costs are higher for large business entities. There are two reasons why it is more appropriate to evaluate compliance costs on a full-time FTE basis.

1. Few businesses actually allow part-time and seasonal workers to operate their PITs (approximately 20% do).
2. Because large businesses tend to hire more part-time and seasonal workers the apparent training compliance costs are reduced further for these entities.

For the above reasons compliance costs should be analyzed on a full-time FTE basis. Thus I conclude the proposed changes to chapter 296-307 WAC will not have a disproportionate impact on small businesses.

Please contact (360) 902-6805 if you have questions regarding this analysis.

A copy of the statement may be obtained by writing to Greg Nothstein, Economic Analyst, Department of Labor and Industries, P.O. Box 44000, Olympia, WA 98504-4000, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Yes, however partially exempt. The proposed rule has increased requirements for employers adopting, without material change, federal OSHA regulations for other than agricultural employers. For employers in other than agricultural, the requirements of RCW 34.05.328 (5)(b)(iii) apply and therefore is exempt. For agricultural employers this rule is not exempt from the significant legislative rules criteria in RCW 34.05.328.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on September 8, 1999, at 1:30 p.m.; and at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA, on September 9, 1999, at noon and 6:30 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by September 2, 1999, at (360) 902-5484.

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 September 20, 1999.

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: November 5, 1999.

August 2, 1999
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60077 Powered industrial trucks. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. Employers must comply with the provisions of WAC 296-24-230 and this section. It does not apply to over-the-road vehicles.

(2) General.

(a) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.6 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and safely arranged loads within the rated capacity of the truck shall be handled.

(g) Drivers shall ascend and descend grades slowly.

(h) Drivers shall slow down and sound the horn at cross-aisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view drivers shall travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel. Where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehicles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, trailers shall be moved in such a manner that the moving trailer is completely under control at all times. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If a power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel in order to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal combustion vehicles are used. Internal combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly. The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, forklift trucks shall be equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (15.2 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

(b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

(d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

(f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. The speed limit shall be prominently posted on such docks.

(h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible

to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overhead members, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(c) After July 26, 1999, bulk cargo-moving vehicles shall be equipped with rollover protection of such design and construction as to prevent the possibility of the operator being crushed because of a rollover or upset.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be fully enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet (2.6 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be fully enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or equivalent material.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52005 What manufacturer's requirements apply to powered industrial trucks? (1) All powered industrial trucks ~~((must meet the design and construction requirements for powered industrial trucks established in the ANSI B56.1-1969, "Powered Industrial Trucks."))~~ in use by an employer must meet the applicable requirements of design, construction and stability as defined by the American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks, except for vehicles intended primarily for earth moving or over-the-road hauling. All new powered industrial trucks acquired and used by an employer on or after March 1, 2000, must meet the applicable requirements of design, construction and stability as defined in ASME B56.1-1993. The employer must ensure that all powered industrial trucks are inspected, maintained and operated in accordance with this section and the manufacturer's recommendations and specifications.

(2) Approved trucks must have a label indicating approval by the testing laboratory as meeting the specifications and requirements of ~~((ANSI))~~ ASME B56.1-(1969) 1993.

(3) Modifications or additions must only be performed with the manufacturer's prior written approval. When modifications or additions are made, capacity, operation, and maintenance instruction plates, tags, or decals must be changed accordingly.

(4) If the truck is equipped with front-end attachments other than factory installed attachments, it must be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with the load centered from side to side.

(5) The user must ensure that all nameplates and markings are in place and legible.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52007. What are the classifications of powered industrial trucks? Powered industrial trucks are identified according to the following classifications:

(1) "D" ~~((units are similar to G units except that they are diesel engine powered instead of gasoline engine powered))~~ refers to trucks that are diesel engine powered that have minimum safeguards against inherent fire hazards.

(2) "DS" ~~((units are))~~ refers to diesel powered ((units)) trucks with additional safeguards to the exhaust, fuel, and electrical systems. ((They may be used in some locations where a D unit may not be considered suitable.))

(3) "DY" ~~((units are))~~ refers to diesel powered ((units)) trucks that have all the safeguards of the DS ((units)) trucks; in addition, ((they do not have)) any electrical equipment((;

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~~including the ignition, and)) is completely enclosed. They are equipped with temperature limitation features.~~

(4) "E" ~~((units are))~~ refers to electrically powered ~~((units))~~ trucks with minimum acceptable safeguards against inherent fire hazards.

(5) "ES" ~~((units are))~~ refers to electrically powered ~~((units))~~ trucks that, in addition to all of the requirements for the E ~~((units))~~ trucks, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. ~~((They may be used in some locations where the use of an E unit may not be considered suitable.))~~

(6) "EE" ~~((units are))~~ refers to electrically powered ~~((units))~~ trucks that have, in addition to all of the requirements for the ES ~~((units))~~ type trucks, have their electric motors and all other electrical equipment completely enclosed. ~~((The EE unit may be used where the use of an E or ES unit may not be considered suitable.))~~

(7) "EX" ~~((units are))~~ refers to electrically powered ~~((units))~~ trucks that differ from E, ES, or EE ~~((units))~~ trucks in that the electrical fittings and equipment are so designed, constructed, and assembled that the ~~((units may))~~ trucks can be used in ~~((ertain))~~ atmospheres containing flammable vapors or dusts.

(8) "G" ~~((units are))~~ refers to gasoline powered ~~((units having))~~ trucks that have minimum acceptable safeguards against inherent fire hazards.

(9) "GS" ~~((units are))~~ refers to gasoline powered ~~((units))~~ trucks with additional safeguards to the exhaust, fuel, and electrical systems. ~~((They may be used in some locations where the use of a G unit may not be considered suitable.))~~

(10) "LP" ~~((units are similar to G units except that LP gas is used for fuel instead of gasoline))~~ refers to liquified petroleum gas-powered trucks that have minimum acceptable safeguards against inherent fire hazards.

(11) "LPS" ~~((units are))~~ refers to LP-gas powered ~~((units))~~ trucks that in addition to meeting the requirements for LP trucks, are provided with additional safeguards to the exhaust, fuel, and electrical systems. ~~((They may be used in some locations where the use of an LP unit may not be considered suitable.))~~

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52011 What requirements determine which trucks to use in specific hazardous environments? Following are the minimum truck types required in specific hazardous environments. You may choose to use industrial trucks having greater safeguards. Tables W-1 and W-2 give specific vehicle usage information by Group and Class.

**TABLE W-1
SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS**

CLASSES (Descriptions of classes)	GROUPS (Examples of locations or atmosphere in classes and groups)				DIVISIONS (Nature of hazardous conditions)		
UNCLASSIFIED	No group designations in Unclassified				No divisions in Unclassified		
Locations not possessing atmospheres as described in other columns.	Piers and wharves inside and outside general storage, general industrial or commercial properties						
CLASS I LOCATIONS Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.	A Acetylene	B Hydrogen	C Ethyl ether	D Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene	1 Conditions exists continuously, intermittently, or periodically under normal operating conditions.	2 Condition may occur due to accidentally, for example, due to a puncture of a storage drum.	
CLASS II LOCATIONS Locations which are hazardous because of the presence of combustible dust.	E Metal dust		F Carbon black Coal dust Coke dust		G Grain dust Flour dust Starch dust Organic dust	1 Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.	2 Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.
CLASS III LOCATIONS Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	Class III has no groups				1	2	
	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.				Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).	

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Proposed

**TABLE W-2
AUTHORIZED USES OF TRUCKS BY TYPES IN GROUPS OF CLASSES AND DIVISIONS**

Groups in classes	UN CLASSIFIED	CLASS I								CLASS II						CLASS III	
		DIV I				DIV II				DIV I			DIV II			DIV I	DIV II
		A	B	C	D	A	B	C	D	E	F	G	E	F	G	None	None
None																	
Diesel:																	
Type D	D** ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Type DS .....	.....	.....	.....	.....	.....	.....	.....	.....	DS....	.....	.....	.....	.....	.....	.....	.....	DS....
Type DY .....	.....	.....	.....	.....	.....	.....	.....	.....	DY....	.....	.....	.....	.....	.....	.....	.....	DY....
Electric:																	
Type E	E** ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	E
Type ES .....	.....	.....	.....	.....	.....	.....	.....	.....	ES....	.....	.....	.....	.....	.....	.....	.....	ES
Type EE .....	.....	.....	.....	.....	.....	.....	.....	.....	EE....	.....	.....	.....	.....	.....	.....	EE.....	EE
Type EX .....	.....	.....	.....	EX....	.....	.....	.....	.....	EX....	.....	EX....	EX....	.....	.....	.....	EX.....	EX
Gasoline:																	
Type G	G** .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Type GS .....	.....	.....	.....	.....	.....	.....	.....	.....	GS ...	.....	.....	.....	.....	.....	.....	.....	GS
LP-Gas:																	
Type LP	LP** .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Type LPS .....	.....	.....	.....	.....	.....	.....	.....	.....	LPS ..	.....	.....	.....	.....	.....	.....	.....	LPS

**Trucks conforming to these types may also be used.

(1) Powered industrial trucks are prohibited in atmospheres with a hazardous concentration of (~~acetylene, butadiene, ethylene oxide, hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas), propylene oxide, acetaldehyde, cyclopropane, diethyl ether, ethylene, isoprene~~):

- Acetaldehyde,
- Acetylene,
- Butadiene,
- Cyclopropane,
- Diethyl ether,
- Ethylene,
- Ethylene oxide,
- Hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas),

- Isoprene,
- Propylene oxide, or
- Unsymmetrical dimethyl hydrazine (UDMH).

(a) Approved EX trucks (~~(must)~~) may be used in atmospheres containing hazardous concentrations of metal dust, including:

- Aluminum, magnesium, and their commercial alloys;
- Other metals of similarly hazardous characteristics; or
- In atmospheres containing:
 - Carbon black,
 - Coal, or
 - Coke dust.

(b) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks must have enclosures specifically approved for such locations.

(2) Approved EX trucks (~~(must)~~) may be used in atmospheres containing

- Acetone,
- Acrylonitrile,
- Alcohol,
- Ammonia,
- Benzene,
- Benzol,
- Butane,
- Ethylene dichloride,
- Gasoline,
- Hexane,
- Lacquer solvent vapors,
- Naphtha,
- Natural gas,
- Propane,
- Propylene,
- Styrene,
- Vinyl acetate,
- Vinyl chloride, or
- Xylenes

in quantities sufficient to produce explosive or ignitable mixtures.

(3) Approved DY, EE, or EX trucks (~~(must)~~) may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, if the hazardous liquids, vapors or gases are normally confined within closed containers or closed systems from which they can escape

only in case of accidental rupture or breakdown, or in case of abnormal equipment operation.

Approved DY, EE, or EX trucks may also be used in locations in which hazardous concentrations of gases or vapors are normally prevented by mechanical ventilation but that might become hazardous through failure or abnormal operation of the ventilating equipment.

(4) Approved DS, ES, GS, or LPS trucks (~~(must)~~) may be used in locations used for the storage of hazardous liquids in sealed containers or liquefied or compressed gases in containers. This classification includes locations where volatile flammable liquids or flammable gases or vapors are used but are hazardous only in case of an accident or an unusual operation condition.

The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the business's history of explosions or fires are all factors that should be considered in determining which truck has sufficient safeguards for the location.

(a) Approved EX trucks (~~(must)~~) may be used in atmospheres in which combustible dust is or may be suspended in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(b) The EX classification usually includes the working areas of:

- Grain handling and storage plants,
- Rooms containing grinders or pulverizers,
- Cleaners,
- Graders,
- Scalpers,
- Open conveyors or spouts,
- Open bins or hoppers,
- Mixers or blenders,
- Automatic or hopper scales,
- Packing machinery,
- Elevator heads and boots,
- Stock distributors,
- Dust and stock collectors (except all-metal collectors vented to the outside),

and all similar dust producing machinery and equipment in:

- Grain processing plants,
- Starch plants,
- Sugar pulverizing plants,
- Malting plants,
- Hay grinding plants, and other similar locations; and,
- Areas where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(5) Approved DY, EE, or EX trucks (~~(must)~~) may be used in atmospheres in which deposits or accumulations of combustible dust may be ignited by arcs or sparks from the truck, if combustible dust will not normally be suspended or thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures.

(6) Approved DY, EE, or EX trucks (~~(must)~~) may be used in locations with easily ignitable fibers or flyings if the

fibers or flyings are not likely to be suspended in quantities sufficient to produce ignitable mixtures.

(7) Approved DS, DY, ES, EE, EX, GS, or LPS trucks (~~(must)~~) may be used in locations, including outside storage, where easily ignitable fibers are stored or handled, but are not processed or manufactured. E trucks that have been previously used in these locations may continue to be used.

(8) If storage warehouses and outside storage locations are hazardous, the specified approved truck must be used. If not classified as hazardous, any approved D, E, G, or LP truck may be used, or trucks meeting the requirements for these types may be used.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52019 What requirements apply to fuel handling and storage? (1) You must ensure that liquid fuels such as gasoline and diesel fuel are stored and handled according to NFPA Flammable and Combustible Liquids Code (NFPA No. 30-((1969)) 1996).

(2) You must ensure that LP-gas fuel is stored and handled according to NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-((1969)) 1998).

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52021 What requirements apply to lighting for operating areas? (1) Adequate lighting should be provided in operating areas. (See ANSI Practice for Industrial Lighting, ((A11.1-1965 (R1970))) ANSI/IES RP-7 1990.)

(2) Where general lighting is inadequate, directional lighting must be provided on the truck.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52023 What level of carbon monoxide gas is allowed? Concentration levels of carbon monoxide gas created by truck operations must not exceed the levels specified in WAC 296-62-075, Part L (general occupational health standards).

Note: Questions concerning degree of concentration and methods of sampling should be referred to a qualified industrial hygienist.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52029 (~~(Who may operate)~~) What are the operator training requirements for powered industrial trucks? (~~(You must only allow trained and authorized operators to operate powered industrial trucks. You must provide training in the safe operation of powered industrial trucks to employee operators.)~~) (1) **Safe operation.**

(a) The employer must ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section.

(b) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer must ensure that each operator has successfully completed the training required by this section.

(2) Training program implementation.

(a) Trainees may operate a powered industrial truck only:

(i) Under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence; and

(ii) Where such operation does not endanger the trainee or other employees.

Note: The employer, or any other qualified person of the employer's choosing, may give required training and evaluation.

(b) Training must consist of a combination of:

• Formalized instruction (which may include lecture, discussion, interactive computer learning, video tape and/or written material);

• Practical training (demonstrations performed by the trainer and practical exercises performed by the trainee); and

• Evaluation of the operator's performance in the workplace.

(c) All operator training and evaluation must be conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.

(3) Training program content. Powered industrial truck operators must receive initial training in the topics that follow, except in topics that the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.

(a) Truck-related topics:

• Operating instructions, warnings and precautions for the types of truck the operator will be authorized to operate;

• Differences between the truck and the automobile;

• Truck controls and instrumentation: Where they are located, what they do, and how they work;

• Engine or motor operation;

• Steering and maneuvering;

• Visibility (including restrictions due to loading);

• Fork and attachment adaption, operation, and use limitations;

• Vehicle capacity;

• Vehicle stability;

• Any vehicle inspection and maintenance that the operator will be required to perform;

• Refueling and/or charging and recharging of batteries;

• Operating limitations;

• Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

(b) Workplace-related topics:

• Surface conditions where the vehicle will be operated;

• Composition of loads to be carried and load stability;

• Load manipulation, stacking, and unstacking;

• Pedestrian traffic in areas where the vehicle will be operated;

- Narrow aisles and other restricted places where the vehicle will be operated;

- Hazardous (classified) locations where the vehicle will be operated;

- Ramps and other sloped surfaces that could affect the vehicle's stability;

- Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;

- Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

(4) Refresher training and evaluation.

(a) Refresher training, including an evaluation of the effectiveness of that training, must be conducted as required by subsection (2)(b) of this section, to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.

(b) Refresher training in relevant topics must be provided to the operator when:

- The operator has been observed to operate the vehicle in an unsafe manner;

- The operator has been involved in an accident or near-miss incident;

- The operator has received an evaluation that reveals that the operator is not operating the truck safely;

- The operator is assigned to drive a different type of truck; or

- The condition in the workplace changes in a manner that could affect safe operation of the truck.

(c) An evaluation of each powered industrial truck operator's performance must be conducted at least once every three years.

(5) Avoidance of duplicative training. If an operator has previously received training in a topic specified in subsection (3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely, within three years.

(6) Recordkeeping. Employers must keep records showing that each operator has been trained and evaluated as required by this section. These records must include the name of the operator, the date of the training, the date(s) of the evaluation, and the name of the person(s) giving the training or evaluation.

(7) Implementation dates. The employer must ensure that operators of powered industrial trucks are trained, as appropriate, by the effective date of this section. Employees hired on or after the effective date of this section must be trained and evaluated prior to being assigned to operate a powered industrial truck.

(8) Nonmandatory guidance. To assist employers in implementing operator training requirements, a nonmandatory appendix has been added as WAC 296-307-52030. This appendix does not add to, alter, or reduce the requirements of this section.

NEW SECTION

WAC 296-307-52030 Is there any additional (non-mandatory) information that may assist me with powered industrial truck operator training? (1) Definitions. The following definitions may help to explain the principle of stability:

"**Center of gravity**" means the point on an object at which all of the object's weight is concentrated. For symmetrical loads, the center of gravity is at the middle of the load.

"**Counterweight**" means the weight that is built into the truck's basic structure and is used to offset the load's weight and to maximize the vehicle's resistance to tipping over.

"**Fulcrum**" means the truck's axis of rotation when it tips over.

"**Grade**" means the slope of a surface, which is usually measured as the number of feet of rise or fall over a hundred foot horizontal distance (the slope is expressed as a percent).

"**Lateral stability**" means a truck's resistance to overturning sideways.

"**Line of action**" means an imaginary vertical line through an object's center of gravity.

"**Load center**" means the horizontal distance from the load's edge (or the fork's or other attachment's vertical face) to the line of action through the load's center of gravity.

"**Longitudinal stability**" means the truck's resistance to overturning forward or rearward.

"**Moment**" means the product of the object's weight times the distance from a fixed point (usually the fulcrum). In the case of a powered industrial truck, the distance is measured from the point at which the truck will tip over to the object's line of action. The distance is always measured perpendicular to the line of action.

"**Track**" means the distance between the wheels on the same axle of the truck.

"**Wheelbase**" means the distance between the centerline of the vehicle's front and rear wheels.

(2) General.

(a) Determining the stability of a powered industrial truck is simple once a few basic principles are understood. There are many factors that contribute to a vehicle's stability: The vehicle's wheelbase, track, and height; the load's weight distribution; and the vehicle's counterweight location (if the vehicle is so equipped).

(b) The "stability triangle," used in most stability discussions, demonstrates stability simply (see Figures 2 and 3).

(3) Basic principles.

(a) Whether an object is stable depends on the object's "moment" (see definitions, this section) at one end of a system being greater than, equal to, or smaller than the object's moment at the system's other end. This principle can be seen in the way a seesaw or teeter-totter works: That is, if the product of the load and distance from the fulcrum (moment) is equal to the moment at the device's other end, the device is balanced and it will not move. However, if there is a greater moment at one end of the device, the device will try to move downward at the end with the greater moment.

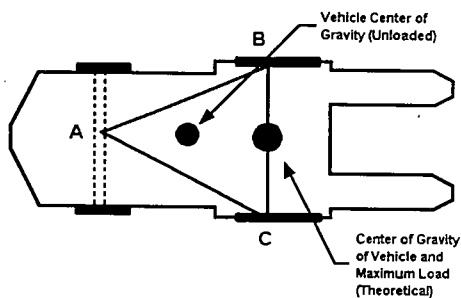
(b) The longitudinal stability of a counterbalanced powered industrial truck depends on the vehicle's moment and the load's moment. In other words, if the mathematic product of

the load-moment (the distance from the front wheels, the approximate point at which the vehicle would tip forward) to the load's center of gravity times the load's weight is less than the vehicle's moment, the system is balanced and will not tip forward. However, if the load's moment is greater than the vehicle's moment, the greater load-moment will force the truck to tip forward.

(4) The stability triangle.

(a) Almost all counterbalanced powered industrial trucks have a three-point suspension system, that is, the vehicle is supported at three points. This is true even if the vehicle has four wheels. The truck's steer axle is attached to the truck by a pivot pin in the axle's center. When the points are connected with imaginary lines, this three-point support forms a triangle called the stability triangle. Figure 1 depicts the stability triangle.

Figure 1

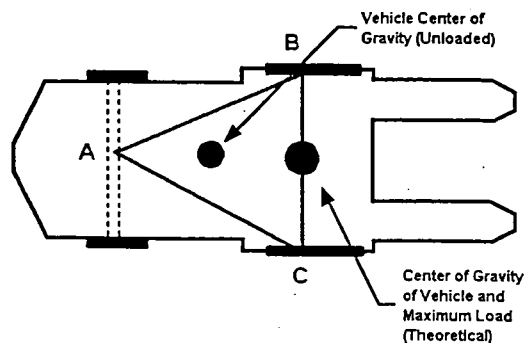


Notes:

1. When the vehicle is loaded, the combined center of gravity shifts toward line B-C. Theoretically, the maximum load will result in the center of gravity at the line B-C. In actual practice, the combined center of gravity should never be at line B-C.
2. The addition of additional counterweight will cause the truck center of gravity to shift toward point A and result in a truck that is less stable laterally.

(b) When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

Figure 2



Notes:

1. When the vehicle is loaded, the combined center of gravity shifts toward line B-C. Theoretically, the maximum load will result in the center of gravity at the line B-C. In actual practice, the combined center of gravity should never be at line B-C.
2. The addition of additional counterweight will cause the truck center of gravity to shift toward point A and result in a truck that is less stable laterally.

(5) Longitudinal stability.

(a) The axis of rotation when a truck tips forward is the front wheels' points of contact with the pavement. When a powered industrial truck tips forward, the truck will rotate about this line. When a truck is stable, the vehicle-moment must exceed the load-moment. As long as the vehicle-moment is equal to or exceeds the load-moment, the vehicle will not tip over. On the other hand, if the load-moment slightly exceeds the vehicle-moment, the truck will begin to tip forward, thereby causing the rear to lose contact with the floor or ground and resulting in loss of steering control. If the load-moment greatly exceeds the vehicle-moment, the truck will tip forward.

(b) To determine the maximum safe load-moment, the truck manufacturer normally rates the truck at a maximum load at a given distance from the front face of the forks. The specified distance from the front face of the forks to the line of action of the load is commonly called the load center. Because larger trucks normally handle loads that are physically larger, these vehicles have greater load centers. Trucks with a capacity of 30,000 pounds or less are normally rated at a given load weight at a 24-inch load center. Trucks with a capacity greater than 30,000 pounds are normally rated at a given load weight at a 36- or 48-inch load center. To safely operate the vehicle, the operator should always check the data plate to determine the maximum allowable weight at the rated load center.

(c) Although the true load-moment distance is measured from the front wheels, this distance is greater than the distance from the front face of the forks. Calculating the maximum allowable load-moment using the load-center distance always provides a lower load-moment than the truck was designed to handle. When handling unusual loads, such as those that are larger than 48 inches long (the center of gravity

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is greater than 24 inches) or that have an offset center of gravity, etc., a maximum allowable load-moment should be calculated and used to determine whether a load can be safely handled. For example, if an operator is operating a 3,000-pound capacity truck (with a 24-inch load center), the maximum allowable load-moment is 72,000 inch-pounds (3,000 times 24). If a load is 60 inches long (30-inch load center), then the maximum that this load can weigh is 2,400 pounds (72,000 divided by 30).

(6) Lateral stability.

(a) The vehicle's lateral stability is determined by the line of action's position (a vertical line that passes through the combined vehicle's and load's center of gravity) relative to the stability triangle. When the vehicle is not loaded, the truck's center of gravity location is the only factor to be considered in determining the truck's stability. As long as the line of action of the combined vehicle's and load's center of gravity falls within the stability triangle, the truck is stable and will not tip over. However, if the line of action falls outside the stability triangle, the truck is not stable and may tip over. Refer to Figure 3.

(b) Factors that affect the vehicle's lateral stability include the load's placement on the truck, the height of the load above the surface on which the vehicle is operating, and the vehicle's degree of lean.

(7) Dynamic stability.

(a) Up to this point, the stability of a powered industrial truck has been discussed without considering the dynamic forces that result when the vehicle and load are put into motion. The weight's transfer and the resultant shift in the center of gravity due to the dynamic forces created when the machine is moving, braking, cornering, lifting, tilting, and lowering loads, etc., are important stability considerations.

(b) When determining whether a load can be safely handled, the operator should exercise extra caution when handling loads that cause the vehicle to approach its maximum design characteristics. For example, if an operator must handle a maximum load, the load should be carried at the lowest position possible, the truck should be accelerated slowly and evenly, and the forks should be tilted forward cautiously. However, no precise rules can be formulated to cover all of these eventualities.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52031 What requirements apply to operating powered industrial trucks? (1) No operator may drive a truck up to anyone standing in front of a fixed object.

(2) No one may stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) ~~((Only authorized personnel may))~~ Employers must not allow people to ride on powered industrial trucks ~~((The truck must have))~~ unless a safe place to ride ~~((when riding is authorized))~~ is provided.

(4) ~~((You))~~ Employers must prohibit employees from placing ~~((their arms or legs))~~ Any body parts between the uprights of the mast or outside the running lines of the truck.

(5) When an operator leaves a powered industrial truck unattended:

- (a) The load must be fully lowered;
- (b) The controls must be neutralized;
- (c) The power must be shut off; and
- (d) The brakes must be set.
- (e) If the truck is parked on an incline, the wheels must be blocked.

A powered industrial truck is "unattended" when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(6) When a truck operator is dismounted, within 25 feet of the truck, and still in view, the load must be fully lowered, the controls must be neutralized, and the brakes must be set to prevent movement.

(7) The operator must maintain a safe distance from the edge of ramps or platforms while operating on any elevated dock, or platform or freight car.

(8) There must be enough headroom for trucks to operate under overhead installations, lights, pipes, sprinkler systems, or other overhead projections.

(9) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-52039 What requirements apply to traveling in a powered industrial truck? (1) The operator must maintain a safe distance of approximately three truck lengths from the truck ahead. The truck must be kept under control at all times.

(2) The operator must yield the right of way to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Passing other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations is prohibited.

(4) Railroad tracks must be crossed diagonally wherever possible. The operator must not park closer than 8 feet from the center of railroad tracks.

(5) The operator must look in the direction of, and keep a clear view of, the path of travel.

(6) Stunt driving and horseplay are prohibited.

(7) The operator must approach elevators slowly, and then enter squarely after the elevator car is properly leveled. Once on the elevator, the operator must neutralize controls, shut off power, and set the brakes.

(8) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(9) The operator must avoid running over loose objects on the roadway surface.

(10) Access to fire aisles, stairways, and fire equipment must be kept clear.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-52047 What requirements apply to maintaining powered industrial trucks? (1) Powered industrial trucks must be removed from service when not in

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safe operating condition. All repairs must be made by an authorized employee.

(2) No repairs may be made in Class I, II, and III locations.

(3) When repairs to fuel and ignition systems of industrial trucks involve fire hazards, the repairs must be conducted only in designated locations.

(4) Trucks in need of repairs to the electrical system must have the battery disconnected prior to repair.

(5) Industrial truck parts must be replaced only by parts of equivalent safety.

(6) Industrial trucks must not be altered so that the relative positions of parts are different from when they were manufactured. Industrial trucks must not have parts added or eliminated, except as provided in WAC 296-307-52005. Fork trucks must not have additional counterweighting added unless approved by the truck manufacturer.

(7) Industrial trucks must be examined at least daily before being placed in service. Industrial trucks must not be placed in service if the examination shows any unsafe condition.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects must be immediately reported and corrected.

(8) Water mufflers must be filled daily or as frequently as necessary to prevent the water supply from dropping below 75 percent. Vehicles must not be operated if muffler screens or other parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system must immediately be removed from service until the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck exceeds its normal operating temperature, the vehicle must be removed from service until the cause for overheating has been eliminated.

(10) Industrial trucks must be kept clean and free of excess accumulations of combustible materials, oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F) solvents must not be used. High flash point (at or above 100°F) solvents may be used. Take precautions regarding toxicity, ventilation, and fire hazard according to the agent or solvent used.

(11) ~~(Glycol base antifreeze must be used in the engine cooling system.~~

~~(12))~~ Industrial trucks originally approved to use gasoline fuel may be converted to use LP-gas fuel if the converted truck has the features specified for LP or LPS designated trucks. The converted equipment must be approved. You may find a description of the conversion system and the recommended method of installation in the "listed by report" of a nationally recognized testing laboratory.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-23001 Definition. These definitions are applicable to all sections of this chapter containing WAC 296-24-230 in the section number. ~~(As used in those sections;)~~ The terms, "approved truck" or "approved industrial truck" as used in this section, mean~~(s)~~ a truck that is listed

or approved for fire safety purposes for the intended use by a nationally recognized testing laboratory, using nationally recognized testing standards. Refer to WAC 296-24-58501(19) for definition of listed, and to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-23003 General requirements. These requirements are applicable to all sections of this chapter containing the WAC 296-24-230 in the section number.

(1) This section contains safety requirements relating to fire protection design, maintenance, and use of:

- Fork trucks,
- Forklifts,
- Tractors,
- Platform lift trucks,
- Motorized hand trucks, and
- Other specialized industrial trucks, powered by electric motors or internal combustion engines. This section does not apply to:

• Compressed gas-operated industrial trucks, ~~((not to))~~

• Farm vehicles, ~~((to))~~

• Vehicles intended primarily for earth moving or over-the-road hauling.

(2) All ~~((new))~~ powered industrial trucks ~~((acquired and used))~~ in use by an employer ~~((after the effective date of these standards shall))~~ must meet the applicable requirements of design ((and), construction ((requirements for powered industrial trucks established in)) and stability as defined by the "American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks, ((Part II, ANSI B56.1-1969,))" except for vehicles intended primarily for earth moving or over-the-road hauling. All new powered industrial trucks acquired and used by an employer on or after March 1, 2000, must meet the applicable requirements of design, construction and stability as defined in ASME B56.1-1993. The employer must ensure that all powered industrial trucks are inspected, maintained and operated in accordance with this section and the manufacturer's recommendations and specifics.

(3) Approved trucks ~~((shall))~~ must bear a label or some other identifying mark indicating approval by the testing laboratory as meeting the specifications and requirements of ~~((ANSI))~~ ASME B56.1-((1969)) 1993.

(4) Modifications and additions which affect capacity and safe operation ~~((shall))~~ must not be performed ~~((by the customer or user))~~ without manufacturer's prior written approval. ~~((Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.))~~ When the manufacturer has granted modification, the capacity, operation and maintenance instruction plates, tags or decals must be changed accordingly.

(5) If the truck is equipped with front-end attachment~~(s)~~ ~~((other than factory installed attachments, it shall be)),~~ including fork extensions, the employer must ensure the truck is marked to identify the attachment~~(s)~~ ((and)), show the approximate weight of the truck and attachment combination

~~((at)), and show the maximum capacity of the truck with attachment(s) at the maximum elevation with load laterally centered.~~

(6) ~~The ((user shall)) employer must~~ see that all nameplates and markings are in place and are maintained in a legible condition.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23005 Designations. ~~((For the purpose of this standard there are))~~ Eleven ((different)) designations of powered industrial trucks (forklifts) or tractors ((as follows: D, DS, DY, E, ES, EE, EX, G, GS, LP, and LPS-)) are included in this standard. Definitions of the eleven separate designations are:

(1) ~~((The)) D ((designated units are units similar to the G units except))~~ refers to trucks that ((they)) are diesel engine powered ((instead of gasoline engine powered)) that have minimum safeguards against inherent fire hazards.

(2) ~~((The)) DS ((designated units are))~~ refers to diesel powered ((units)) trucks that in addition to meeting all the requirements for type D trucks, are provided with additional safeguards to the exhaust, fuel and electrical systems. ((They may be used in some locations where a D unit may not be considered suitable-))

(3) ~~((The)) DY ((designated units are))~~ refers to diesel powered ((units that have)) trucks having all the safeguards of the DS ((units)) trucks and, in addition ((do not have)), any electrical equipment((, including the ignition, and are)) is completely enclosed. They are equipped with temperature limitation features.

(4) ~~((The)) E ((designated units are))~~ refers to electrically powered ((units)) trucks that have minimum acceptable safeguards against inherent fire hazards.

(5) ~~((The)) ES ((designated units are))~~ refers to electrically powered ((units)) trucks that, in addition to all of the requirements for the E ((units)) trucks, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. ((They may be used in some locations where the use of an E unit may not be considered suitable-))

(6) ~~((The)) EE ((designated units are))~~ refers to electrically powered ((units)) trucks that have, in addition to all of the requirements for the E and ES ((units, the)) type trucks, have their electric motors and all other electrical equipment completely enclosed. ((In certain locations the EE unit may be used where the use of an E and ES unit may not be considered suitable-))

(7) ~~((The)) EX ((designated units are))~~ refers to electrically powered ((units)) trucks that differ from E, ES, or EE ((units)) trucks in that the electrical fittings and equipment are so designed, constructed and assembled that the ((units may)) trucks can be used in ((ertain)) atmospheres containing flammable vapors or dusts.

(8) ~~((The)) G ((designated units are))~~ refers to gasoline powered ((units having)) trucks that have minimum acceptable safeguards against inherent fire hazards.

(9) ~~((The)) GS ((designated units are))~~ refers to gasoline powered ((units)) trucks that are provided with additional

safeguards to the exhaust, fuel, and electrical systems. ~~((They may be used in some locations where the use of a G unit may not be considered suitable-))~~

(10) ~~((The)) LP ((designated unit is similar to the G unit except that liquefied petroleum gas is used for fuel instead of gasoline))~~ refers to liquified petroleum gas-powered trucks that have minimum acceptable safeguards against inherent fire hazards.

(11) ~~((The)) LPS ((designated units are))~~ refers to liquefied petroleum gas powered ((units)) trucks that in addition to meeting the requirements for LP trucks, are provided with additional safeguards to the exhaust, fuel, and electrical systems. ((They may be used in some locations where the use of an LP unit may not be considered suitable-))

(12) The atmosphere or location ~~((shall))~~ must have been classified, as to whether it is hazardous or nonhazardous prior to the ~~((consideration))~~ use of industrial trucks ~~((being used therein and the type of industrial truck required shall be as provided in WAC 296-24-23009 for such location)).~~

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-23007 Designated locations. (1) The powered industrial trucks specified under (2) of this section are the minimum types required ((but)). Powered industrial trucks having greater safeguards may be used if desired.

(2) ~~((For specific areas of use see))~~ Tables N-1.1 and N-1.2, following this section ((which tabulates the)), give specific vehicle usage information ((contained in this section)) by group and class. References are to the corresponding classification as used in chapter 296-24 WAC, Part L.

(a) ~~((Power operated))~~ Powered industrial trucks ((shall)) must not be used in the following atmospheres containing hazardous concentration of:

- Acetylene,
- Butadiene,
- Ethylene oxide,
- Hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas),
- Propylene oxide,
- Acetaldehyde,
- Cyclopropane,
- Diethyl ether,
- Ethylene,
- Isoprene, or
- Unsymmetrical dimethyl hydrazine (UDMH).

(i) ~~((Power operated))~~ Powered industrial trucks ((shall)) must not be used in atmospheres containing hazardous concentrations of metal dust, including:

- Aluminum, magnesium, and their commercial alloys,
- Other metals of similarly hazardous characteristics, or
- In atmospheres containing:
- Carbon black,
- Coal or coke dust ((except));

• Exception approved ((power operated)) powered industrial trucks designated as EX may be used in such atmospheres.

(ii) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor

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controllers, and circuit breakers of trucks (~~(shall)~~) must have enclosures specifically approved for such locations.

(b) Only approved (~~(power-operated)~~) powered industrial trucks designated as EX may be used in atmospheres containing:

- Acetone,
- Acrylonitrile,
- Alcohol,
- Ammonia,
- Benzene,
- Bensol,
- Butane,
- Ethylene dichloride,
- Gasoline,
- Hexane,
- Lacquer solvent vapors,
- Naphtha,
- Natural gas,
- Propane,
- Propylene,
- Styrene,
- Vinyl acetate,
- Vinyl chloride, or

• Xylenes in quantities sufficient to produce explosive or ignitable mixtures and where such concentrations of these gases or vapors exist continuously, intermittently or periodically under normal operating conditions or may exist frequently because of repair, maintenance operations, leakage, breakdown or faulty operation of equipment.

(c) (~~(Power-operated)~~) Powered industrial trucks designated as DY, EE, or EX may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, but in which the hazardous liquids, vapors or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in the case of abnormal operation of equipment; also in locations in which (~~(hazardous)~~) ignitable concentrations of gases or vapors are normally prevented by positive mechanical ventilation but which might become hazardous through failure or abnormal operation of the ventilating equipment; or in locations which are adjacent to Class I, Division 1 locations, and to which (~~(hazardous)~~) ignitable concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clear air, and effective safeguards against ventilation failure are provided.

(d) In locations used for the storage of hazardous liquids in sealed containers or liquefied or compressed gases in containers, approved (~~(power-operated)~~) powered industrial trucks (~~(designated as)~~) with the following designations can be used:

- DS,
- ES,
- GS, or

• LPS (~~(may be used)~~). This classification includes locations where volatile flammable liquids or flammable gases or vapors are used, but which, would become hazardous only in case of an accident or of some unusual operation condition.

The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that should receive consideration in determining whether or not the DS (~~(or)~~), DY, ES, EE, GS, or LPS designated truck possesses sufficient safeguards for the location. Piping without valves, checks, meters and similar devices would not ordinarily be deemed to introduce a hazardous condition even though used for hazardous liquids or gases. Locations used for the storage of hazardous liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless subject to other hazardous conditions also.

(i) Employers must use only approved (~~(power-operated)~~) powered industrial trucks designated as EX (~~(shall be used)~~) in atmospheres in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(ii) The following areas are usually included in the EX classification (~~(usually includes the working areas of)~~):

- Grain handling and storage plants(~~(:)~~):
 - Room containing grinders or pulverizers,
 - Cleaners,
 - Graders,
 - Scalpers,
 - Open conveyors or spouts,
 - Open bins or hoppers,
 - Mixers, or blenders,
 - Automatic or hopper scales,
 - Packing machinery,
 - Elevator heads and boots,
 - Stock distributors,
 - Dust and stock collectors (except all-metal collectors vented to the outside), and
 - All similar dust producing machinery and
 - Equipment in grain processing plants,
 - Starch plants,
 - Sugar pulverizing plants,
 - Malting plants,
 - Hay grinding plants, and
 - Other occupancies of similar nature;
- Coal pulverizing plants (except where the pulverizing equipment is essentially dust tight);
- All working areas where metal dusts and powders are produced, processed, handled, packed, or stored (except in tight containers); and
- Other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(e) Employers must use only approved (~~(power-operated)~~) powered industrial trucks designated as DY, EE, or EX (~~(shall be used)~~) in atmospheres in which combustible dust will not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures but where deposits or accu-

mulations of such dust may be ignited by arcs or sparks originating in the truck.

(f) Employers must use only approved (~~power-operated~~) powered industrial trucks designated as DY, EE, or EX (~~shall be used~~) in locations which are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings that are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures.

(g) Employers must use only approved (~~power-operated~~) powered industrial trucks designated as DS, DY, ES, EE, EX, GS, or LPS (~~shall be used~~) in locations where easily ignitable fibers are stored or handled including outside storage, but are not being processed or manufactured. Industrial trucks designated as E, which have been previously used in these locations may (~~be continued in use~~) continue to be used.

(h) On piers and wharves handling general cargo, (~~any~~) only approved (~~power-operated~~) powered industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used.

(i) If storage warehouses and outside storage locations are hazardous, employers must use only the approved (~~power-operated~~) powered industrial truck specified for such locations in WAC 296-24-23007 (~~shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used~~). Powered industrial trucks designated D, E, G or LP, or trucks that conform to the requirements of these types, may be used if not classified as hazardous.

(j) If general industrial or commercial properties are hazardous, only approved power-operated industrial trucks specified for such locations in this WAC 296-24-23007 shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements of these types may be used.

~~(TABLE N-1~~

~~SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS~~

~~(TABLE N-1: Part 1 - Unclassified & Class I)~~

Classes	Unclassified	Class I locations			
Description of classes	Locations not possessing atmospheres as described in other columns.	Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.			
Groups in classes	None	A	B	C	D

Examples of locations or atmospheres in classes and groups	Piers and wharves inside and outside general storage or commercial properties	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene
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Divisions (nature of hazardous conditions)	None	Above condition exists continuously, intermittently, or periodically under normal operating conditions.	Above condition may occur accidentally as due to a puncture of a storage drum.
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~~(TABLE N-1: Part 2 - Class II & III)~~

Classes	Class II locations		Class III locations	
Description of classes	Locations which are hazardous because of the presence of combustible dust.		Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	
Groups in classes	E	F	G	None
Examples of locations or atmospheres in classes and groups	Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust	Baled waste, cocoa fiber, cotton, excelsior, hemp,istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.
	+	±	+	±

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Divisions (nature of hazardous conditions)	Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with sparking of electrical equipment, or where dusts of an electrically-conducting nature may be present.	Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.	Locations in which easily ignitable fibers or materials producing flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).
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Authorized uses of trucks by types in groups of classes and divisions

(TABLE N-1: Part 3 — Groups in classes, None — A, B, C, and D)

Groups in classes	None	A	B	C	D	A	B	C	D
Types of trucks authorized:									
Diesel:									
Type D	D**								
Type DS								DS	
Type DY								DY	
Electric:									
Type E	E**								
Type ES								ES	
Type EE								EE	
Type EX					EX			EX	
Gasoline:									
Type G	G**								
Type GS								GS	
LP-Gas:									
Type LP	LP**								
Type LPS								LPS	
Paragraph Ref. in No. 505	210, 211	201(a)	203 (a)	209(a)	204 (a), (b)				

** Trucks conforming to these types may also be used — see WAC 296-24-23007 (2)(h) and (j).
References in parentheses are to the corresponding classification as used in the National Electrical Code (NFPA No. 70, ANSI Standard C1-1968) for the convenience of persons familiar with those classifications.

(TABLE N-1: Part 4 — Groups in class — E, F, G, and None)

Groups in classes	E	F	G	E	F	G	None	None
Types of trucks authorized:								
Diesel:								
Type D								
Type DS						DS		DS
Type DY						DY		DY
Electric:								
Type E								E
Type ES						ES		ES
Type EE						EE		EE
Type EX	EX	EX				EX		EX
Gasoline:								
Type G								
Type GS						GS		GS
LP-Gas:								
Type LP								
Type LPS						LPS		LPS
Paragraph Ref. in No. 505	202(a)	205(a)	209(a)	206 (a), (b)	207(a)	208(a)		

** Trucks conforming to these types may also be used — see WAC 296-24-23007 (2)(h) and (j).
References in parentheses are to the corresponding classification as used in the National Electrical Code (NFPA No. 70, ANSI Standard C1-1968) for the convenience of persons familiar with those classifications.

**TABLE N-1.1
SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS**

CLASSES (Descriptions of classes)	GROUPS (Examples of locations or atmosphere in classes and groups)				DIVISIONS (Nature of hazardous conditions)	
UNCLASSIFIED	No group designations in Unclassified				No divisions in Unclassified	
Locations not possessing atmospheres as described in other columns.	Piers and wharves inside and outside general storage, general industrial or commercial properties					
CLASS I LOCATIONS Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.	A	B	C	D	1	2
	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene	Conditions exists continuously, intermittently, or periodically under normal operating conditions.	Condition may occur due to accidentally, for example, due to a puncture of a storage drum.
CLASS II LOCATIONS Locations which are hazardous because of the presence of combustible dust.	E		F		G	
	Metal dust		Carbon black Coal dust Coke dust		Grain dust Flour dust Starch dust Organic dust	
CLASS III LOCATIONS Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	Class III has no groups				1	2
	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.				Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).

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TABLE N-1.2
AUTHORIZED USES OF TRUCKS BY TYPES IN GROUPS OF CLASSES AND DIVISIONS

Groups in classes	UN CLASSIFIED	CLASS I								CLASS II						CLASS III	
		DIV I				DIV II				DIV I			DIV II			DIV I	DIV II
		A	B	C	D	A	B	C	D	E	F	G	E	F	G	None	None
Type of truck authorized:	None																
Diesel:																	
Type D	D** ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Type DS .....	.....	.....	.....	.....	.....	.....	.....	.....	DS....	.....	.....	.....	.....	.....	DS....	.....	DS
Type DY .....	.....	.....	.....	.....	.....	.....	.....	.....	DY....	.....	.....	.....	.....	.....	DY....	.....	DY
Electric:																	
Type E	E** ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	E
Type ES .....	.....	.....	.....	.....	.....	.....	.....	.....	ES....	.....	.....	.....	.....	.....	ES....	.....	ES
Type EE .....	.....	.....	.....	.....	.....	.....	.....	.....	EE....	.....	.....	.....	.....	.....	EE....	EE.....	EE
Type EX .....	.....	.....	.....	EX....	.....	.....	.....	.....	EX....	.....	EX....	EX....	.....	.....	EX....	EX.....	EX
Gasoline:																	
Type G	G** .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	GS
Type GS .....	.....	.....	.....	.....	.....	.....	.....	.....	GS ...	.....	.....	.....	.....	.....	GS ...	.....	GS
LP-Gas:																	
Type LP	LP** .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	LPS
Type LPS .....	.....	.....	.....	.....	.....	.....	.....	.....	LPS ..	.....	.....	.....	.....	.....	LPS ...	.....	LPS

**Trucks conforming to these types may also be used – see subdivision 23007(2)(h) and (j) of this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23009 Converted industrial trucks. ~~((Power-operated))~~ Powered industrial trucks that ~~((have been))~~ were originally approved for the use of gasoline for fuel, when converted to the use of liquefied petroleum gas fuel in accordance with WAC 296-24-23035, may be used in ~~((those))~~ locations where G, GS ~~((or))~~, LP, ~~((and))~~ or LPS designated trucks have been specified ~~((in the preceding sections)).~~

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23011 Safety guards. (1) High lift rider trucks ~~((shall))~~ must be fitted with an overhead guard manufactured in accordance with WAC 296-24-23003(2), unless operating conditions do not permit.

(2) If the type of load presents a hazard, the user ~~((shall))~~ must equip ~~((fork))~~ powered industrial trucks (forklifts) with a vertical load backrest extension manufactured in accordance with WAC 296-24-23003(2).

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23013 Fuel handling and storage. (1) ~~((The storage and handling of))~~ Liquid fuels, such as gasoline and diesel fuel ~~((shall))~~ must be handled and stored in accordance with NFPA Flammable and Combustible Liquids Code (NFPA No. 30-~~((1969))~~ 1996).

(2) ~~((The storage and handling of))~~ Liquefied petroleum gas fuel ~~((shall))~~ must be handled and stored in accordance with NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-~~((1969))~~ 1998).

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23015 Changing and charging storage batteries. (1) Battery charging installations ~~((shall))~~ must be located in areas designated for that purpose.

(2) Battery charging activities ~~((shall))~~ must be provided ~~((for))~~ with a means for each of the following:

- Flushing and neutralizing spilled electrolyte, ~~((for))~~
- Fire protection, ~~((for protecting))~~ protection of charging apparatus from damage by trucks, and ~~((for))~~
- Adequate ventilation for dispersal of fumes from gassing batteries.

(3) When racks are used for support of batteries, they should be made of materials nonconductive to spark generation or be coated or covered to achieve this objective.

(4) A conveyor, overhead hoist, or equivalent material handling equipment ~~((shall))~~ must be provided for handling batteries.

(5) Reinstalled batteries ~~((shall))~~ must be properly positioned and secured in the truck.

(6) A carboy tiler or siphon ~~((shall))~~ must be provided for handling electrolyte to minimize potential for spillage.

(7) When charging batteries, acid ~~((shall))~~ must be poured into water; water ~~((shall))~~ must not be poured into acid.

(8) Trucks ~~((shall))~~ must be properly positioned and brake applied before attempting to change or charge batteries.

(9) When charging batteries~~((, the vent caps should be kept in place to avoid electrolyte spray-))~~ care ~~((shall))~~ must be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) ~~((shall))~~ must be open to dissipate heat.

(10) Smoking ~~((shall))~~ must be prohibited in the charging area.

(11) Precautions ~~((shall))~~ must be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(12) Tools and other metallic objects ~~((shall))~~ must be kept away from the top of uncovered batteries.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23017 Lighting for operating areas. (1) Controlled lighting of adequate intensity should be provided in operating areas. (See American National Standard Practice for Industrial Lighting, ~~((ANSI 1-1965 (R1970)))~~ ANSI/IS UP-7-1990.)

(2) Where general lighting is less than 2 lumen per square foot, auxiliary directional lighting ~~((shall))~~ must be provided on the truck.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23019 Control of noxious gases and fumes. ~~((1) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-62-075 (general occupational health standards).~~

~~((2) Questions concerning degree of concentration and methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist-))~~ Concentration levels of carbon monoxide gas created by powered industrial truck operations must not exceed the levels specified in WAC 296-62-075, Part L (general operational health standards). Questions concerning degree of concentration and methods of sampling to ascertain the conditions should be referred to a competent industrial hygienist or other technically qualified person.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23021 Duckboards (bridge plates). (1) Portable and powered duckboards ~~((shall))~~ must be strong enough to carry the load imposed on them.

(2) Portable duckboards ~~((shall))~~ must be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

(3) Powered duckboards ~~((shall))~~ must be designed and constructed in accordance with Commercial Standard

CS202-56 (1956) "Industrial Lifts and Hinged Loading Ramps" published by the U.S. Department of Commerce.

(4) Handholds, or other effective means, ~~((shall))~~ must be provided on portable duckboards to permit safe handling.

(5) Positive protection ~~((shall))~~ must be provided to prevent railroad cars from being moved while duckboards or bridge plates are in position.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-23023 Trucks and railroad cars. (1) The brakes of highway trucks ~~((shall))~~ must be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.

(2) Wheel stops or other recognized positive protection ~~((shall))~~ must be provided to prevent railroad cars from moving during loading or unloading operations.

(3) Fixed jacks may be necessary to support a semitrailer and prevent up-ending during the loading or unloading when the trailer is not coupled to a tractor.

(4) Positive protection ~~((shall))~~ must be provided to prevent railroad cars from being moved while duckboards or bridge plates are in position.

(5) Trucks/trailers equipped with a rear-end protection device (to prevent cars from being wedged underneath the rear end during a collision~~((;))~~) may ~~((facilitate the))~~ use ~~((of))~~ a mechanical means to secure ~~((the truck/trailer))~~ it to the loading dock ~~((attaching to the device))~~. Wheel chocks ~~((will))~~ are not ~~((be))~~ required when ~~((the following provisions are utilized))~~:

(a) A positive mechanical means to secure trucks or trailers is permitted~~((; provided that the system is installed and used in a manner that effectively))~~ if it prevents movement away from the dock during loading, unloading, and boarding by hand trucks or powered industrial trucks.

(b) All ~~((of the))~~ installed mechanical equipment ~~((shall))~~ must be ~~((installed;))~~ maintained~~((;))~~ and used as recommended by the manufacturer.

(c) ~~((Any))~~ Damaged mechanical equipment ~~((shall))~~ must be removed from service immediately ~~((and shall not be used as a means of complying with the requirements to secure trucks and trailers))~~.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23025 Operator training. ~~((Only trained and authorized operators shall be permitted to operate a powered industrial truck. Methods shall be devised to train operators in the safe operation of powered industrial trucks:))~~ (1) Safe operation.

(a) The employer must ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section.

(b) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer

must ensure that each operator has successfully completed the training required by this section.

(2) Training program implementation.

(a) Trainees may operate a powered industrial truck only:

(i) Under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence; and

(ii) Where such operation does not endanger the trainee or other employees.

Note: The employer, or any other qualified person of the employer's choosing, may give required training and evaluation.

(b) Training must consist of a combination of:

• Formalized instruction (which may include lecture, discussion, interactive computer learning, video tape and/or written material);

• Practical training (demonstrations performed by the trainer and practical exercises performed by the trainee); and
• Evaluation of the operator's performance in the workplace.

(c) All operator training and evaluation must be conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.

(3) Training program content. Powered industrial truck operators must receive initial training in the topics that follow, except in topics that the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.

(a) Truck-related topics:

• Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate;

• Differences between the truck and the automobile;

• Truck controls and instrumentation: Where they are located, what they do, and how they work;

• Engine or motor operation;

• Steering and maneuvering;

• Visibility (including restrictions due to loading);

• Fork and attachment adaptation, operation, and use limitations;

• Vehicle capacity;

• Vehicle stability;

• Any vehicle inspection and maintenance that the operator will be required to perform;

• Refueling and/or charging and recharging of batteries;

• Operating limitations;

• Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

(b) Workplace-related topics:

• Surface conditions where the vehicle will be operated;

• Composition of loads to be carried and load stability;

• Load manipulation, stacking, and unshackling;

• Pedestrian traffic in areas where the vehicle will be operated;

• Narrow aisles and other restricted places where the vehicle will be operated;

• Hazardous (classified) locations where the vehicle will be operated;

• Ramps and other sloped surfaces that could affect the vehicle's stability;

• Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;

• Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

(4) Refresher training and evaluation.

(a) Refresher training, including an evaluation of the effectiveness of that training, must be conducted as required by subsection (2)(b) of this section, to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.

(b) Refresher training in relevant topics must be provided to the operator when:

• The operator has been observed to operate the vehicle in an unsafe manner;

• The operator has been involved in an accident or near-miss incident;

• The operator has received an evaluation that reveals that the operator is not operating the truck safely;

• The operator is assigned to drive a different type of truck; or

• A condition in the workplace changes in a manner that could affect safe operation of the truck.

(c) An evaluation of each powered industrial truck operator's performance must be conducted at least once every three years.

(5) Avoidance of duplicative training. If an operator has previously received training in a topic specified in subsection (3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely, within three years.

(6) Record keeping. Employers must keep records showing that each operator has been trained and evaluated as required by this section. These records must include the name of the operator, the date of the training, the date(s) of the evaluation, and the name of the person(s) giving the training or evaluation.

(7) Implementation dates. The employer must ensure that operators of powered industrial trucks are trained, as appropriate, by the effective date of this section. Employees hired on or after the effective date of this section must be trained and evaluated prior to being assigned to operate a powered industrial truck.

(8) Nonmandatory guidance. To assist employers in implementing operator training requirements, a nonmandatory appendix has been added as WAC 296-24-23037. This appendix does not add to, alter, or reduce the requirements of this section.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-23027 Powered industrial truck operations. (1) Powered industrial trucks ((shall)) must not be

driven up to anyone ((standing)) in front of a bench or other fixed object.

(2) ~~((No person shall be allowed to stand or pass))~~ Employers must not allow people under the elevated portion of any powered industrial truck, whether loaded or empty.

(3) ~~((Unauthorized personnel shall not be permitted))~~ Employers must not allow people to ride on powered industrial trucks((-)) unless a safe place to ride ((shall be)) is provided ((where riding of trucks is authorized)).

(4) The employer ~~((shall))~~ must prohibit ~~((arms or legs))~~ any body part from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means ~~((shall))~~ must be fully lowered, controls ~~((shall))~~ must be neutralized, power ~~((shall))~~ must be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(b) When the operator of ~~((an))~~ a powered industrial truck is dismounted and within 25 feet of the truck, still in view, the load engaging means ~~((shall))~~ must be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance ~~((shall))~~ must be maintained from the edge of ramps ~~((or))~~, platforms while on any elevated dock, or platform or freight car. Powered industrial trucks ((shall)) must not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device ~~((shall))~~ must require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The powered industrial truck operator ((shall)) must be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) ~~((Employees or other persons will))~~ People must stand clear while the door is being moved with a device.

(7) Brakes ~~((shall))~~ must be set and wheel blocks ~~((shall))~~ must be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars ~~((shall))~~ must be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There ~~((shall))~~ must be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard ~~((shall))~~ must be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension ~~((shall))~~ must be used ~~((whenever necessary))~~ to ~~((minimize the possibility of the~~

~~load or~~) prevent any part of ((#)) the load from falling rearward.

(11) Employers must use only approved powered industrial trucks ~~((shall be used))~~ in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls ~~((elevatable))~~ that can be elevated with the lifting carriage or forks for lifting personnel, the following additional precautions ~~((shall))~~ must be taken ~~((for the protection of personnel being elevated.))~~:

(a) ~~((Use of))~~ A safety platform ~~((firmly))~~ secured to the lifting carriage and/or forks must be used.

(b) A means ~~((shall))~~ must be provided ~~((whereby personnel))~~ for people on the platform ~~((can))~~ to shut ~~((off))~~ the power off to the truck.

(c) ~~((Such))~~ Protection from falling objects as ~~((indicated))~~ necessary by the operating conditions ~~((shall))~~ must be provided.

(13) When using powered industrial trucks (forklifts) as elevated work platforms ~~((:))~~ a platform or structure built specifically for hoisting persons may be used ~~((providing))~~ if the following requirements are complied with:

(a) The structure must be securely attached to the forks and ~~((shall))~~ must have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system ~~((shall))~~ must be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms ~~((shall))~~ must be identified ~~((that they are so))~~ as being designed for that purpose.

(c) A safety strap ~~((shall))~~ must be installed or the control lever ~~((shall))~~ must be locked to prevent the boom from tilting.

(d) An operator ~~((shall))~~ must attend the lift equipment while workers are on the platform.

(e) The operator ~~((shall))~~ must be in the normal operating position while raising or lowering the platform.

(f) Except when inching or maneuvering the powered industrial truck at a very slow speed, the vehicle ~~((shall))~~ must not ~~((travel))~~ be moved from point to point while workers are on the platform ~~((except that inching or maneuvering at very slow speed is permissible)).~~

(g) The area between workers on the platform and the mast ~~((shall))~~ must be ~~((adequately))~~ guarded to prevent contact with chains or other shear points.

(14) Access to fire aisles, ~~((access to))~~ stairways, and fire equipment ~~((shall))~~ must be kept clear.

(15) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

(16) Powered industrial trucks used as order pickers (see Figure 1), that do not have standard guardrails on all open sides, must be equipped with a safety harness, lanyard, and a tie-off point approved by the manufacturer. Fall protection equipment must meet the criteria outlined in WAC 296-24-87035, Appendix C - personal fall arrest systems.

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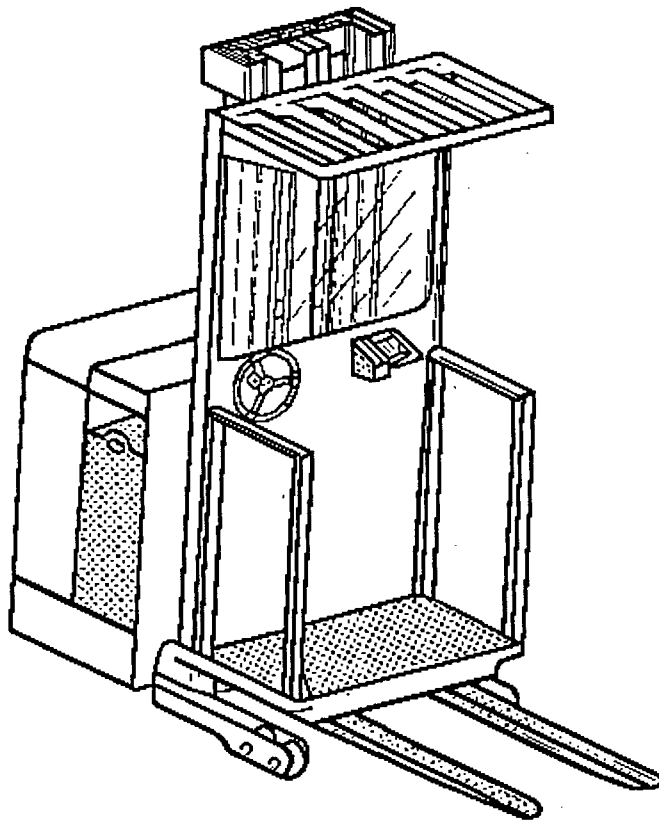


Figure - 1

High Lift Order Picker Rider Truck

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AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23029 Traveling. (1) All traffic regulations ~~((shall))~~ must be observed, including authorized plant speed limits. A ~~((safe))~~ distance ~~((shall be maintained))~~ of approximately three truck lengths from the truck ahead ~~((and))~~ must be maintained. The powered industrial truck ~~((shall))~~ must be kept under control at all times.

(2) The right of way ~~((shall))~~ must be yielded to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Employers must not allow other powered industrial trucks traveling in the same direction to be passed at intersections, blind spots, or other dangerous locations ~~((shall not be passed))~~.

(4) The driver ~~((shall be required to))~~ must slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver ~~((shall be required to))~~ must travel with the load trailing.

(5) Railroad tracks ~~((shall))~~ must be crossed diagonally wherever possible. Parking closer than 8 feet from the center of railroad tracks is prohibited.

(6) The driver ~~((shall be required to))~~ must look in the direction of, and keep a clear view of the path of travel.

(7) Grades ~~((shall))~~ must be ascended or descended slowly.

(a) When ascending or descending grades in excess of 10 percent, loaded powered industrial trucks ~~((shall))~~ must be driven with the load up grade.

(b) Unloaded powered industrial trucks should be operated on all grades with the load engaging means down grade.

(c) On all grades the load and load engaging means ~~((shall))~~ must be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(8) ~~((Under all travel conditions the))~~ Powered industrial trucks ~~((shall))~~ must be operated at a speed that will permit it to be brought to a stop in a safe manner.

(9) Employers must not permit stunt driving and horse-play ~~((shall not be permitted))~~.

(10) The driver ~~((shall be required to))~~ must slow down ~~((for))~~ on wet and/or slippery floors.

(11) Dockboard or bridge plates, ~~((shall))~~ must be properly secured before they are driven over. Dockboard or bridge plates ~~((shall))~~ must be driven over carefully and slowly and their rated capacity never exceeded.

(12) Elevators ~~((shall))~~ must be approached slowly, and then entered squarely after the elevator car is properly leveled. Once on the elevator, the controls shall be neutralized, power shut off, and the brakes set.

(13) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(14) ~~((Running))~~ Powered industrial truck operators must avoid driving over loose objects on the roadway surface ~~((shall be avoided))~~.

(15) While negotiating turns, speed ~~((shall))~~ must be reduced to a safe level ~~((, by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very low speed, the hand steering wheel shall be turned at a moderate, even rate))~~.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23031 Loading. (1) Only stable or safely arranged loads ~~((shall))~~ must be handled. ~~((Caution shall be exercised when handling off-center loads which cannot be centered.))~~

(2) Powered industrial trucks must only be operated if the load(s) is within the rated capacity ~~((of the truck shall be handled))~~ including long, high or multiple-tiered loads.

(3) ~~((The long or high (including multiple-tiered) loads which may affect capacity shall be adjusted.~~

~~((4) When attachments are used, particular care should be taken in securing, manipulating, positioning, and transporting the load.))~~ Powered industrial trucks equipped with attachments ~~((shall))~~ must be operated as partially loaded trucks when not handling a load.

~~((5))~~ (4) A load engaging means ~~((shall))~~ must be placed under the load as far as possible; the mast ~~((shall))~~ must be carefully tilted backward to stabilize the load.

~~((6) Extreme care shall be used when tilting the load forward or backward, particularly when high tiering.))~~ (5) Tilting forward with load engaging means elevated ~~((shall))~~ must be prohibited except to pick up a load. An elevated load ~~((shall))~~ must not be tilted forward except when the load is in a deposit position over a rack or stack. When stacking or tiering, only enough backward tilt to stabilize the load ~~((shall))~~ must be used.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23033 Operation of the truck. (1) ~~((If at any time))~~ A powered industrial truck ~~((is))~~ found to be in need of repair, defective, or in any way unsafe, ~~((the truck shall))~~ must be taken out of service until it has been restored to safe operating condition.

(2) Fuel tanks ~~((shall))~~ must not be filled while the engine is running. Spillage ~~((shall))~~ must be avoided.

(3) Spillage of oil or fuel ~~((shall))~~ must be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(4) ~~((No truck shall))~~ Powered industrial trucks must not be operated with a leak in the fuel system ~~((until the leak has been corrected))~~.

(5) Open flames ~~((shall))~~ must not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23035 Maintenance of industrial trucks. (1) ~~((Any power operated))~~ Powered industrial trucks not in safe operating condition ~~((shall))~~ must be removed from service. All repairs ~~((shall))~~ must be made by authorized personnel.

(2) ~~((No))~~ Employers must not allow repairs ~~((shall))~~ to be made in Classes I, II, and III locations.

(3) ~~((Those))~~ Repairs to the fuel and ignition systems of powered industrial trucks which involve fire hazards ~~((shall))~~ must be conducted only in locations designated for such repairs.

(4) Powered industrial trucks in need of repair(s) to the electrical system ~~((shall))~~ must have the battery disconnected prior to starting such repairs.

(5) All parts of any such industrial truck requiring replacement ~~((shall))~~ must be replaced only ~~((by))~~ with parts equivalent ~~((as))~~ to ~~((safety with))~~ those used in the original design.

(6) Powered industrial trucks ~~((shall))~~ must not be altered so that the relative positions of the various parts are different from ~~((what they were when))~~ that originally received from the manufacturer ~~((, nor shall they be))~~. Employers must also insure that the powered industrial trucks are not altered, either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in WAC 296-24-23003. Additional counterweighting of ~~((fork))~~ powered industrial trucks ~~((shall))~~ must not be done unless approved by the truck manufacturer.

(7) Powered industrial trucks ~~((shall))~~ must be examined before being placed in service, and ~~((shall))~~ must not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination ~~((shall))~~ must be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they ~~((shall))~~ must be examined after each shift. Defects when found ~~((shall))~~ must be immediately reported and corrected.

(8) Water mufflers ~~((shall))~~ must be filled daily or as frequently as is necessary to prevent depletion of the supply of water below 75 percent of the filled capacity. ~~((Vehicles))~~ Powered industrial trucks with mufflers having screens or other parts that may become clogged ~~((shall))~~ must not be operated while such screens or parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system ~~((shall))~~ must immediately be removed from service, and not returned to service until the cause for the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any powered industrial truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, ~~((the vehicle shall))~~ it must be removed from service and not returned to service until the cause for such overheating has been eliminated.

(10) Powered industrial trucks (~~(shall)~~) must be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F.) solvents shall not be used. High flash point (at or above 100°F.) solvents may be used. Precautions regarding toxicity, ventilation, and fire hazard (~~(shall)~~) must be consonant with the agent or solvent used.

(11) (~~Where it is necessary to use antifreeze in the engine cooling system, only those products having glycol base shall be used.~~)

(12) Powered industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks. Such conversion equipment (~~(shall)~~) must be approved. The description of the component parts of this conversion system and the recommended method of installation on specific trucks are contained in the "listed by report."

NEW SECTION

WAC 296-24-23037 Appendix 1 stability of powered industrial trucks nonmandatory appendix. (1) Definitions. The following definitions may help to explain the principle of stability:

"**Center of gravity**" means the point on an object at which all of the object's weight is concentrated. For symmetrical loads, the center of gravity is at the middle of the load.

"**Counterweight**" means the weight that is built into the truck's basic structure and is used to offset the load's weight and to maximize the vehicle's resistance to tipping over.

"**Fulcrum**" means the truck's axis of rotation when it tips over.

"**Grade**" means the slope of a surface, which is usually measured as the number of feet of rise or fall over a hundred foot horizontal distance (the slope is expressed as a percent).

"**Lateral stability**" means a truck's resistance to overturning sideways.

"**Line of action**" means an imaginary vertical line through an object's center of gravity.

"**Load center**" means the horizontal distance from the load's edge (or the fork's or other attachment's vertical face) to the line of action through the load's center of gravity.

"**Longitudinal stability**" means the truck's resistance to overturning forward or rearward.

"**Moment**" means the product of the object's weight times the distance from a fixed point (usually the fulcrum). In the case of a powered industrial truck, the distance is measured from the point at which the truck will tip over to the object's line of action. The distance is always measured perpendicular to the line of action.

"**Track**" means the distance between the wheels on the same axle of the truck.

"**Wheelbase**" means the distance between the centerline of the vehicle's front and rear wheels.

(2) General.

(a) Determining the stability of a powered industrial truck is simple once a few basic principles are understood.

There are many factors that contribute to a vehicle's stability: The vehicle's wheelbase, track, and height; the load's weight distribution; and the vehicle's counterweight location (if the vehicle is so equipped).

(b) The "stability triangle," used in most stability discussions, demonstrates stability simply (see Figures 2 and 3).

(3) Basic principles.

(a) Whether an object is stable depends on the object's "moment" (see definitions, this section) at one end of a system being greater than, equal to, or smaller than the object's moment at the system's other end. This principle can be seen in the way a seesaw or teeter-totter works: That is, if the product of the load and distance from the fulcrum (moment) is equal to the moment at the device's other end, the device is balanced and it will not move. However, if there is a greater moment at one end of the device, the device will try to move downward at the end with the greater moment.

(b) The longitudinal stability of a counterbalanced powered industrial truck depends on the vehicle's moment and the load's moment. In other words, if the mathematic product of the load moment (the distance from the front wheels, the approximate point at which the vehicle would tip forward) to the load's center of gravity times the load's weight is less than the vehicle's moment, the system is balanced and will not tip forward. However, if the load's moment is greater than the vehicle's moment, the greater load-moment will force the truck to tip forward.

(4) The stability triangle.

(a) Almost all counterbalanced powered industrial trucks have a three-point suspension system, that is, the vehicle is supported at three points. This is true even if the vehicle has four wheels. The truck's steer axle is attached to the truck by a pivot pin in the axle's center. When the points are connected with imaginary lines, this three-point support forms a triangle called the stability triangle. Figure 2 depicts the stability triangle.

(b) When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

(5) Longitudinal stability.

(a) The axis of rotation when a truck tips forward is the front wheels' points of contact with the pavement. When a powered industrial truck tips forward, the truck will rotate about this line. When a truck is stable, the vehicle-moment must exceed the load-moment. As long as the vehicle-moment is equal to or exceeds the load-moment, the vehicle will not tip over. On the other hand, if the load-moment slightly exceeds the vehicle-moment, the truck will begin to tip forward, thereby causing the rear to lose contact with the floor or ground and resulting in loss of steering control. If the load-moment greatly exceeds the vehicle-moment, the truck will tip forward.

(b) To determine the maximum safe load-moment, the truck manufacturer normally rates the truck at a maximum load at a given distance from the front face of the forks. The specified distance from the front face of the forks to the line of action of the load is commonly called the load center. Because larger trucks normally handle loads that are physi-

cally larger, these vehicles have greater load centers. Trucks with a capacity of 30,000 pounds or less are normally rated at a given load weight at a 24-inch load center. Trucks with a capacity greater than 30,000 pounds are normally rated at a given load weight at a 36- or 48-inch load center. To safely operate the vehicle, the operator should always check the data plate to determine the maximum allowable weight at the rated load center.

(c) Although the true load-moment distance is measured from the front wheels, this distance is greater than the distance from the front face of the forks. Calculating the maximum allowable load-moment using the load-center distance always provides a lower load-moment than the truck was designed to handle. When handling unusual loads, such as those that are larger than 48 inches long (the center of gravity is greater than 24 inches) or that have an offset center of gravity, etc., a maximum allowable load-moment should be calculated and used to determine whether a load can be safely handled. For example, if an operator is operating a 3,000-pound capacity truck (with a 24-inch load center), the maximum allowable load-moment is 72,000 inch-pounds (3,000 times 24). If a load is 60 inches long (30-inch load center), then the maximum that this load can weigh is 2,400 pounds (72,000 divided by 30).

(6) Lateral stability.

(a) The vehicle's lateral stability is determined by the line of action's position (a vertical line that passes through the combined vehicle's and load's center of gravity) relative to the stability triangle. When the vehicle is not loaded, the truck's center of gravity location is the only factor to be considered in determining the truck's stability. As long as the line of action of the combined vehicle's and load's center of gravity falls within the stability triangle, the truck is stable and will not tip over. However, if the line of action falls outside the stability triangle, the truck is not stable and may tip over. Refer to Figure 3.

(b) Factors that affect the vehicle's lateral stability include the load's placement on the truck, the height of the load above the surface on which the vehicle is operating, and the vehicle's degree of lean.

(7) Dynamic stability.

(a) Up to this point, the stability of a powered industrial truck has been discussed without considering the dynamic forces that result when the vehicle and load are put into motion. The weight's transfer and the resultant shift in the center of gravity due to the dynamic forces created when the machine is moving, braking, cornering, lifting, tilting, and lowering loads, etc., are important stability considerations.

(b) When determining whether a load can be safely handled, the operator should exercise extra caution when handling loads that cause the vehicle to approach its maximum design characteristics. For example, if an operator must handle a maximum load, the load should be carried at the lowest position possible, the truck should be accelerated slowly and evenly, and the forks should be tilted forward cautiously. However, no precise rules can be formulated to cover all of these eventualities.

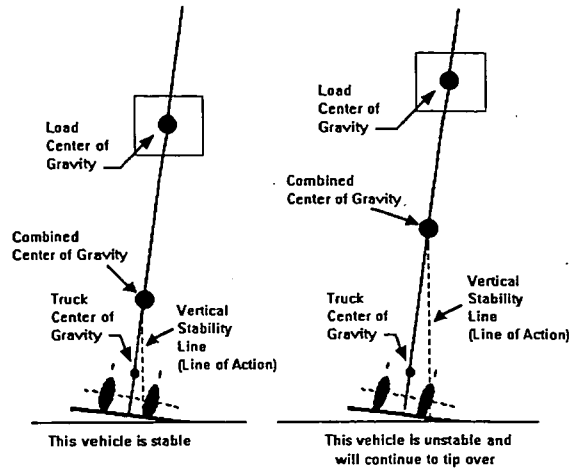


Figure - 2

When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

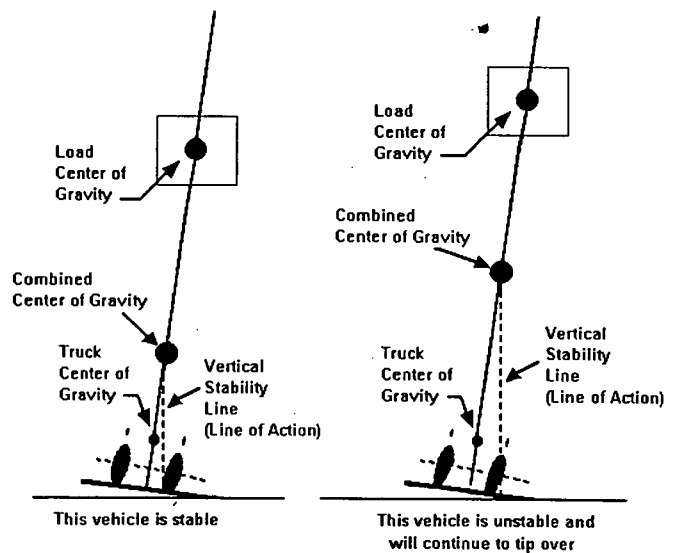


Figure - 3

When the vehicle's line of action, or load center, falls within the stability triangle, the vehicle is stable and will not tip over. However, when the vehicle's line of action or the vehicle/load combination falls outside the stability triangle, the vehicle is unstable and may tip over.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

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

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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 runaway 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 performance 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.

(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.

PROPOSED

(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 296-24-230, 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 counter-weights 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.

WSR 99-16-090
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed August 4, 1999, 9:39 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation III, Appendix A.

Purpose: To identify specific chemicals that are part of a hazardous air pollutant compound listed in Section 112(b) of the federal Clean Air Act.

Other Identifying Information: Appendix A - Acceptable Source Impact Levels.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: This proposal will identify specific chemicals that are part of a hazardous air pollutant compound, in

order to provide accuracy in reporting hazardous air pollutants.

Reasons Supporting Proposal: This will help provide accuracy in reporting hazardous air pollutants.

Name of Agency Personnel Responsible for Drafting: John Anderson, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4051; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In order to provide accuracy in reporting of hazardous air pollutants, this proposal identifies specific chemicals that are part of a hazardous air pollutant compound.

Proposal Changes the Following Existing Rules: This proposal changes the reporting requirements to include all hazardous air pollutants.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 9, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 2, 1999, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by August 30, 1999.

Date of Intended Adoption: September 9, 1999.

July 26, 1999

John K. Anderson
Senior Engineer

PROPOSED

AMENDATORY SECTION

REGULATION III APPENDIX A: ACCEPTABLE SOURCE IMPACT LEVELS

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
ANTU	86-88-4	1.0	B
√Acetaldehyde	75-07-0	0.45	A
√Acetamide	60-35-5	TBD	B
Acetic acid	64-19-7	83	B
Acetic anhydride	108-24-7	67	B
Acetone	67-64-1	5900	B
√Acetonitrile	75-05-8	220	B
√Acetophenone	98-86-2	TBD	B
√2-Acetylaminofluorene	53-96-3	TBD	A
Acetylene tetrabromide	79-27-6	47	B
√Acrolein	107-02-8	0.02	B
√Acrylamide	79-06-1	0.00077	A
√Acrylic acid	79-10-7	0.30	B
√Acrylonitrile	107-13-1	0.015	A
Aldrin	309-00-2	0.0002	A
Allyl alcohol	107-18-6	17	B
√Allyl chloride	107-05-1	1.0	B
Allyl glycidyl ether (AGE)	106-92-3	77	B
Allyl propyl disulfide	2179-59-1	40.0	B
Aluminum, Al alkyls	7429-90-5	6.7	B
Aluminum, as Al metal dusts	7429-90-5	33	B
Aluminum, as Al pyro powders	7429-90-5	17	B

Aluminum, as Al soluble salts	7429-90-5	6.7	B
Aluminum, as Al welding fumes	7429-90-5	17	B
2-Aminoanthraquinone	117-79-3	TBD	A
o-Aminoazotoluene	97-56-3	TBD	A
√4-Aminobiphenyl	92-67-1	TBD	A
2-Aminopyridine	504-29-0	6.3	B
Amitrole	61-82-5	0.06	C
Ammonia	7664-41-7	100	B
Ammonium chloride fumes	12125-02-9	33	B
Ammonium perfluorooctanoate	3825-26-1	0.33	B
Ammonium sulfamate	7773-06-0	33	B
n-Amyl acetate	628-63-7	1800	B
sec-Amyl acetate	626-38-0	2200	B
√Aniline	62-53-3	6.3	A
√ Aniline and homologues	62-53-3	1.0	B
Anisidine (o-,p- isomers)	29191-52-4	1.7	B
√ o-Anisidine	90-04-0	1.7	C
√ Antimony & compounds, as Sb	7440-36-0	1.7	B
√ Antimony trioxide, as Sb (<u>antimony compound</u>)	1309-64-4	1.7	B
√Arsenic and inorganic arsenic compounds	7440-38-2	0.00023	A
√ Arsine	7784-42-1	0.53	B
√ Asbestos (Note: fibers/ml)	1332-21-4	0.0000044	A
Asphalt (petroleum) fumes	8052-42-4	17	B
Atrazine	1912-24-9	17	B
Auramine (technical grade)	2465-27-2	TBD	A
Azinphos-methyl	86-50-0	0.67	B
√ Aziridine (Ethylene imine)	151-56-4	2.9	B
Barium, soluble compounds Ba	7440-39-3	1.7	B
Benomyl	17804-35-2	33	B
√ Benzene	71-43-2	0.12	A
√ Benzidine and its salts	92-87-5	0.000015	A
√ Benzo(a)anthracene (<u>POM</u>)	56-55-3	TBD	A
√ Benzo(a)pyrene (<u>POM</u>)	50-32-8	0.00048	A
√ Benzo(b)fluoranthene (<u>POM</u>)	205-99-2	TBD	A
Benzo(j)fluoranthene	205-82-3	TBD	A
√ Benzo(k)fluoranthene (<u>POM</u>)	207-08-9	TBD	A
√ Benzotrichloride	98-07-7	TBD	B
Benzoyl peroxide	94-36-0	17	B
√ Benzyl chloride	100-44-7	17	B
Benzyl violet 4b	1694-09-3	TBD	A
√Beryllium and its compounds	7440-41-7	0.00042	A
√Biphenyl	92-52-4	4.3	B
√Bis(2-chloroethyl)ether (Dichloroethyl ether)	111-44-4	0.003	A
√Bis(chloromethyl)ether	542-88-1	0.000016	A
√Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate)	117-81-7	2.5	A

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Bismuth telluride	1304-82-1	33	B
Bismuth telluride Se doped	1304-82-1	17	B
Borates, anhydrous	1303-96-4	3.3	B
Borates, decahydrate	1303-96-4	17	B
Borates, pentahydrate	1303-96-4	3.3	B
Boron oxide	1303-86-2	33	B
Boron tribromide	10294-33-4	33	B
Boron trifluoride	76737-07-2	9.3	B
Bromacil	314-40-9	33	B
Bromine	7726-95-6	2.2	B
Bromine pentafluoride	7789-30-2	2.4	B
√Bromoform	75-25-2	0.91	A
√Bromomethane (Methyl bromide)	74-83-9	5.0	B
√1,3-Butadiene	106-99-0	0.0036	A
Butane	106-97-8	6300.0	B
√2-Butanone (Methyl ethyl ketone)	78-93-3	1000	B
√ 2-Butoxyethanol (Butyl cellosolve; <u>Ethylene glycol monobutyl ether</u>)	111-76-2	400	B
n-Butyl acetate	123-86-4	2400	B
sec-Butyl acetate	105-46-4	3200	B
tert-Butyl acetate	540-88-5	3200	B
Butyl acrylate	141-32-2	170	B
n-Butyl alcohol	71-36-3	500	B
sec-Butyl alcohol	78-92-2	1000	B
tert-Butyl alcohol	75-65-0	1000	B
√ tert-Butyl chromate, as CrO ₃ (<u>chromium compound</u>)	1189-85-1	0.33	B
n-Butyl glycidyl ether (BGE)	2426-08-6	440	B
n-Butyl lactate	138-22-7	83	B
n-Butyl mercaptan	109-79-5	6.0	B
n-Butylamine	109-73-9	50.0	B
√ 1,2-Butylene oxide (1,2-Epoxybutane)	106-88-7	20	B
o-sec-Butylphenol	89-72-5	100	B
p-tert-Butyltoluene	98-51-1	200	B
β-Butyrolactone	3068-88-0	TBD	A
√ Cadmium and compounds	7440-43-9	0.00056	A
√ Calcium cyanamide	156-62-7	1.7	B
Calcium hydroxide	1305-62-0	17	B
Calcium oxide	1305-78-8	6.7	B
Camphor, synthetic	76-22-2	40	B
√ Caprolactam, dusts	105-60-2	3.3	B
√ Caprolactam, vapors	105-60-2	67	B
Captafol	2425-06-1	0.33	B
√ Captan	133-06-2	17	B
√ Carbaryl	63-25-2	17	B
Carbofuran	1563-66-2	0.33	B
Carbon black	1333-86-4	12	B
√ Carbon disulfide	75-15-0	100	B

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Carbon tetrabromide	558-13-4	4.7	B
√ Carbon tetrachloride	56-23-5	0.067	A
Carbonyl fluoride	353-50-4	18	B
√ Carbonyl sulfide	463-58-1	TBD	B
√ Catechol	120-80-9	77	B
Cellosolve (2-Ethoxyethanol)	110-80-5	200	B
Cesium hydroxide	21351-79-1	6.7	B
√ Chloramben	133-90-4	TBD	B
√ Chlordane	57-74-9	0.0027	A
√ Chlorinated camphene (Toxaphene)	8001-35-2	0.0031	A
Chlorinated diphenyl oxide (hexachlorophenyl ether)	55720-99-5	1.7	B
√ Chlorine	7782-50-5	5.0	B
Chlorine dioxide	10049-04-4	0.2	B
Chlorine trifluoride	7790-91-2	1.3	B
1-Chloro-1-nitropropane	600-25-9	33	B
Chloroacetaldehyde	107-20-0	11	B
√ Chloroacetic acid	79-11-8	TBD	B
√ α-Chloroacetophenone	532-27-4	1.1	B
Chloroacetyl chloride	79-04-9	0.67	B
o-Chlorobenzylidene malononitrile	2698-41-1	1.3	B
√ Chlorobenzene	108-90-7	150	B
√ Chlorobenzilate	510-15-6	0.2	A
Chlorobromomethane	74-97-5	3500	B
Chlorodifluoromethane	75-45-6	12000	B
√ Chloroethane (Ethyl chloride)	75-00-3	10000	B
√ Chloroform	67-66-3	0.043	A
√ Chloromethane (Methyl chloride)	74-87-3	340	B
√ Chloromethyl methyl ether (technical grade)	107-30-2	TBD	A
Chloropentafluoroethane	76-15-3	21000	B
Chlorophenols	108-43-0	0.18	A
Chloropicrin	76-06-2	2.2	B
√ β-Chloroprene	126-99-8	120.0	C
o-Chlorostyrene	2039-87-4	940	B
o-Chlorotoluene	95-49-8	860	B
Chlorpyrifos	2921-88-2	0.67	B
√ Chromium (II) compounds, as Cr	7440-47-3	1.7	B
√ Chromium (III) compounds, as Cr	7440-47-3	1.7	B
√ Chromium (VI) compounds	7440-47-3	0.000083	A
√ Chromium (metal)	7440-47-3	1.7	B
√ Chromyl chloride (<u>chromium compound</u>)	14977-61-8	0.53	B
Clopidol	2971-90-6	33	B
√ Cobalt as Co, metals, dusts and fumes	7440-48-4	0.17	B
√ Cobalt carbonyl as Co (<u>cobalt compound</u>)	10210-68-1	0.33	B
√ Cobalt hydrocarbonyl (<u>cobalt compound</u>)	16842-03-8	0.33	B

√Coke oven emissions	81103*	0.0016	A
Copper as Cu, dusts and mists	7440-50-8	3.3	B
Copper, fumes	7440-50-8	0.67	B
Cotton dust, raw	81106*	0.67	B
Creosote	8001-58-9	TBD	A
√Cresol, all isomers	1319-77-3	73	B
√Crotonaldehyde (POM)	4170-30-3	20.0	B
Cruformate	299-86-5	17	B
√Cumene (Isopropylbenzene)	98-82-8	820	B
Cupferron	135-20-6	TBD	A
Cyanamide	420-04-2	6.7	B
√Cyanides, as CN	57-12-5	17	B
Cyanogen	460-19-5	67	B
Cyanogen chloride	506-77-4	2.5	B
√1,4-Cyclohexadienedione (Quinone)	106-51-4	1.5	B
Cyclohexane	110-82-7	3400	B
Cyclohexanol	108-93-0	690	B
Cyclohexanone	108-94-1	330	B
Cyclohexene	110-83-8	3400	B
Cyclohexylamine	108-91-8	140	B
Cyclonite	121-82-4	5.0	B
Cyclopentadiene	542-92-7	680	B
Cyclopentane	287-92-3	5700	B
Cyhexatin	13121-70-5	17	B
√2,4-D salts and esters (2,4-Dichlorophenoxy acetic acid)	94-75-7	33.0	C
√DDE (p,p'-Dichlorodiphenyldichloroethylene)	3547-04-4	0.1	A
DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane)	50-29-3	0.01	A
Decaborane	17702-41-9	0.83	B
Demeton	8065-48-3	0.37	B
√Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP)	117-81-7	2.5	A
Diacetone alcohol	123-42-2	790	B
N,N-Diacetylbenzidine	613-35-4	TBD	A
4,4'-Diaminodiphenyl ether	101-80-4	TBD	A
Diazinon	333-41-5	0.33	B
√Diazomethane	334-88-3	1.1	B
Dibenz(a,h)acridine	226-36-8	TBD	A
√Dibenz(a,h)anthracene (POM)	53-70-3	TBD	A
Dibenz(a,j)acridine	224-42-0	TBD	A
Dibenzo(a,e)pyrene	192-65-4	TBD	A
Dibenzo(a,h)pyrene	189-64-0	TBD	A
Dibenzo(a,l)pyrene	191-30-0	TBD	A
√Dibenzofurans	132-64-9	TBD	A
1,2,7,8-Dibenzopyrene(Dibenzo(a,i)pyrene)	189-55-9	TBD	A
Diborane	19287-45-7	0.37	B
√1,2-Dibromo-3-chloropropane	96-12-8	0.20	B
Dibutyl phosphate	107-66-4	29	B

√Dibutyl phthalate	84-74-2	17	B
2-N-Dibutylaminoethanol	102-81-8	47	B
Dichloroacetylene	7572-29-4	1.3	B
√1,4-Dichlorobenzene (p-Dichlorobenzene)	106-46-7	1.5	A
o-Dichlorobenzene (1,2-Dichlorobenzene)	95-50-1	1000	B
√3,3'-Dichlorobenzidine	91-94-1	0.077	A
1,4-Dichloro-2-butene	764-41-0	0.00038	A
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	TBD	A
Dichlorodifluoromethane	75-71-8	16000	B
1,3-Dichloro-5,5-dimethylhydantoin	118-52-5	0.67	B
√p,p'-Dichlorodiphenyldichloroethylene (DDE)	3547-04-4	0.1	A
√1,1-Dichloroethane (Ethylidene dichloride)	75-34-3	2700	B
√1,2-Dichloroethane (Ethylene dichloride)	107-06-2	0.038	A
√Dichloroethyl ether (Bis (2-chloroethyl)ether)	111-44-4	0.003	A
√1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	67	B
1,2-Dichloroethylene	540-59-0	2600	B
Dichlorofluoromethane	75-43-4	130	B
√Dichloromethane (Methylene chloride)	75-09-2	0.56	A
1,1-Dichloro-1-nitroethane	594-72-9	40	B
Dichlorophenylarsine (arsenic group)	696-28-6	TBD	A
√1,2-Dichloropropane (Propylene dichloride)	78-87-5	4.0	C
√Dichloropropene	542-75-6	20	B
2,2-Dichloropropionic acid	75-99-0	19	B
Dichlorotetrafluoroethane	76-14-2	23000	B
√Dichlorvos	62-73-7	3.3	B
Dicrotophos	141-66-2	0.83	B
Dicyclopentadiene	77-73-6	100	B
Dicyclopentadienyl iron	102-54-5	33	B
Dieldrin	60-57-1	0.00022	A
√Diethanolamine	111-42-2	43	B
Diethyl ketone	96-22-0	2300	B
Diethyl nitrosamine (DEN; N-Nitrosodiethylamine)	55-18-5	0.000023	A
Diethyl phthalate	84-66-2	17	B
√Diethyl sulfate	64-67-5	TBD	B
Diethylamine	109-89-7	100	B
Diethylaminoethanol	100-37-8	170	B
Diethylene triamine	111-40-0	14	B
1,2-Diethylhydrazine	1615-80-1	TBD	A
Difluorodibromomethane	75-61-6	2900	B
Diglycidyl ether	2238-07-5	1.7	B
Diglycidyl resorcinol ether	101-90-6	TBD	A
Diisobutyl ketone	108-83-8	480	B
Diisopropylamine	108-18-9	67	B
√3,3'-Dimethoxybenzidine (ortol-dianisidine)	119-90-4	TBD	A
√Dimethyl aminoazobenzene	60-11-7	TBD	B

√3,3'-Dimethyl benzidine	119-93-7	0.0038	A
√Dimethyl carbamoyl chloride	79-44-7	TBD	B
√Dimethyl phthalate	131-11-3	17	B
√Dimethyl sulfate	77-78-1	1.7	C
Dimethylacetamide	127-19-5	120	B
Dimethylamine	124-40-3	60	B
√Dimethylaniline (Diethyl aniline)	121-69-7	83	B
√Dimethylformamide	68-12-2	30	B
√1,1-Dimethylhydrazine	57-14-7	4.0	B
1,2-Dimethylhydrazine	540-73-8	4.0	C
√Dimethylnitrosoamine (N-Nitrosodimethylamine)	62-75-9	0.000071	A
Dinitolmide	148-01-6	17	B
√Dinitro-o-cresol	534-52-1	0.67	B
Dinitrobenzene, all isomers	528-29-0	3.3	B
√2,4-Dinitrophenol	51-28-5	TBD	B
√2,4-Dinitrotoluene	121-14-2	5.0	B
√1,4-Dioxane (1,4-Diethyleneoxide)	123-91-1	0.032	A
Dioxathion	78-34-2	0.67	B
√Dioxins and furans	43110*	TBD	A
Diphenylamine	122-39-4	33	B
√1,2-Diphenyl hydrazine	122-66-7	0.0045	A
Dipropyl ketone	123-19-3	780	B
Dipropylene glycol methyl ether	34590-94-8	2000	B
Diquat	85-00-7	1.7	B
Disulfiram	97-77-8	6.7	B
Disulfuton	298-04-4	0.33	B
2,6-Ditert. butyl-p-cresol	128-37-0	33	B
Diuron	330-54-1	33	B
Divinyl benzene	1321-74-0	180	B
EPN	2104-64-5	1.7	B
Endosulfan	115-29-7	0.33	B
Endrin	72-20-8	0.33	B
Enflurane	13838-16-9	1900	B
√Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	0.83	A
√1,2-Epoxybutane (1,2-Butylene oxide)	106-88-7	20	B
Ethanolamine	141-43-5	25	B
Ethion	563-12-2	1.3	B
√2-Ethoxyethanol (Cellosolve) (<u>glycol ether</u>)	110-80-5	200	B
√2-Ethoxyethyl acetate (<u>glycol ether</u>)	111-15-9	90	B
Ethyl acetate	141-78-6	4800	B
√Ethyl acrylate	140-88-5	66	B
Ethyl alcohol	64-17-5	6300	B
Ethyl amyl ketone	541-85-5	440	B
√Ethyl benzene	100-41-4	1000	B
Ethyl bromide	74-96-4	3000	B

PROPOSED

Ethyl butyl ketone	106-35-4	780	B
√Ethyl carbamate (Urethan)	51-79-6	TBD	B
√Ethyl chloride (Chloroethane)	75-00-3	10000	B
Ethyl ether	60-29-7	4000	B
Ethyl formate	109-94-4	1000	B
Ethyl mercaptan	75-08-1	4.3	B
Ethyl silicate	78-10-4	280	B
Ethylamine	75-04-7	60	B
√Ethylene dichloride (1,2-Dichloroethane)	107-06-2	0.038	A
Ethylene chlorohydrin	107-07-3	11	B
Ethylene diamine	107-15-3	83	B
√Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.0045	A
√Ethylene glycol	107-21-1	420	B
Ethylene glycol dinitrate	628-96-6	1.0	B
√Ethylene imine (Aziridine)	151-56-4	2.9	B
√Ethylene oxide	75-21-8	0.010	A
√Ethylene thiourea	96-45-7	1.0	A
√Ethylidene dichloride (1,1-Dichloroethane)	75-34-3	2700	B
Ethylidene norbornene	16219-75-3	83	B
N-Ethylmorpholine	100-74-3	77	B
Fenamiphos	22224-92-6	0.33	B
Fensulfothion	115-90-2	0.33	B
Fenthion	55-38-9	0.67	B
Ferbam	14484-64-1	33	B
Ferrovandium dust	12604-58-9	3.3	B
Fibrous glass dust	81111*	33	B
√Fine mineral fibers	81104*	33	B
Fluorides, as F	16984-48-8	8.3	B
Fluorine	7782-41-4	5.3	B
Fonofos	944-22-9	0.33	B
√Formaldehyde	50-00-0	0.077	A
Formamide	75-12-7	60	B
Formic acid	64-18-6	31	B
Furazolidone	67-45-8	TBD	A
Furfural	98-01-1	26	B
Furfuryl alcohol	98-00-1	130	B
Furium (nitrofuran group)	43111*	TBD	A
Germanium tetrahydride	7782-65-2	2.1	B
Glutaraldehyde	111-30-8	2.5	B
Glyciadaldehyde	765-34-4	TBD	A
Glycidol	556-52-5	250	B
√Glycol ethers	43107*	TBD	B
Hafnium	7440-58-6	1.7	B
Halothane	151-67-7	1300	B
√Heptachlor	76-44-8	0.00077	A
Heptane (n-Heptane)	142-82-5	5500	B

√Hexachlorobenzene	118-74-1	0.0022	A
√Hexachlorobutadiene	87-68-3	0.70	B
Hexachlorocyclohexane (Lindane) Alpha (BHC)	319-84-6	1.7	C
Hexachlorocyclohexane (Lindane) Beta (BHC)	319-85-7	1.7	C
√Hexachlorocyclohexane (Lindane) Gamma (BHC)	58-89-9	0.0026	A
√Hexachlorocyclopentadiene	77-47-4	0.33	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	34465-46-8	TBD	A
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	19408-74-3	TBD	A
√Hexachloroethane	67-72-1	32.0	B
Hexachloronaphthalene	1335-87-1	0.67	B
Hexachlorophenyl ether (Chlorinated diphenyl oxide)	55720-99-5	1.7	B
Hexafluoroacetone	684-16-2	2.3	B
√Hexamethylene diisocyanate	822-06-0	0.11	B
√Hexamethylphosphoramide	680-31-9	TBD	A
√Hexane (n-Hexane)	110-54-3	200	B
Hexane, other isomers	43103*	5900	B
2-Hexanone (Methyl butyl ketone)	591-78-6	67	B
√Hexone (Methyl isobutyl ketone (MIBK))	108-10-1	680	B
sec-Hexyl acetate	108-84-9	980	B
Hexylene glycol	107-41-5	400	B
√Hydrazine	302-01-2	0.0002	A
Hydrogen bromide	10035-10-6	33	B
√Hydrogen chloride (Hydrochloric acid)	7647-01-0	7.0	B
√Hydrogen cyanide (cyanide compound)	74-90-8	37	B
√Hydrogen fluoride, as F (Hydrofluoric acid)	7664-39-3	8.7	B
Hydrogen peroxide	7722-84-1	4.7	B
Hydrogen selenide, as Se	7783-07-5	0.53	B
Hydrogen sulfide	7783-06-4	0.9	B
√Hydroquinone	123-31-9	6.7	B
2-Hydroxypropyl acrylate	999-61-1	9.3	B
Indene	95-13-6	160	B
√Indeno(1,2,3-cd)pyrene (POM)	193-39-5	TBD	A
Indium, & compounds as In	7440-74-6	0.33	B
Iodine	7553-56-2	3.3	B
Iodoform	75-47-8	33	B
√Iodomethane (Methyl iodide)	74-88-4	40	B
Iron oxide fumes, Fe ₂ O ₃ as Fe	1309-37-1	17	B
Iron pentacarbonyl, as Fe	13463-40-6	0.83	B
Iron salts, soluble as Fe	81101*	3.3	B
Isoamyl acetate	123-92-2	1700	B
Isoamyl alcohol	123-51-3	1200	B
Isobutyl acetate	110-19-0	2400	B
Isobutyl alcohol	78-83-1	510	B
Isocytl alcohol	26952-21-6	890	B
√Isophorone	78-59-1	93	B

PROPOSED

Isophorone diisocyanate	4098-71-9	0.15	B
Isopropoxyethanol	109-59-1	350	B
Isopropyl acetate	108-21-4	3500	B
Isopropyl alcohol	67-63-0	3300	B
Isopropyl ether	108-20-3	3500	B
Isopropyl glycidyl ether (IGE)	4016-14-2	790	B
Isopropyl oils	43112*	TBD	A
Isopropylamine	75-31-0	40	B
N-Isopropylaniline	768-52-5	37	B
√Isopropylbenzene (Cumene)	98-82-8	820	B
Ketene	463-51-4	2.9	B
√Lead acetate (<u>lead compound</u>)	301-04-2	TBD	A
√Lead arsenate, as Pb ₃ (AsO ₄) ₂ (<u>arsenic and lead compound</u>)	3687-31-8	0.50	B
√Lead chromate, as Cr (<u>lead compound</u>)	7758-97-6	0.040	B
√Lead compounds	81109*	0.5	C
√Lead phosphate (<u>lead compound</u>)	7446-27-7	TBD	A
Liquified petroleum gas	68476-85-7	6000	B
√Lindane	58-89-9	0.0026	A
Lithium hydride	7580-67-8	0.080	B
Magnesium oxide fumes	1309-48-4	33	B
Malathion	121-75-5	33	B
√Maleic anhydride	108-31-6	3.3	B
√Manganese, dusts and compounds	7439-96-5	0.40	B
√Manganese, fumes	7439-96-5	3.3	B
√Manganese cyclopentadienyl tricarbonyl (<u>manganese compound</u>)	12079-65-1	0.33	B
√Mercury, Aryl & inorganic compounds	7439-97-6	0.33	B
√Mercury, as Hg Alkyl compounds	7439-97-6	0.33	B
√Mercury, vapors except alkyl	7439-97-6	0.17	B
Mesityl oxide	141-79-7	200	B
Methacrylic acid	79-41-4	230	B
Methomyl	16752-77-5	8.3	B
√Methoxychlor	72-43-5	33	B
2-Methoxyethanol (methyl cellosolve)	109-86-4	20	B
√2-Methoxyethyl acetate (<u>glycol ether</u>)	110-49-6	80	B
4-Methoxyphenol	150-76-5	17	B
2-Methyl-1-nitroanthraquinone	129-15-7	TBD	A
Methyl 2-cyanoacrylate	137-05-3	30	B
Methyl acetate	79-20-9	2000	B
Methyl acetylene	74-99-7	5500	B
Methyl acetylene-propadiene mixture (MAPP)	59355-75-8	5500	B
Methyl acrylate	96-33-3	120	B
√Methyl alcohol (Methanol)	67-56-1	870	B
N-Methyl aniline	100-61-8	7.3	B
√2-Methyl aziridine (1,2-Propylene imine)	75-55-8	16	B
Methyl azoxymethyl acetate	592-62-1	TBD	A

√Methyl bromide (Bromomethane)	74-83-9	5.0	B
Methyl cellosolve (2-Methoxyethanol)	109-86-4	20	B
√Methyl chloride (Chloromethane)	74-87-3	340	B
√Methyl chloroform (1,1,1-Trichloroethane)	71-55-6	6400	B
Methyl demeton	8022-00-2	1.7	B
√Methyl ethyl ketone (MEK; 2-Butanone)	78-93-3	1000	B
Methyl ethyl ketone peroxide	1338-23-4	5.0	B
Methyl formate	107-31-3	820	B
√Methyl hydrazine	60-34-4	1.2	B
√Methyl iodide (Iodomethane)	74-88-4	40	B
Methyl isoamyl ketone	110-12-3	780	B
Methyl isobutyl carbinol	108-11-2	350	B
√Methyl isobutyl ketone (MIBK; Hexone)	108-10-1	680	B
√Methyl isocyanate	624-83-9	0.16	B
Methyl isopropyl ketone	563-80-4	2300	B
Methyl mercaptan	74-93-1	3.3	B
√Methyl methacrylate	80-62-6	1400	B
Methyl n-amyl ketone	110-43-0	780	B
Methyl n-butyl ketone	591-78-6	67	B
Methyl parathion	298-00-0	0.67	B
Methyl propyl ketone	107-87-9	2300	B
Methyl silicate	681-84-5	20	B
a-Methyl styrene	98-83-9	810	B
√Methyl tert-butyl ether	1634-04-4	500	B
Methylacrylonitrile	126-98-7	9.0	B
Methylal	109-87-5	10000	B
Methylamine	74-89-5	43	B
5-Methylchrysene	3697-24-3	TBD	A
Methylcyclohexane	108-87-2	5400	B
Methylcyclohexanol	25639-42-3	780	B
o-Methylcyclohexanone	583-60-8	760	B
√Methylcyclopentadienyl manganese tricarbonyl (<u>manganese compound</u>)	12108-13-3	0.67	B
Methylene bis(4-cyclo-hexylisocyanate)	5124-30-1	0.18	B
4,4'-Methylene bis(2-methylaniline)	838-88-0	TBD	A
√4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.7	C
√Methylene bis(phenyl isocyanate) (Methylene diphenyl diisocyanate, MDI)	101-68-8	0.2	B
√Methylene chloride (Dichloromethane)	75-09-2	0.56	A
√4,4-Methylene dianiline	101-77-9	2.7	C
4,4-Methylenedianiline dihydrochloride	13552-44-8	TBD	A
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone	64091-91-4	TBD	A
Metribuzin	21087-64-9	17	B
Mevinphos	7786-34-7	0.33	B
Mirex	2385-85-5	TBD	A
Molybdenum, as Mo soluble compounds	7439-98-7	17	B
Molybdenum, insoluble compounds	7439-98-7	33	B
Monocrotophos	6923-22-4	0.83	B

PROPOSED

Morpholine	110-91-8	240	B
5-(Morpholinomethyl)-3-(amino)-2-oxazolidinone (furaltudone)	139-91-3	TBD	A
Naled	300-76-5	10	B
Naphtha (Rubber solvent)	43102*	5300	B
√Naphthalene	91-20-3	170	B
1-Naphthylamine	134-32-7	TBD	A
√Nickel and compounds (as nickel subsulfide or nickel refinery dust)	7440-02-2	0.0021	A
Nicotine	54-11-5	1.7	B
Nitrapyrin	1929-82-4	33	B
Nitric acid	7697-37-2	17	B
Nitric oxide	10102-43-9	100	B
5-Nitroacenaphthene	602-87-9	TBD	A
p-Nitroaniline	100-01-6	10	B
√Nitrobenzene	98-95-3	1.7	B
√4-Nitrobiphenyl	92-93-3	TBD	B
p-Nitrochlorobenzene	100-00-5	2.0	B
Nitroethane	79-24-3	1000	B
Nitrofen	1836-75-5	TBD	A
Nitrofurans Furazolidone	43114*	TBD	A
Nitrofurazone	59-87-0	TBD	A
1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone	555-84-9	TBD	A
Nitrogen mustard N-oxide	126-85-2	TBD	A
Nitrogen mustard n-oxide hydro-chloride	302-70-5	TBD	A
Nitrogen trifluoride	7783-54-2	97	B
Nitroglycerin	55-63-0	1.5	B
Nitromethane	75-52-5	830	B
√4-Nitrophenol	100-02-7	TBD	B
1-Nitropropane	108-03-2	20	B
√2-Nitropropane	79-46-9	0.00037	A
N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)	55-18-5	0.000023	A
√N-Nitrosodimethylamine (Dimethylnitrosoamine)	62-75-9	0.000071	A
N-Nitrosodi-n-butylamine	924-16-3	0.00063	A
N-Nitrosodi-n-propylamine	621-64-1	TBD	A
N-Nitrosodiphenylamine	86-30-6	TBD	A
N-Nitrosomethylethylamine	10595-95-6	TBD	A
√N-Nitrosomorpholine	59-89-2	TBD	A
N-Nitroso-n-ethylurea (NEU)	759-73-9	TBD	A
√N-Nitroso-N-methylurea (NMU)	684-93-5	TBD	B
N-Nitroso-n-methylurethane	615-53-2	TBD	A
Nitrotoluene	88-72-2	37	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide	531-82-8	TBD	A
Nonane	111-84-2	3500	B
Octachloronaphthalene	2234-13-1	0.33	B
Octane	111-65-9	4700	B
Oil mist, mineral	8012-95-1	17	B
Oil orange SS	2646-17-5	TBD	A

PROPOSED

Osmium tetroxide as Os	20816-12-0	0.0053	B
Oxalic acid	144-62-7	3.3	B
Oxygen difluoride	7783-41-7	0.37	B
Panfuran S (dihydroxymethyl-furatrizine)	794-93-4	TBD	A
Parafin wax fumes	8002-74-2	6.7	B
Paraquat	4685-14-7	4.5	B
√Parathion	56-38-2	0.33	B
Pentaborane	19624-22-7	0.043	B
Pentachloronaphthalene	1321-64-8	1.7	B
√Pentachloronitrobenzene (quintobenzene)	82-68-8	1.7	B
√Pentachlorophenol	87-86-5	0.33	A
Pentane	109-66-0	6000	B
√Perchloroethylene (Tetrachloroethylene)	127-18-4	1.1	A
Perchloromethyl mercaptan	594-42-3	2.5	B
Perchloryl fluoride	7616-94-6	43	B
√Phenol	108-95-2	63	B
Phenothiazine	92-84-2	1.7	B
Phenoxybenzamine hydrochloride	63-92-3	TBD	A
Phenyl ether	101-84-8	23	B
Phenyl glycidyl ether	122-60-1	2000	B
Phenyl mercaptan	108-98-5	7.7	B
√p-Phenylenediamine	106-50-3	0.33	B
Phenylhydrazine	100-63-0	1.5	B
Phenylphosphine	638-21-1	0.77	B
N-Phenyl-2-naphthylamine	135-88-6	TBD	A
Phorate	298-02-2	0.17	B
√Phosgene	75-44-5	1.3	B
√Phosphine	7803-51-2	1.3	B
Phosphoric acid	7664-38-2	3.3	B
√Phosphorus	7723-14-0	0.33	B
Phosphorus oxychloride	10025-87-3	2.1	B
Phosphorus pentachloride	10026-13-8	2.8	B
Phosphorus pentasulfide	1314-80-3	3.3	B
Phosphorus trichloride	7719-12-2	3.7	B
√Phthalic anhydride	85-44-9	20	B
m-Phthalodinitrile	626-17-5	17	B
Picloram	1918-02-1	33	B
Picric acid	88-89-1	0.33	B
Pindone	83-26-1	0.033	B
Piperazine dihydrochloride	142-64-3	17	B
Platinum, metals	7440-06-4	3.3	B
Platinum, soluble salts as Pt	7440-06-4	0.0067	B
Polyaromatic hydrocarbons (PAH)	43116*	0.00048	A
√Polychlorinated biphenyls (PCB)	1336-36-3	0.0045	A
√Polycyclic Organic Matter	43108*	TBD	A
Ponceau MX	3761-53-3	TBD	A

PROPOSED

Potassium hydroxide	1310-58-3	6.7	B
Primary Aluminum Smelter uncontrolled roof vent PAH emissions	81113*	0.0013	A
√1,3-Propane sultone	1120-71-4	TBD	A
Propargyl alcohol	107-19-7	7.7	B
√β-Propiolactone	57-57-8	5.0	B
√Propionaldehyde	123-38-6	TBD	B
√Propoxur	114-26-1	1.7	B
Propionic acid	79-09-4	100	B
n-Propyl acetate	109-60-4	2800	B
n-Propyl alcohol	71-23-8	1600	B
n-Propyl nitrate	627-13-4	360	B
√Propylene dichloride (1,2-Dichloropropane)	78-87-5	4.0	C
Propylene glycol dinitrate	6423-43-4	1.1	B
Propylene glycol mono-methyl ether	107-98-2	2000	B
√Propylene oxide	75-56-9	0.27	A
√1,2-Propylene imine (2-Methyl aziridine)	75-55-8	16	B
Pyrethrum	8003-34-7	1.7	B
Pyridine	110-86-1	53	B
√Quinoline	91-22-5	TBD	B
√Quinone (1,4-Cyclohexadienedione)	106-51-4	1.5	B
√Quintobenzene (Pentachloronitrobenzene)	82-68-8	1.7	B
√Radionuclides (including radon)	81105*		
Resorcinol	108-46-3	150	B
Rhodium, insoluble compounds	7440-16-6	3.3	B
Rhodium, metals	7440-16-6	3.3	B
Rhodium, soluble compounds	7440-16-6	0.033	B
Ronnel	299-84-3	33	B
Rotenone	83-79-4	17	B
Rubber solvent (Naphtha)	43102*	5300	B
√Selenium compounds, as Se	7782-49-2	0.67	B
√Selenium hexafluoride, as Se (<u>selenium compound</u>)	7783-79-1	0.53	B
Sesone	136-78-7	33	B
Silicon tetrahydride	7803-62-5	22	B
Silver, metals	7440-22-4	0.33	B
Silver, soluble compounds, as Ag	7440-22-4	0.033	B
Sodium azide	26628-22-8	1.0	B
Sodium bisulfite	7631-90-5	17	B
Sodium fluoroacetate	62-74-8	0.17	B
Sodium hydroxide	1310-73-2	6.7	B
Sodium metabisulfite	7681-57-4	17	B
Stibine	7803-52-3	1.7	B
Strychnine	57-24-9	0.5	B
√Styrene	100-42-5	1000	B
√Styrene oxide	96-09-3	TBD	B
Subtilisins	1395-21-7	0.0002	B
Sulfotep	3689-24-5	0.67	B

PROPOSED

Sulfur hexafluoride	2551-62-4	20000	B
Sulfur monochloride	10025-67-9	18	B
Sulfur pentafluoride	5714-22-7	0.33	B
Sulfur tetrafluoride	7783-60-0	1.5	B
Sulfuric acid	7664-93-9	3.3	B
Sulfuryl fluoride	2699-79-8	67	B
Sulprofos	35400-43-2	3.3	B
2,4,5-T	93-76-5	33	B
TEPP	107-49-3	0.16	B
Tantalum, metals & oxide dusts	7440-25-7	17	B
Tellurium & compounds as Te	13494-80-9	0.33	B
Tellurium hexafluoride, as Te	7783-80-4	0.33	B
Temephos	3383-96-8	33	B
Terphenyls	26140-60-3	16	B
P(p)(AAA) Tetra-chlorotoluene	5216-25-1	TBD	A
√2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)	1746-01-6	0.00000003	A
1,1,2,2-Tetrachloro-1,2-difluoroethane	76-12-0	14000	B
1,1,1,2-Tetrachloro-2,2-difluoroethane	76-11-9	14000	B
√1,1,2,2-Tetrachloroethane	79-34-5	23	B
√Tetrachloroethylene (Perchloroethylene)	127-18-4	1.1	A
Tetrachloronaphthalene	1335-88-2	6.7	B
√Tetraethyl lead, as Pb (<u>lead compound</u>)	78-00-2	0.33	B
Tetrahydrofuran	109-99-9	2000	B
√Tetramethyl lead, as Pb (<u>lead compound</u>)	75-74-1	0.5	B
Tetramethyl succinonitrile	3333-52-6	9.3	B
Tetranitromethane	509-14-8	27	B
Tetrasodium pyrophosphate	7722-88-5	17	B
Tetryl	479-45-8	5.0	B
Thallium, soluble compounds, Tl	7440-28-0	0.33	B
4,4-Thiobis(6-tert, butyl-m-cresol)	96-69-5	33	B
4,4'-Thiodianiline	139-65-1	TBD	A
Thioglycolic acid	68-11-1	13	B
Thionyl chloride	7719-09-7	16	B
Thirum	137-26-8	3.3	B
Thorium dioxide	1314-20-1	TBD	A
Tin, metals	7440-31-5	6.7	B
Tin, organic compounds, as Sn	7440-31-5	0.33	B
Tin, oxide & inorganic except SnH ₄	7440-31-5	6.7	B
√Titanium tetrachloride	7550-45-0	TBD	B
√Toluene	108-88-3	400	B
√2,4-Toluene diamine (2,4-Diamino toluene)	95-80-7	0.011	A
√2,4-Toluene diisocyanate (TDI)	584-84-9	0.12	C
m-Toluidine	108-44-1	29	B
√o-Toluidine	95-53-4	0.14	A
o-Toluidine hydrochloride	636-21-5	0.14	A
p-Toluidine	106-49-0	29	B

PROPOSED

√Toxaphene (Chlorinated camphene)	8001-35-2	0.0031	A
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole	55738-54-0	TBD	A
Tributyl phosphate	126-73-8	7.3	B
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	27000	B
Trichloroacetic acid	76-03-9	22	B
√1,2,4-Trichlorobenzene	120-82-1	120	B
√1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	6400	B
√1,1,2-Trichloroethane	79-00-5	180	B
√Trichloroethylene	79-01-6	0.59	A
Trichlorofluoromethane	75-69-4	19000	B
Trichloronaphthalene	1321-65-9	17	B
√2,4,5-Trichlorophenol	95-95-4	TBD	B
√2,4,6-Trichlorophenol	88-06-2	0.32	A
1,2,3-Trichloropropane	96-18-4	200	B
√Triethylamine	121-44-8	7.0	B
Trifluorobromomethane	75-63-8	20000	B
√Trifluralin	1582-09-8	TBD	B
Trimellitic anhydride	552-30-7	0.13	B
Trimethyl benzene	2551-13-7	420	B
Trimethyl phosphite	121-45-9	33	B
Trimethylamine	75-50-3	80	B
√2,2,4-Trimethylpentane	540-84-1	TBD	B
2,4,6-Trinitrotoluene	118-96-7	1.7	B
Triorthocresyl phosphate	78-30-8	0.33	B
Triphenyl amine	603-34-9	17	B
Triphenyl phosphate	115-86-6	10	B
Tungsten, insoluble compounds	7440-33-7	17	B
Tungsten, soluble compounds	7440-33-7	3.3	B
Turpentine	8006-64-2	1900	B
Uranium, insoluble & soluble	7440-61-1	0.67	B
Urethan (Ethyl carbamate)	51-79-6	TBD	B
VM & P Naphtha	8032-32-4	4600	B
n-Valeraldehyde	110-62-3	590	B
Vanadium, as V ₂ O ₅	1314-62-1	0.17	B
√Vinyl acetate	108-05-4	200	B
√Vinyl bromide	593-60-2	73	B
√Vinyl chloride	75-01-4	0.012	A
Vinyl cyclohexene dioxide	106-87-6	200	B
Vinyl toluene	25013-15-4	800	B
√Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	67	B
Warfarin	81-81-2	0.33	B
Welding fumes	81108*	17	B
m-Xylene a,a'-diamine	1477-55-0	0.33	B
√Xylenes (m-,o-,p-isomers)	1330-20-7	1500	B
Xylidine	1300-73-8	8.3	B

Yttrium, metals and compounds as Y	7440-65-5	3.3	B
Zinc chloride fumes	7646-85-7	3.3	B
√Zinc chromates (<u>chromium compound</u>)	13530-65-9	0.033	B
Zinc oxide, fumes	1314-13-2	17	B
Zirconium compounds, as Zr	7440-67-7	17	B

Acceptable Source Impact Level (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are 3 types of acceptable source impact levels:

		Averaging Time
Risk-Based	Type A carcinogens	annual arithmetic mean
Threshold-Based	Type B non-carcinogens	24-hour arithmetic mean
Special	Type C carcinogens	24-hour arithmetic mean

TBD = To Be Determined

*((PSAPCA assigned numbers)) numbers assigned by Puget Sound Clean Air Agency

√ = EPA 112(b) hazardous air pollutant

WSR 99-16-091
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed August 4, 1999, 9:41 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation I - Sections 3.11, 5.07, 6.11, and 7.07 and Regulation III - Section 2.02.

Purpose: Adjust maximum civil penalty amount for inflation; adjust fees for Registration and Operating Permit programs to cover administration costs; reference the North American Industrial Classification System (NAICS) codes for fees based on Standard Industrial Classification (SIC) categories; update delegations for federal NSPS and NESHAPs.

Other Identifying Information: Regulation I, Section 3.11 - Civil Penalties; Section 5.07 - Registration Fees; Section 6.11 - New Source Performance Standards (NSPS); Section 7.07 - Operating Permit Fees. Regulation III - Section 2.02 - National Emission Standards for Hazardous Air Pollutants (NESHAPs).

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: This proposal would adjust the maximum civil penalty amount to account for inflation; adjust the fees for the Registration and Operating Permit programs to cover the costs of administering these programs; assign newer NAICS codes for fees based on the SIC codes; and update the delegations for federal NSPS and NESHAPs.

Reasons Supporting Proposal: The maximum civil penalty amount needs to be adjusted for inflation. The fees for Registration and Operating Permits need to cover the costs of

administering the programs. The 1987 SIC based categories will be replaced next year by the 1997 NAICS codes. The delegations for NSPS and NESHAPs need to be updated.

Name of Agency Personnel Responsible for Drafting: John Anderson, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4051; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will adjust the maximum civil penalty amount to account for inflation. It would adjust the fees for the Registration and Operating Permit programs to cover the costs of administering these programs. It would assign the newer NAICS codes for fees based on the SIC categories. It will update the delegation for federal NSPS and NESHAPs.

Proposal Changes the Following Existing Rules: This proposal will adjust the maximum civil penalty amount. It would adjust the fees for the Registration and Operating Permit programs. It would assign the newer NAICS codes for fees based on the SIC categories. It will update the delegation for federal NSPS and NESHAPs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on September 9, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 2, 1999, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by August 30, 1999.

Date of Intended Adoption: September 9, 1999.

August 3, 1999
 John K. Anderson
 Senior Engineer

PROPOSED

AMENDATORY SECTION**REGULATION I SECTION 3.11 CIVIL PENALTIES**

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed ~~((12,288.00))~~ \$12,718.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than ~~((12,288.00))~~ \$12,718.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

- (1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;
- (2) A copy of the Notice and Order of Civil Penalty appealed from;
- (3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;
- (4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;
- (5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

- (1) 30 days after receipt of the notice imposing the penalty;
- (2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or
- (3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION**REGULATION I SECTION 5.07 REGISTRATION FEES**

(a) The Agency shall levy annual fees as set forth in Section 5.07(c) below for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary Standard Industrial Classification (SIC) of the source:

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in ~~((that section))~~ this paragraph shall be charged an annual registration fee of \$1,000 plus an additional emission rate fee of:

~~\$(15))~~ 35 for each ton of CO when the CO emissions are equal to or exceed ~~((25))~~ 100 tons in ~~((1997))~~ 1998, and

\$35 for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in ~~((1997))~~ 1998, and

\$35 for each ton of PM10 when the PM10 emissions are equal to or exceed 25 tons in ~~((1997))~~ 1998, and

\$35 for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in ~~((1997))~~ 1998, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in ~~((1997))~~ 1998, and

~~\$(15))~~ 35 for each ton of ~~((TAC))~~ HAP when the facility total ~~((TAC))~~ HAP emissions are equal to or exceed 6 tons in ~~((1997))~~ 1998 or when any single individual ~~((TAC))~~ HAP emissions are equal to or exceed 2 tons in ~~((1997))~~ 1998.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed ~~((twice))~~ any of the emission thresholds in ~~((that section))~~ this paragraph shall be charged the annual registration fee of \$2,000 plus an additional emission rate fee of: ~~((Section 5.07(c)(1) above plus an additional \$1,000.))~~

\$35 for each ton of CO when the CO emissions are equal to or exceed 200 tons in 1998, and

\$35 for each ton of NOx when the NOx emissions are equal to or exceed 50 tons in 1998, and

\$35 for each ton of PM10 when the PM10 emissions are equal to or exceed 50 tons in 1998, and

\$35 for each ton of SOx when the SOx emissions are equal to or exceed 50 tons in 1998, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 50 tons in 1998, and

\$35 for each ton of HAP when the facility total HAP emissions are equal to or exceed 12 tons in 1998 or when any single individual HAP emissions are equal to or exceed 4 tons in 1998.

(3) Automobile body repair and painting (SIC = 7532, NAICS = 811121)

without EnviroStar rating of 4 or 5 stars. \$250

with EnviroStar rating of 4 or 5 stars(~~as certified at the time of annual fee payment~~). \$50

(4) Dry-cleaning plants, except rug cleaning (SIC = 7216, NAICS = 812322)

without refrigerated condenser. \$500

with refrigerated condenser. \$150

(5) Gasoline service stations with gasoline annual throughput during the last calendar year (as certified at the time of annual fee payment) of:

(i) more than 1,200,000 gallons. \$400

(ii) 840,001 to 1,200,000 gallons in Kitsap

County. \$250

(iii) 600,001 to 1,200,000 gallons in King, Pierce, or Snohomish County. \$250

(iv) 600,001 to 840,000 gallons in Kitsap County. \$150

(v) 200,000 to 600,000 gallons. \$150

(vi) less than 200,000 gallons. \$100

(6) Sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following Standard Industrial Classification (SIC) codes (*Standard Industrial Classification Manual*, Executive Office of the President, Office of Management and Budget, 1987) or North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997) shall be charged an annual registration fee of \$1,000:

SIC	NAICS	SIC Description
1422	<u>212312</u>	Crushed and Broken Limestone
1429	<u>212319</u>	Crushed and Broken Stone
1442	<u>212321</u>	Construction Sand and Gravel
1446	<u>212322</u>	Industrial Sand
1611	<u>23411</u>	Highway and Street Construction
2035	<u>311421</u>	Pickled Fruits & Vegetables, Vegetable Sauces & Seasonings, and Salad Dressings
2077	<u>311613</u>	Animal and Marine Fats and Oils
2099	<u>311999</u>	Food Preparations
2491	<u>321114</u>	Wood Preserving
2834	<u>325412</u>	Pharmaceutical Preparations
2842	<u>325612</u>	Specialty Cleaning, Polishing, and Sanitation Preparations
2873	<u>325311</u>	Nitrogenous Fertilizers

2875	<u>325314</u>	Fertilizers, Mixing Only
2893	<u>32591</u>	Printing Ink
2951	<u>234110</u>	Asphalt Paving Mixtures and Blocks
2952	<u>324122</u>	Asphalt Felts and Coatings
3061	<u>326291</u>	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods
3211	<u>327211</u>	Flat Glass
3241	<u>32731</u>	Cement, Hydraulic
3272	<u>32739</u>	Concrete Products, except Block and Brick
3273	<u>32732</u>	Ready-Mix Concrete
3275	<u>32742</u>	Gypsum Products
3291	<u>32791</u>	Abrasive Products
3292	<u>327999</u>	Asbestos Products
3295	<u>327992</u>	Minerals and Earths, Ground or Otherwise Treated
3299	<u>327999</u>	Nonmetallic Mineral Products
3312	<u>331111</u>	Steel Works, Blast Furnaces, and Rolling Mills
3315	<u>331222</u>	Steel Wiredrawing and Steel Nails and Spikes
3321	<u>331511</u>	Gray and Ductile Iron Foundries
3324	<u>331512</u>	Steel Investment Foundries
3325	<u>331513</u>	Steel Foundries
3334	<u>331312</u>	Primary Production of Aluminum
3341	<u>331492</u>	Secondary Smelting & Refining of Nonferrous Metals
3365	<u>331524</u>	Aluminum Foundries
3366	<u>331525</u>	Copper Foundries
3369	<u>331528</u>	Nonferrous Foundries, except Aluminum and Copper
3398	<u>332811</u>	Metal Heat Treating
3433	<u>333414</u>	Heating Equipment, except Electric and Warm Air Furnaces
3471	<u>332813</u>	Electroplating, Plating, Polishing, Anodizing, and Coloring
3479	<u>332812</u>	Coating, Engraving, and Allied Services
3599	<u>333999</u>	Industrial and Commercial Machinery & Equipment
3674	<u>334413</u>	Semiconductors and Related Devices
3679	<u>334418</u>	Electronic Components
3731	<u>336611</u>	Ship Building and Repairing
4013	<u>48821</u>	Railroad Switching and Terminal Establishments
4613	<u>48691</u>	Refined Petroleum Pipelines
4911	<u>221122</u>	Electric Services
4952	<u>22132</u>	Sewerage Systems, (Treatment Plants)
4953	<u>562111</u>	Refuse Systems

PROPOSED

5153	<u>42251</u>	Grain and Field Beans	2452	<u>321992</u>	Prefabricated Wood Buildings and Components
5169	<u>42269</u>	Chemicals and Allied Products	2493	<u>321219</u>	Reconstituted Wood Products
7694	<u>335312</u>	Armature Rewinding Shops	2631	<u>32213</u>	Paperboard Mills
8063	<u>62221</u>	Psychiatric Hospitals	2652	<u>322213</u>	Setup Paperboard Boxes
8069	<u>62231</u>	Specialty Hospitals, except Psychiatric	2653	<u>322211</u>	Corrugated and Solid Fiber Boxes
8611	<u>81391</u>	Business Associations	2657	<u>322212</u>	Folded Paperboard Boxes
<p>(7) Other sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following Standard Industrial Classification (SIC) codes or North American Industry Classification System (NAICS) codes shall be charged an annual registration fee of \$500:</p>					
0711	<u>115112</u>	Soil Preparation Services	2711	<u>51111</u>	Newspapers: Publishing, or Publishing and Printing
1459	<u>212325</u>	Clay, Ceramic, and Refractory Minerals	2721	<u>51112</u>	Periodicals: Publishing, or Publishing and Printing
1521	<u>23321</u>	General Contractor — Single-Family Homes	2731	<u>51113</u>	Books: Publishing, or Publishing and Printing
1629	<u>23499</u>	Heavy Construction	2752	<u>323110</u>	Commercial Printing, Lithographic
1731	<u>23531</u>	Electrical Work	2759	<u>32311</u>	Commercial Printing
2013	<u>311612</u>	Sausages and Other Prepared Meat Products	2819	<u>325188</u>	Industrial Inorganic Chemicals
2032	<u>311422</u>	Canned Specialties	2821	<u>325211</u>	Plastic Materials, Synthetic Resins, and Non-vulcanizable Elastomers
2041	<u>311211</u>	Flour and Other Grain Mill Products	2851	<u>32551</u>	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2045	<u>311822</u>	Prepared Flour Mixes and Doughs	2869	<u>325199</u>	Industrial Organic Chemicals
2047	<u>311111</u>	Dog and Cat Food	3089	<u>326199</u>	Plastics Products
2048	<u>311119</u>	Prepared Feeds and Feed Ingredients for Animals and Fowls, except Dogs and Cats	3271	<u>327331</u>	Concrete Block and Brick
2052	<u>311821</u>	Cookies and Crackers	3441	<u>332312</u>	Fabricated Structural Metal
2082	<u>31212</u>	Malt Beverages	3443	<u>33242</u>	Fabricated Plate Work
2086	<u>312111</u>	Bottled and Canned Soft Drinks and Carbonated Water	3444	<u>332322</u>	Sheet Metal Work
2091	<u>311711</u>	Canned and Cured Fish and Seafoods	3446	<u>332323</u>	Architectural and Ornamental Metal Work
2095	<u>31192</u>	Roasted Coffee	3449	<u>332312</u>	Miscellaneous Structural Metal Work
2096	<u>311919</u>	Potato Chips, Corn Chips, and Similar Snacks	3463	<u>332112</u>	Nonferrous Forgings
2098	<u>311823</u>	Macaroni, Spaghetti, Vermicelli, and Noodles	3469	<u>332116</u>	Metal Stampings
2421	<u>321113</u>	Sawmills and Planing Mills	3483	<u>332993</u>	Ammunition, except for Small Arms
2426	<u>321912</u>	Hardwood Dimension and Flooring Mills	3496	<u>332618</u>	Miscellaneous Fabricated Wire Products
2429	<u>321113</u>	Special Product Sawmills	3498	<u>332996</u>	Fabricated Pipe and Pipe Fittings
2431	<u>32191</u>	Millwork	3499	<u>332999</u>	Fabricated Metal Products
2434	<u>33711</u>	Wood Kitchen Cabinets	3545	<u>333515</u>	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices
2439	<u>321213</u>	Structural Wood Members	3556	<u>333294</u>	Food Products Machinery
2441	<u>32192</u>	Nailed and Lock-Corner Wood Boxes and Shook	3567	<u>333994</u>	Industrial Process Furnaces and Ovens
2448	<u>32192</u>	Wood Pallets and Skids	3571	<u>334111</u>	Electronic Computers
			3629	<u>335999</u>	Electrical Industrial Apparatus

3639	<u>335228</u>	Household Appliances
3648	<u>335129</u>	Lighting Equipment
3663	<u>33422</u>	Radio & Television Broadcasting and Communications Equipment
3672	<u>334412</u>	Printed Circuit Boards
3691	<u>335911</u>	Storage Batteries
3713	<u>336211</u>	Truck and Bus Bodies
3721	<u>336411</u>	Aircraft
3728	<u>336413</u>	Aircraft Parts and Auxiliary Equipment
3743	<u>33651</u>	Railroad Equipment
3823	<u>334513</u>	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products
3873	<u>334518</u>	Watches, Clocks, Clockwork Operated Devices, and Parts
4173	<u>48849</u>	Terminal and Service Facilities for Motor Vehicle Passenger Transportation
4212	<u>48411</u>	Local Trucking without Storage
4222	<u>49312</u>	Refrigerated Warehousing and Storage
4491	<u>48832</u>	Marine Cargo Handling
4492	<u>48833</u>	Towing and Tugboat Services
4512	<u>481111</u>	Air Transportation, Scheduled
4581	<u>48819</u>	Airports, Flying Fields, and Airport Terminal Services
4952	<u>22132</u>	Sewerage Systems, (Pump Stations)
4961	<u>22133</u>	Steam and Air-Conditioning Supply
5032	<u>42132</u>	Brick, Stone, and Related Construction Materials
5039	<u>44419</u>	Construction Materials
5051	<u>42151</u>	Metals Service Centers and Offices
5065	<u>42169</u>	Electronic Parts and Equipment
5093	<u>42193</u>	Scrap and Waste Materials
5162	<u>42261</u>	Plastics Materials and Basic Forms and Shapes
5171	<u>42271</u>	Petroleum Bulk Stations and Terminals
5172	<u>422720</u>	Petroleum and Petroleum Products Wholesalers, except Bulk Stations and Terminals
5199	<u>42299</u>	Nondurable Goods
5712	<u>337122</u>	Furniture Stores
5984	<u>454312</u>	Liquefied Petroleum Gas Dealers
6513	<u>53111</u>	Operators of Apartment Buildings
7218	<u>812332</u>	Industrial Launderers
7219	<u>812331</u>	Laundry and Garment Services
7261	<u>81221</u> , <u>81222</u>	Funeral Service and Crematories

7374	<u>51421</u>	Computer Processing and Data Preparation and Processing Services
7534	<u>326212</u>	Tire Retreading and Repair Shops
8062	<u>62211</u>	General Medical and Surgical Hospitals
8221	<u>61131</u>	Colleges, Universities, and Professional Schools
8331	<u>62431</u>	Job Training and Vocational Rehabilitation Services
8422	<u>712190</u>	Arboretà and Botanical or Zoological Gardens
8731	<u>54171</u>	Commercial Physical and Biological Research
8744	<u>56121</u>	Facilities Support Management Services
9221	<u>922120</u>	Police Protection
9223	<u>92214</u>	Correctional Institutions
9711	<u>92811</u>	National Security

(8) All other sources, not listed above in Sections (1) through (7), requiring registration under Section 5.03, shall be charged an annual registration fee of \$250.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((4998)) 1999 herein incorporated by reference.

AMENDATORY SECTION

REGULATION I 7.07 OPERATING PERMIT FEES

(a) The Agency shall levy annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(1) Facility Fees:

(i) Operating permit sources with the following Standard Industrial Classification (SIC) codes or North American Industry Classification System (NAICS) codes (North American Industry Classification System Manual, U.S. Executive Office of the President, Office of Management and Budget, 1997):

<u>SIC</u>	<u>NAICS</u>	<u>SIC Description</u>
2911	<u>32411</u>	Petroleum Refining
3241	<u>32731</u>	Cement, Hydraulic
3312	<u>331111</u>	Steel Works, Blast Furnaces, and Rolling Mills
3721	<u>336411</u>	Aircraft

3728	<u>336413</u>	Aircraft Parts and Auxiliary Equip- ment	
9711	<u>92811</u>	National Security	
			.....\$21,000

(ii) Operating permit sources with the following SIC codes:

1721	<u>23521</u>	Painting and Paper Hanging	
2051	<u>311812</u>	Bread and other Bakery Products, except Cookies and Crackers	
2431	<u>32191</u>	Millwork	
2434	<u>33711</u>	Wood Kitchen Cabinets	
2491	<u>321114</u>	Wood Preserving	
2499	<u>321999</u>	Wood Products	
2672	<u>322222</u>	Coated and Laminated Paper	
3086	<u>32632615</u>	Plastics Foam Products	
			.....\$3,500
3251	<u>327121</u>	Brick and Structural Clay Tile	
3443	<u>332313</u>	Fabricated Plate Work	
3498	<u>332996</u>	Fabricated Pipe and Pipe Fittings	
3585	<u>333415</u>	Air Conditioning and Warm-Air Heating Equipment, and Commercial and Industrial Refrigeration Equip- ment	
7641	<u>81142</u>	Reupholstery and Furniture Repair	
			.....\$7,000

(iii) Operating permit sources with a SIC code other than listed above

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

- \$(~~15~~) 35 for each ton of CO when the CO emissions are equal to or exceed (~~25~~) 100 tons in (~~1997~~) 1998, and
- \$35 for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in (~~1997~~) 1998, and
- \$35 for each ton of PM10 when the PM10 emissions are equal to or exceed 25 tons in (~~1997~~) 1998, and
- \$35 for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in (~~1997~~) 1998, and
- \$35 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in (~~1997~~) 1998, and
- \$(~~15~~) 35 for each ton of (~~TAC~~) HAP when the facility total (~~TAC~~) HAP emissions are equal to or exceed 6 tons in (~~1997~~) 1998 or when any single individual (~~TAC~~) HAP emissions are equal to or exceed 2 tons in (~~1997~~) 1998.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, levy the following fees:

- (1) for the issuance, reissuance, or renewal of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$5,000.00, and
- (2) to cover the cost of public involvement under WAC 173-401-800, and
- (3) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07(b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, (~~1998~~) 1999 herein incorporated by reference.

WSR 99-16-098
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Rehabilitative Services)
 (Division of Alcohol and Substance Abuse)
 [Filed August 4, 1999, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-082.

Title of Rule: Repeals chapter 440-25 WAC, Administration of chemical dependency services and replaces it with new chapter 388-810 WAC, entitled Administration of county chemical dependency prevention, treatment, and support services.

Purpose: Chapter 440-25 WAC, addressing county government administration of local chemical dependency treatment and prevention services, has been reviewed in its entirety, updated, and replaced with new chapter 388-810 WAC in keeping with Governor Locke's Regulatory Improvement Order, Executive Order 97-02 and Secretary Quasim's April 17, 1997, Executive Order on Regulatory Improvement.

Statutory Authority for Adoption: RCW 70.96A.040, 70.96A.090, and 70.96A.180.

Statute Being Implemented: Chapter 70.96A RCW.

Summary: Rules have been reviewed in their entirety by a committee consisting of county government officials, designated chemical dependency specialist stakeholders, and department staff. Out-of-date rules have been eliminated with the remainder of the rules updated and rewritten in clear rule writing style. See Exhibit 1 for a detailed description of the proposed changes.

Name of Agency Personnel Responsible for Drafting: Gary Reynolds, P.O. Box 45330, Olympia, WA 98504, e-

PROPOSED

mail reynogl@dshs.wa.gov, (360) 438-8054; Implementation and Enforcement: Nancy Reid, P.O. Box 45330, Olympia, WA 98504, e-mail reidnk@dshs.wa.gov, (360) 438-8214.

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: Chapter 440-25 WAC was adopted establishing rules to implement sections of chapter 70.96A RCW pertaining to providing chemical dependency prevention, treatment and support services through the counties and defining county-designated chemical dependency specialists. The rule was last amended in 1993 and is in need of review and updating in accordance with regulatory improvement principles. The amendments will make the rule easier to understand and promote more efficient government to government operations. In addition, the Department of Social and Health Services (DSHS) has decided to place all DSHS rules under one title (Title 388 WAC) to assist the public to, more easily, locate rules that effect them. Chapter 388-810 WAC has been assigned as the new chapter to replace chapter 440-25 WAC. This amendment "migrates" chapter 440-25 WAC to the new chapter 388-810 WAC.

Proposal Changes the Following Existing Rules: The chart below describes, in detail, the amendments proposed by the Division of Alcohol and Substance Abuse (DASA) for chapter 440-25 WAC. These amendments were brought about through discussion meetings DASA held with significant stakeholders over the past three months. This work was initiated in keeping with DASA's regulatory improvement review plan which details our plan to review and update as necessary all DASA "issuances" in keeping with Governor Locke's Executive Order (97-02). In addition, chapter 440-25 WAC has been changed to reflect the recent DSHS directive to migrate all DASA managed WAC chapters to a new Title 388 WAC series. Thus, chapter 440-25 WAC becomes chapter 388-810 WAC.

It is our intent to repeal chapter 440-25 WAC in its entirety and replace it with amended language under the new number chapter 388-810 WAC. The following chart will detail the specific amendment action taken in regards to chapter 440-25 WAC as currently codified.

WAC 440-25 Section	WAC 388-810 Section	Section Title and Description of Changes
005	005	Purpose. Rewritten in clear rule-writing style.

010	010	Definitions. <ul style="list-style-type: none"> • Repealed definitions for: "chemical dependency" and "plan." • Changed term "county alcoholism and other drug addiction program coordinator" to "county chemical dependency program coordinator." • Added new definition for "county chemical dependency prevention, treatment, and support program."
020	020	County alcohol and other drug addiction program coordinator - Qualification standards. <ul style="list-style-type: none"> • Combined WAC 440-25-020 with 440-25-030 and retitled "What are the requirements to be qualified as a county chemical dependency program coordinator?"
030	020	County alcohol and other drug addiction program coordinator - Duties. <ul style="list-style-type: none"> • Combined some language from this section with WAC 440-25-020 language.
040	030	County-designated chemical dependency specialist—Duties. <ul style="list-style-type: none"> • Updated the qualification standards for county-designated chemical dependency specialists to be consistent with recent chemical dependency professional credentialing law and rules. • Retitled the section "What are the requirements to be a county-designated chemical dependency specialist?"
050	NA	Plan development and submission. <ul style="list-style-type: none"> • Repealed in its entirety.
060	040	Service priority. <ul style="list-style-type: none"> • Revised and rewritten in clear rule-writing style. • Retitled the section "Who determines the service priorities for the county chemical dependency prevention, treatment, and support program?"

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070	050 and 060	<p>Funding Formula.</p> <ul style="list-style-type: none"> • Revised and rewritten in clear rule-writing style. • Retitled the section "How are the funds allocated that are available for the county chemical dependency prevention, treatment, and support program?" • Created a new WAC 388-810-060 titled "What is the limitation on how much money a county can claim for administration of the county chemical dependency prevention, treatment, and support program?" using language rewritten from the old WAC 440-25-070(4).
080	070	<p>Contracting.</p> <ul style="list-style-type: none"> • Revised and rewritten in clear rule-writing style. • Retitled the section "How will funds be made available to the county?"
090	080	<p>Subcontracting.</p> <ul style="list-style-type: none"> • Repealed most of this section. • Rewritten in clear rule-writing style. • Retitled the section "May a county subcontract for chemical dependency prevention, treatment, and support services?"
100	NA	<p>Payments.</p> <ul style="list-style-type: none"> • Repealed in its entirety.
110	NA	<p>Appeal procedure.</p> <ul style="list-style-type: none"> • Repealed in its entirety.
120	090	<p>Exemptions.</p> <ul style="list-style-type: none"> • Rewritten in clear rule-writing style. • Retitled the section "How does a county request an exemption?"

No small business economic impact statement has been prepared under chapter 19.85 RCW. DASA has reviewed the proposed rules and has concluded that these rules only apply to counties. No profit-oriented businesses are affected. Therefore, DASA is exempt from preparing a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. A Cost Benefit Analysis (CBA) was completed. A copy of the CBA may be obtained by sending a request to Gary Reynolds, Policy Leadworker, Certification Section, Division of Alcohol and Substances Abuse, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 438-8054, e-mail reynogl@dshs.wa.gov.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 7, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by August 27, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 7, 1999.

Date of Intended Adoption: September 20, 1999.

July 27, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-810 WAC

**ADMINISTRATION OF COUNTY CHEMICAL
DEPENDENCY PREVENTION, TREATMENT, AND
SUPPORT PROGRAM**

NEW SECTION

WAC 388-810-005 What is the purpose of this chapter? The purpose of this chapter is to describe the planning, contracting, and provision of chemical dependency prevention, treatment, and support services through counties (see chapter 70.96A RCW).

NEW SECTION

WAC 388-810-010 What definitions apply to this chapter? "County" means each county or two or more counties acting jointly.

"County chemical dependency program coordinator" means a person appointed by the county legislative authority as the chief executive officer responsible for carrying out the duties under chapter 70.96A RCW.

"County chemical dependency prevention, treatment, and support program" means services and activities funded by the department through a negotiated contract between a county and the department.

"Department" means the department of social and health services (DSHS).

"Designated chemical dependency specialist" means a person designated by the county chemical dependency program coordinator to perform the involuntary commitment duties under chapter 70.96A RCW.

NEW SECTION

WAC 388-810-020 What are the qualifications to be a county chemical dependency program coordinator? A county chemical dependency program coordinator must have training and experience in:

- (1) Chemical dependency prevention, intervention, and treatment strategies used in combating chemical dependency; and

(2) Administration of social and/or human services programs, sufficient to perform the following duties:

(a) Providing general supervision over the county chemical dependency prevention, treatment, and support program;

(b) Preparing plans and applications for funds to support the county chemical dependency prevention, treatment, and support program;

(c) Monitoring the delivery of services to assure conformance with plans and contracts;

(d) Providing staff support to the county alcoholism and other drug addiction board;

(e) Selecting the county designated chemical dependency specialist(s) to perform the intervention, involuntary detention and commitment duties as described under RCW 70.96A.120 and 70.96A.140; and

(f) Advising DSHS, county courts, law enforcement agencies, hospitals, chemical dependency programs, and other local health care and service agencies in the county as to who has been designated as the chemical dependency specialist(s).

NEW SECTION

WAC 388-810-030 What are the qualifications to be a county-designated chemical dependency specialist? A county-designated chemical dependency specialist must:

(1) Be certified as a chemical dependency professional (CDP) by the department of health under chapter 18-205 RCW, or meet or exceed the requirements to be eligible to be certified as a CDP as described in chapter 246-811 WAC;

(2) Demonstrate knowledge of the laws regarding the involuntary commitment of chemically dependent adolescents and adults; and

(3) Demonstrate knowledge and skills in differential assessment of mentally ill and chemically dependant clients.

NEW SECTION

WAC 388-810-040 Who determines the service priorities for the county chemical dependency prevention, treatment, and support program? (1) DSHS determines the service priorities for services funded by the department.

(2) DSHS must inform the county of the service priorities during the contract negotiation process.

(3) Counties must follow DSHS's service priorities when delivering chemical dependency program services supported by department funds.

NEW SECTION

WAC 388-810-050 How are available funds allocated for the county chemical dependency program? (1) For the purposes of this section, "county" means the legal subdivision of the state, regardless of any agreement between two counties.

(2) The department shall allocate the funds available to the counties through funding formulas jointly developed with representatives of the counties, to carry out the intent of the federal and state legislated appropriations including any budget provisos.

(3) For information on current funding formulas, contact: Chief Financial Officer, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, Washington 98504-5330, Telephone: (360) 438-8088.

NEW SECTION

WAC 388-810-060 How much money can a county claim for the administration of its chemical dependency prevention, treatment, and support program? A county may not use more than ten percent of the chemical dependency prevention, treatment, and support program funds managed by the county for administering the program.

NEW SECTION

WAC 388-810-070 How will funds be made available to the county? (1) DSHS and each county negotiates and executes a county contract before the department reimburses the county for chemical dependency prevention, treatment, and support program services.

(2) DSHS may authorize the county to continue providing services according to a previous county contract and reimburse at the average level of the previous contract, in order to continue services until the department executes a new contract.

(3) DSHS may make advance payments to a county, if the payments facilitate sound program management.

(4) DSHS may require fiscal and program reports.

NEW SECTION

WAC 388-810-080 May a county subcontract for chemical dependency prevention, treatment, and support services? A county may subcontract for services specified in the contract.

NEW SECTION

WAC 388-810-090 How does a county request an exemption? (1) A county may request an exemption to these rules by sending a written request to the department.

(2) DSHS may grant an exemption if the department's assessment of the exemption request:

(a) Ensures the exemption does not undermine the legislative intent of chapter 70.96A RCW; and

(b) Shows that granting the exemption does not adversely affect the quality of the services, supervision, health, and safety of department customers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 440-25-005

Purpose.

WAC 440-25-010

Definitions.

WAC 440-25-020

County alcohol and other drug addiction program coord-

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	dinator—Qualification standards.
WAC 440-25-030	County alcohol and other drug addiction program coordinator—Duties.
WAC 440-25-040	County-designated chemical dependency specialist—Duties.
WAC 440-25-050	Plan development and submission.
WAC 440-25-060	Service priority.
WAC 440-25-070	Funding formula.
WAC 440-25-080	Contracting.
WAC 440-25-090	Subcontracting.
WAC 440-25-100	Payments.
WAC 440-25-110	Appeal procedure.
WAC 440-25-120	Exemptions.

WSR 99-16-100**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed August 4, 1999, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-084.

Title of Rule: Permanent renewal of livestock brands—Livestock Heritage brands.

Purpose: To establish criteria and fees for the permanent renewal of livestock brands registered with the Department of Agriculture. The authorizing legislation was passed during the 1998 legislative session.

Statutory Authority for Adoption: RCW 16.57.023.

Statute Being Implemented: Chapter 16.57 RCW.

Summary: Proposal establishes criteria and fees for the permanent renewal of livestock brands registered with the Washington State Department of Agriculture (WSDA). This provides an option for livestock brandholders who do not use their brand on livestock, but want to retain ownership of a livestock brand without going through the two-year recording process. If a livestock brand is not renewed with the WSDA, after one year it becomes available to the public.

Name of Agency Personnel Responsible for Drafting: Julie Sandberg, Olympia, Washington, (360) 902-1852; Implementation: Lori McCown, Olympia, Washington, (360) 902-1855; and Enforcement: Leslie Alexander, Pasco, Washington, (509) 545-8816.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule was drafted in response to legislation passed by the 1998 legislature. The purpose is to establish criteria and fees for the permanent renewal of livestock

brands registered with the Washington State Department of Agriculture (WSDA). The rule provides owners of livestock brands an option to retain ownership of the brand when they may no longer be using it on livestock. If the brand was not renewed, it could be made available to the public after one year. The Heritage designation gives brandholders an option besides the two year renewal when they want to retain ownership of a brand they no longer use on their livestock.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are over 7,700 livestock brands recorded with the Washington State Department of Agriculture (WSDA). The cost to record a brand is \$35 for a two-year period beginning each even numbered year. On average, the WSDA loses about 5% of those brands due to nonrenewal every two years, but many brandholders would like to maintain ownership of a brand, even though they are not actively using it on livestock.

The 1998 legislature gave the WSDA the authority to set up criteria to designate a livestock Heritage brand and set the fees for that process. The brand must not be used on livestock. It is "retired." This is just one option for the brandholder who wishes to retain ownership of a unique symbol that may have been in the family for many years yet is no longer used on livestock. This is a new fee which the Livestock Identification Advisory Board proposed setting at \$200. This is a one-time cost and gives the brandholder permanent ownership of the brand.

For example, if the brandholder chose to renew each two-year period, the cost would be \$35, which is an average of \$17.50/year. If the brandholder chose the lifetime Heritage brand designation, the cost would be \$200, which is less than six two-year renewals (\$35x6=\$210).

Currently, a brandholder can either choose to renew their livestock brand for a \$35 fee every two years or simply not renew the brand. If the brand is not renewed, after one year it becomes available to the public. The Heritage brand designation offers current brandholders another option for retaining ownership of a livestock brand.

We anticipate that approximately 3%, or 231, of the current brandholders will choose to participate in the Heritage brand designation. The majority of brandholders are individual farmers, ranchers, feedlot or public market operations, who do meet the definition of small business. **The \$200 Heritage brand fee averages out to approximately \$17.50/year (or less) and is below the \$50.00 annual cost, and indicates the impact is minor or negligible. The participation cost for those entities is equal to, or less than, the cost for a Heritage brand designation and does not place a disproportionate impact on small business.**

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. WSDA is not a listed agency in section 201.

Hearing Location: Hal Holmes Community Center, 201 North Ruby Street, Ellensburg, WA 98926, (509) 962-7240, on September 8, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Hayner by September 3, 1999, TDD (360) 902-1996, or (360) 902-1852.

PROPOSED

Submit Written Comments to: Julie Sandberg, Assistant Director, Consumer and Producer Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2086, by September 10, 1999.

Date of Intended Adoption: September 17, 1999.

August 3, 1999
Julie C. Sandberg
Assistant Director

NEW SECTION

WAC 16-607-150 Heritage brands—Designation.

The director will, at the request of the recorded owner, designate any currently recorded brand to be permanently renewed as a livestock Heritage brand. Livestock Heritage brands will be listed as inactive in the brand book and in all supplements.

NEW SECTION

WAC 16-607-155 Heritage brands—Fees.

The fee to record a livestock Heritage brand is two hundred dollars. A request for a livestock Heritage brand may be made at the normally scheduled renewal period or at any other time upon payment of all fees. Requests made after a brand has been renewed will be accepted, however, no refunds of the original renewal fee will be issued.

NEW SECTION

WAC 16-607-160 Heritage brands—Restriction on use.

A livestock Heritage brand is considered to be inactive and may not be applied to livestock once it has been placed in that category. Livestock currently bearing a brand that is designated as a Heritage brand will continue to be recognized by the director as belonging to the recorded owner of the brand.

NEW SECTION

WAC 16-607-165 Heritage brands—Title transfer.

The ownership of a livestock Heritage brand may be transferred upon payment of the current transfer fee. A transfer will not remove the Heritage designation from the brand.

NEW SECTION

WAC 16-607-170 Heritage brands—Fee for removal of designation. The fee to remove a brand from the Heritage designation is one hundred dollars and the current recording fee. When the Heritage designation is removed, the brand may again be used on livestock.

**WSR 99-16-101
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed August 4, 1999, 10:21 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-01-345 Rating factor or performance element, 251-20-020 Employee performance evaluation—Forms, and 251-20-030 Method of evaluation.

Purpose: These rules pertain to performance evaluations, forms, and method.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are proposed to allow institutions of higher education to use the new performance evaluation forms for evaluations of classified staff.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These modifications are proposed to allow institutions of higher education to use the new evaluation forms for evaluations of classified staff.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 7, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by October 12, 1999.

Date of Intended Adoption: October 14, 1999.

July 29, 1999

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

WAC 251-01-345 Rating factor or performance element. An element, duty, responsibility, skill, ability, or other specific aspect of performance which is (~~rated~~) evaluated as part of the annual performance evaluation.

AMENDATORY SECTION (Amending WSR 97-13-045, filed 6/13/97, effective 8/1/97)

WAC 251-20-020 Employee performance evaluation—Forms. (1) Standardized performance evaluation forms approved by the director shall be used to record employee evaluations. The forms shall contain standard

~~((=))~~rating factors~~((=))~~ or performance elements and shall provide for one or more ~~((=))~~optional factors~~((=))~~ developed by the institution, which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ~~((ratings))~~ evaluations recorded on the approved forms.

AMENDATORY SECTION (Amending WSR 85-20-049 (Order 136), filed 9/25/85)

WAC 251-20-030 Method of evaluation. (1) Employee performance is to be ~~((rated for each "rating factor"))~~ evaluated on the approved form on the basis of performance expectations determined by the supervisor.

(2) Upon appointment to a position, the employee's supervisor will provide the employee with a copy of the following:

- (a) The specification for the class.
- (b) The employee's specific position duties and responsibilities which relate to the specification.

(3) Written performance expectations for each of the rating factors or performance elements shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

(4) The ~~((supervisor's))~~ performance expectations shall remain in effect for future evaluations unless action is taken to modify them and the employee has been provided with a copy of ~~((them))~~ the changes.

~~((5))~~ Each "rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form~~)).~~

WSR 99-16-102
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 4, 1999, 10:23 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-19-180 Relocation compensation and 356-14-300 Relocation compensation.

Purpose: These new rules pertain to relocation compensation for general government and higher education institutions.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These new rules are proposed as a result of the passing of SHB 1282 regarding relocation compensation.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360)

753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These new rules pertain to lump sum relocation compensation for a person making a domiciliary move in accepting a transfer or appointment. These rules are proposed as a result of the passing of SHB 1282. These rules are necessary to successfully recruit or retain qualified candidates or employees who will have to make a domiciliary move in order to accept a position. If a person receiving relocation compensation terminates or causes termination with the state within one year of the date of appointment or transfer, the agency or higher education institution is entitled to reimbursement from the employee who received the compensation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 2, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 7, 1999.

Date of Intended Adoption: September 9, 1999.

July 29, 1999
Dennis Karras
Secretary

NEW SECTION

WAC 251-19-180 Relocation compensation. (1) An institution of higher education's president may authorize lump sum relocation compensation, within existing resources, whenever

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the higher education institution is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by

PROPOSED

the higher education institution's president will not require the person to repay the relocation compensation.

NEW SECTION

WAC 356-14-300 Relocation compensation. (1) An agency director may authorize lump sum relocation compensation, within existing resources, whenever

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the state is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the person to repay the relocation compensation.

WSR 99-16-103

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed August 4, 1999, 10:24 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-15-100 Call-back for work preceding or following a scheduled workshift and 356-15-110 Call-back for work on scheduled days off or holidays.

Purpose: These rules pertain to call-back for work preceding or following a scheduled workshift, and for work on scheduled days off or holidays.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These revisions are to provide for an employee who signs up for voluntary overtime to be considered to have waived his/her right to call-back compensation.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Corrections, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules clarify call-back for work preceding or following a scheduled workshift, and for work on scheduled days off or holidays. These revisions are to provide for an employee who signs up for voluntary overtime to be considered to have waived his/her right to call-back compensation. The Department of Corrections and Teamsters Union #313 believe the adoption of the rule revisions will reduce the number of times employees are required to work mandatory overtime. Those employees who have signed up for volun-

tary overtime can be called back to do overtime without the agency incurring additional costs in the form of call-back compensation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 2, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 7, 1999.

Date of Intended Adoption: September 9, 1999.

July 29, 1999

Dennis Karras

Secretary

AMENDATORY SECTION (Amending Order 359, filed 7/13/90, effective 8/13/90)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the Department of Corrections, institutions bargaining unit, lack of such notice shall not result in a penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) These provisions shall not apply to employees within the Department of Corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

WSR 99-16-104

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed August 4, 1999, 10:25 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapters 359-39, 359-09, 359-48, and 359-07 WAC.

Purpose: The above WAC chapters were scheduled to be effective January 1, 2000, as filed by WSR 97-24-043. This proposal will delay the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 2002.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will postpone the effective date of Title 359 WAC as originally submitted in WSR 94-23-136.

Reasons Supporting Proposal: The Department of Personnel is proposing to extend the effective date of chapters previously adopted in Title 359 WAC from January 1, 2000, to January 1, 2002.

The Personnel Resources Board has adopted four chapters of Title 359 WAC. The Department of Personnel is continuing to progress in the development of the remaining chapters. Extending the effective date will allow our participative process to continue with general government, higher educa-

tion, and employee organizations. Staff is proposing adoption effective December 31, 1999.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposal is to postpone the effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 2002.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 2, 1999, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 7, 1999.

Date of Intended Adoption: September 9, 1999.

July 29, 1999

Dennis Karras

Secretary

WSR 99-16-106

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-7—Filed August 4, 1999, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-064.

Title of Rule: Mental health benefits.

Purpose: These proposed rules would seek to increase uniformity in the terminology used in the advertising of mental health benefits. This will increase the understanding of the consumer who reads, hears, or views the advertisement. They would also provide guidelines for carriers to fairly advertise these benefits.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010, 48.44.050, 48.46.200.

Statute Being Implemented: RCW 48.30.040, 48.44.110, 48.46.400.

Summary: These proposed rules would simplify mental health benefit descriptions used in advertising by establishing definitions for terms commonly used to describe these benefits.

Reasons Supporting Proposal: Consumers, providers and insurers have all been frustrated with the lack of common terminology. The current confusion caused by the advertising of benefits has led to numerous consumer complaints to the commissioner. These proposed rules would increase the consumer's ability to understand what the advertised benefits mean in terms of what benefit is provided by a plan.

Name of Agency Personnel Responsible for Drafting and Implementation: Don Sloma, Olympia, Washington, (360) 586-5597; and Enforcement: Jeffrey Coopersmith, Olympia, Washington, (360) 664-4615.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The terms and definitions used by health plans in describing their mental health benefits have been the subject of complaints to the commissioner. Consumers and providers of mental health services have been confused about a variety of carrier innovations in managing mental health treatments. Terms are used interchangeably throughout the industry but they may be defined or used to mean many different things. These proposed rules would simplify mental health benefit descriptions used in advertising by establishing definitions for terms commonly used to describe these benefits. This would improve the consumer's ability to understand the benefits provided by a plan and compare those benefits to benefits provided by other plans. These proposed rules do not mandate a mental health benefit or regulate the provisions of a benefit that a plan may include. These proposed rules focus on the advertising of a mental health benefit if such a benefit is included and is advertised. The rules would help prevent the possibility of an issuer knowingly or unknowingly using false, misleading or deceptive advertising of a mental health benefit.

Proposal Changes the Following Existing Rules: WAC 284-43-130 is amended to add definitions.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Introduction: This report analyzes a proposal to amend existing rules and add new sections regarding the advertising of mental health benefits. These changes are proposed in an effort to make the rules more current, effective, and efficient. This is the second CR-102 that has been filed in this rule making. Considerable portions of the previously published text have been revised or removed. The majority of these changes were made at the request of industry to make the proposed rules easier and less costly to administer. This evaluation is completed to demonstrate that the proposed changes improve the rules without imposing disproportionate costs on small businesses.

Background: The proposed rules aid in clarifying an existing regulation, WAC 284-50-010/230. The regulation

was adopted in 1973 and establishes a framework for regulating the advertisement of health insurance.

Consumers, state agencies, providers, and insurers alike have struggled with the terminology surrounding mental health care. Different parties use the same terms with different meanings. Consumers were confused by what the policy was supposed to offer and what it actually did provide. The commissioner received numerous complaints in this area from the public. The commissioner held an open public forum and listened to interested parties. This forum was broadcast throughout the state on TVW. After hearing the concerns associated with this subject, the commissioner decided to review the rules in this area as a part of the regulatory improvement process and see if consumers could be better served.

The commissioner established a working group composed of health care service contractors, health maintenance organizations, mental health providers, mental health advocacy organizations, mental health "carve-out companies," interested state agencies, and consumers. This group held eight public meetings and discussed how the consumers could better understand exactly what benefits the product being advertised actually contains. The rules do not mandate or prescribe mental health benefits but merely bring some certainty and standards to the advertising of offered benefits to better inform consumers and avoid potentially false or misleading advertising. Many ideas were discussed. The proposed rules are a result of the refinement of ideas over time by a diverse group of concerned parties.

As the rule making went through the hearing and comment process, it became clear that carriers had reservations about some aspects of the rule. They suggested changes to or the removal of many questions and definitions. The commissioner considered their comments and balanced their interests with the interests of providers and consumers. The commissioner is now issuing a second CR-102 that addresses many of the issues raised in the first filing. The commissioner will hold another public hearing and, barring any need for changes that arise during the comment period or the hearing, intends to adopt these rules.

The proposed changes should clarify existing requirements and insurers should find it easier to comply with the processes. The existing regulatory scheme will be strengthened, clarified, and streamlined.

Federal and Other State Law: This rule does not conflict with any other federal or state law.

Industry Codes: These proposed rules will apply to health insurance sold in the state of Washington that have a mental health benefit and choose to advertise it. The proposed rules will affect Hospital and Medical Plans (industry code 6324).

Industry Involvement: Many of the substantive issues and concepts have been discussed with members of the regulated industry. Businesses that will be affected by the proposed rules were invited to provide input to the commissioner's staff throughout the rule-writing process. A pre-proposal statement of inquiry (CR-101) was filed for the rule on March 17, 1998. The CR-101 was sent to all health insurers and was posted on the commissioner's website. Notification that the commissioner would be reviewing this area in the

regulatory improvement process was also posted on the commissioner's website.

The commissioner established a working group composed of health care service contractors, health maintenance organizations, providers, advocacy organizations, "carve-out companies," interested state agencies, and consumers. A mailing list was created prior to the establishment of the workgroup and all parties on that list were kept apprised of all meetings and activities. Any party that asked to be on that mailing list was welcome and the list grew to approximately seventy parties. Several members of industry were active participants in the workgroup, others choose to be apprised via the mailing list. Industry associations were also on the mailing list to enable industry to be represented in that fashion also.

The workgroup met eight times and developed the framework for the rules. All ideas were considered and the group decided that these concepts would be the most beneficial. Proposed draft language was reviewed and critiqued by the group. Many of the concepts and much of the language and changes to earlier drafts of the language were suggested by members of the regulated industry.

It should be noted that not all of the language or concepts proposed by members of the workgroup or the workgroup as a whole were used. The workgroup was repeatedly instructed that their role was strictly advisory and the commissioner would review their recommendations but was not delegating away her responsibility to Washington consumers.

Through the hearing and comments period, the commissioner continued to talk to and receive comments from carriers. The rules have continued to evolve due to their ongoing participation in the process.

Probable Costs: The proposed rules may impose some costs on the regulated industry. The information requested is already widely available from the issuers in various forms but there will be some cost for the issuers to ensure that information the plans that provide mental health benefits meet the requirements of these rules. There will be formatting and printing costs associated with publication. The new materials may replace one or more existing pieces of material leading to some costs offsets.

It was suggested that additional costs could be incurred by adding a listed phone number in the required materials that would allow consumers to ask the issuer about the mental health benefits of a plan. Industry members already have staff time dedicated to answering consumer questions about mental health benefits, this phone number will enable consumers to go directly to an employee who can address their issues. Any increase in staff time due to additional calls will lead to better informed consumers. This will take on a preventive role by avoiding possible conflicts or grievances by consumers at later stages and will offset some costs if not actually save money for the issuers. The line should have some nominal costs to the issuers if a new line needs to be added or an existing line is rerouted for the purposes of this rule.

There are no additional reporting requirements associated with these rules. As with any printed piece of advertising, the insurers would have to maintain the records of the advertisement (WAC 284-50-200). The information created

for these rules is generally provided in some amount in some fashion currently. Any new materials will replace existing materials. There may be some additional cost in maintaining records though.

It should be noted also that these rules will give guidelines and definition to the area of advertising mental health benefits. Currently, many consumers are confused about what the benefit they see or hear advertised actually delivers. They often believe the advertised benefit is more substantial than the benefit they receive. The commissioner has the authority to remove any carrier material from the marketplace if it is false or misleading. The commissioner has chosen to try to illuminate a path for carriers to fairly advertise their mental health benefit to consumers. Without these rules, the area is much less well-defined and the commissioner may be forced to begin removing entire stocks of advertising materials from the marketplace. The commissioner would prefer to avoid that costly and confrontational approach. It does not serve any of the affected parties as well as giving guidance and providing standards in this area.

Small Business Impact: The proposed rules do not impose a disproportionately higher economic burden on small business within the four-digit classifications. It is probable that small businesses will have an easier time and have a smaller economic burden in complying than larger businesses. A document must be created that details the mental health benefit of the plan that is advertised (again, if the benefit is not advertised, these rules do not apply). The more numerous plans offered, the greater the amount of time necessary to review the plans and the more materials that must be developed to ensure compliance. Administrative and labor time and publication costs will be higher for the larger carriers who offer more plans. Smaller carriers have fewer plans and will require less time to review their plans, create the documents to comply, and to remain in compliance. Smaller carriers will spend less proportional time and money on the administrative and organizational requirements necessary to comply. They will be able to more quickly comply and remain in compliance with the rule because they will be required to develop, print, and distribute fewer new materials.

Mitigation: Mitigation to reduce the economic impact of the proposed rules on small business was considered and acted upon. The commissioner worked with representatives of the industry to limit costs as much as possible while retaining the efficacy of the rules. The workgroup sought to craft language that would ensure that an issuer would not have to make available these materials in combination with every advertisement. Instead, the materials need only be presented one time.

The content of the rules also evolved with the participation of members of industry. The questions and list of answers were developed by the workgroup. Industry involvement enabled mitigatory steps to be taken early on in the process. The questions that are asked were developed to present the most useful information in the least costly manner. Some questions were altered because it would be too costly or time-consuming for carriers to develop the responses. The workgroup developed a list of answers to the questions to be used to describe the benefit. Industry will not

have to analyze work on answers but can choose the answer that best describes the plan.

In the second published version of these rules, numerous questions in the proposed rules were removed in an attempt to reduce the costs of implementation and administration of the rule while providing the clearest information available in the advertising of the mental health benefits. Seven questions were retained, eleven questions were removed. Carriers will spend less time answering and formatting questions and should be able to publish the information in a more cost-effective manner. As questions were removed, definitions used in those questions became unnecessary. Other definitions were revised after reviewing comments made during the rule-making process and at the hearing. The rules are tighter, more narrowly focused and easier to comply with than in their earlier incarnation.

An additional mitigatory measure is to delay the effective date of these rules to enable the issuers to have ample time to prepare the necessary information and to use up their available stocks of related information. The rules would not apply to contracts issued before January 1, 2000.

A mitigatory measure in the previous version of the rules that ended up being removed from the second version of these rules was to allow the issuer to use a "code word" or standardized term to describe their mental health benefit instead of providing answers to the required questions. The terms would have provided the consumer with a quick general standard. There are three levels: Level A; Level B; and Level C. The carriers involved in the workgroup and those that chose to comment on the rules rejected this option. The benefit level was rejected for many reasons. It was perceived as mandating a standard of care and injecting value-based opinions into the rules. Neither of these criticisms is accurate. There was no mandate because no standard or coverage of care was imposed. Carriers could use the levels of care to describe their product, or not, at their option. Since carriers universally rejected this option, the commissioner withdrew it at their request.

A second mitigatory measure that was rejected by industry was a provision that allowed the carrier to request the commissioner to publish a document that categorized any of their plans, the commissioner would do so and the carrier would submit that document to consumers instead of the required materials. Similar to the benefit levels, carriers in the workgroup and those that made comments regarding the rule expressed skepticism and great reluctance to use this option. No carrier stated that they would choose this option if available. The commissioner decided that if industry was hostile to this attempt to mitigate the costs of the rules, the option would be withdrawn. The commissioner believed that this system could have saved industry much of the time and money that they state the rule may incur but the carriers simply did not express any interest in this option.

These mitigatory measures should reduce costs on all businesses, particularly small businesses.

Conclusion: These rules should not have a disproportionate impact on small businesses. Costs and administrative concerns should be proportionate to the size of the business or may even be greater for the larger businesses. The information is similar to information that carriers currently make

available in some form to consumers, it will be presented in terms and in a method to make it more understandable and useful to the consumer. Mitigatory measures have lessened possible impacts on all businesses, including small businesses. The removal of numerous questions and definitions will lessen the costs and ease the administration of these rules. The revised proposed rules add additional flexibility to the rules and should significantly lessen possible administrative and compliance costs. The commissioner will continue the dialogue with consumers and industry and will consider further mitigatory measures if they do not undercut the goals of the rule making.

A copy of the statement may be obtained by writing to Kacy Brandeberry, Administrative Rules Coordinator, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3784, fax (360) 664-2782.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: 14th and Water, Cherberg Building, Senate Hearing Room 4, Olympia, Washington, on September 7, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by September 6, 1999, TDD (360) 407-0409.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail KacyB@oic.wa.gov, fax (360) 664-2782, by September 3, 1999.

Date of Intended Adoption: September 8, 1999.

August 4, 1999

Robert A. Harkins

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 97-3, filed 1/22/98, effective 2/22/98)

WAC 284-43-130 Definitions. Except as defined in other subchapters and unless the context requires otherwise, the following definitions shall apply throughout this chapter.

(1) (~~"Covered benefits" means those health care services to which a covered person is entitled under the terms of a health plan.~~) "Covered health condition" means any disease, illness, injury or condition of health risk covered according to the terms of any health plan.

(2) "Covered person" means an individual covered by a health plan including an enrollee, subscriber, policyholder, or beneficiary of a group plan.

(3) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(4) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(5) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities

by enrollees and may include copayments, coinsurance, or deductibles.

(6) "Facility" means an institution providing health care services, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory, and imaging centers, and rehabilitation and other therapeutic settings.

(7) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding:

(a) Denial of health care services or payment for health care services; or

(b) Issues other than health care services or payment for health care services including dissatisfaction with health care services, delays in obtaining health care services, conflicts with carrier staff or providers, and dissatisfaction with carrier practices or actions unrelated to health care services.

(8) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(9) "Health care service" or "health service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(10) "Health carrier" or "carrier" means a disability insurance company regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, and a health maintenance organization as defined in RCW 48.46.020.

(11) "Health plan" or "plan" means any individual or group policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after

a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(12) "Managed care plan" means a health plan that coordinates the provision of covered health care services to a covered person through the use of a primary care provider and a network.

(13) "Medically necessary" or "medical necessity" in regard to mental health services is a carrier determination as to whether a health service is a covered benefit if the service is consistent with generally recognized standards within a relevant health profession.

(14) "Mental health provider" means a health care provider or a health care facility authorized by state law to provide mental health services.

(15) "Mental health services" means in-patient or out-patient treatment, partial hospitalization or out-patient treatment to manage or ameliorate the effects of a mental disorder listed in the *Diagnostic and Statistical Manual (DSM) IV* published by the American Psychiatric Association, excluding diagnoses and treatments for substance abuse, 291.0 through 292.9 and 303.0 through 305.9.

(16) "Network" means the group of participating providers and facilities providing health care services to a particular health plan. A health plan network for carriers offering more than one health plan may be smaller in number than the total number of participating providers and facilities for all plans offered by the carrier.

~~((14))~~ (17) "Out-patient therapeutic visit" or "out-patient visit" means a clinical treatment session with a mental health provider of a duration consistent with relevant professional standards used by the carrier to determine medical necessity for the particular service being rendered, as defined in *Physicians Current Procedural Terminology*, published by the American Medical Association.

(18) "Participating provider" and "participating facility" means a facility or provider who, under a contract with the health carrier or with the carrier's contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, from the health carrier rather than from the covered person.

~~((15))~~ (19) "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

~~((16))~~ (20) "Primary care provider" means a participating provider who supervises, coordinates, or provides initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

~~((17))~~ (21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((18))~~ (22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium"

shall not include amounts paid as enrollee point-of-service cost-sharing.

((49)) (23) "Small group" means a health plan issued to a small employer as defined under RCW 48.43.005(24) comprising from one to fifty eligible employees.

NEW SECTION

WAC 284-43-810 Coverage for mental health services. (1) The commissioner may disapprove any contract issued or renewed after January 1, 2000, that includes coverage for mental health services, and those services are advertised, if it does not include the following statement:

MENTAL HEALTH SERVICES AND YOUR RIGHTS

(Health Carrier Name) and state law have established standards to assure the competence and professional conduct of mental health service providers, to guarantee your right to informed consent to treatment, to assure the privacy of your medical information, to enable you to know which services are covered under this plan and to know the limitations on your coverage. If you would like a more detailed description than is provided here of covered benefits for mental health services under this plan, or if you have a question or concern about any aspect of your mental health benefits, please contact us (the health carrier) at xxx-xxx-xxxx (current phone number).

If you would like to know more about your rights under the law, or if you think anything you received from this plan may not conform to the terms of your contract or your rights under the law, you may contact the Office of Insurance Commissioner at 800-562-6900. If you have a concern about the qualifications or professional conduct of your mental health service provider, please call the State Health Department at xxx-xxx-xxxx (current phone number suggested by State Health Department).

(2) The commissioner may disapprove any contract issued or renewed after January 1, 2000, that includes coverage for mental health services, and those services are advertised, if it does not pose and respond in writing to the following questions in language that complies with WAC 284-50-010 through 284-50-230 in or accompanying an invitation to contract which is given to each prospective enrollee prior to enrollment.

(a) "What are the steps that must be taken to have mental health services paid for by my plan?"

Yes No

Direct self referral to a participating provider, with no prior authorization or approval.

Primary care provider referral required; Primary care provider may determine the number of visits.

Preauthorization, predetermination of medical necessity, preverification of benefits and eligibility or referral required.

(b) "What information about my mental condition will anyone other than my mental health provider see?"

No information, other than your diagnostic category and number of treatments you received.

Diagnostic details.

Treatment codes.

Treatment plans, including expected outcomes.

Progress notes.

Other.

(c) "Do I have to pay more than the co-pay, deductible and other charges for my other covered medical services to get mental health services under this plan?"

Same Less More

Deductibles.

Co-pays.

Co-insurance.

Other cost sharing.

(d) "What is the maximum number of medically necessary in-patient days and out-patient visits I can get each year under this plan?"

Inpatient Outpatient
- Days Visits

Less than ten.

Eleven to twenty.

Twenty-one to thirty.

More than thirty.

Other.

(e) "What is the average number of outpatient visits this plan pays for per person seeking these services?"

(Note to carriers: This response must state the average outpatient visits per enrollee requesting these services during the most recent year for which data is available. This time period may begin no more than thirty-six months prior to the issue date of the policy being sold.)

Less than ten.

Eleven to twenty.

Twenty-one to thirty.

More than thirty.

Other.

(f) "In which of the following circumstances where I might need mental health services would I find them excluded or subject to restrictions or limitations other than medical necessity?"

Diagnostic testing to determine if a mental disorder exists.

A mental disorder has a congenital or physical basis, such as Tourette's Syndrome, or may be partially covered under the medical services portion of the health plan.

A court orders treatment.

Treatment surrounding self inflicted harm, such as a suicide attempt.

There are diagnosed learning disabilities.

There is a diagnosed eating disorder.

PROPOSED

There is a diagnosed mental disorder related to sexual functioning, or a sex change.

Couples or marriage therapy.

Custodial care.

(g) "What is this plan's most common goal in financing treatment in adults? In children?"

Stabilization and symptom management.

Return to previous functioning.

Ongoing maintenance for long-term illness.

WSR 99-16-115
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed August 4, 1999, 11:27 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending chapter 246-650 WAC, Newborn screening.

Purpose: Add a new section setting a fee to support specialty treatment clinics as authorized by ESB 5141, chapter 76, Laws of 1999 and revise WAC 246-650-990 to provide consistent language and distinguish between the newly authorized clinic support fee and the charge for newborn screening services.

Statutory Authority for Adoption: RCW 70.83.040.

Statute Being Implemented: Chapter 76, Laws of 1999.

Summary: Sets a new fee of \$3.50 per child born to support specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, and congenital hypothyroidism. And, makes clarifying changes to existing language concerning charges for screening services.

Reasons Supporting Proposal: The 1999 legislature found that support of these specialty clinics through a new fee is necessary to help prevent the tragic consequences of inadequate treatment of these diseases. Clarification and consistent language is needed to distinguish between the new clinic support fee and charges for the screening services that detect children affected by these disorders.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Glass, 1610 N.E. 150th, Shoreline, 98155, (206) 361-2890.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets a fee of \$3.50 to be charged for each child born in the state and to be collected through the facility where the child is born. The fee will be used to support specialty clinics that provide treatment services for hemoglobinopathies, phenylketonuria, congenital adrenal hyperplasia and congenital hypothyroidism as authorized by ESB 5141, chapter 76, Laws of 1999. The legislature has found that this

support is necessary to assure that those affected by these disorders in Washington have access to treatment services needed to prevent otherwise tragic consequences. The rule will also clarify language to distinguish between the new fee and charges for the screening services that detect infants with these disorders.

Proposal Changes the Following Existing Rules: Adds a new section to chapter 246-650 WAC setting a new fee and clarifying language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule is exempted under the provisions of RCW 19.85.025 and 34.05.310(4) because it adopts Washington state statute (RCW 70.83.040) without material change; the content is explicitly and specifically dictated by statute (RCW 70.83.040); its purpose is to set a fee pursuant to legislative standards; and it clarifies language of an existing rule without changing its effect.

RCW 34.05.328 does not apply to this rule adoption. The rule is exempted by RCW 34.05.328 [(5)](b) because it adopts Washington state statute (RCW 70.83.040) without material change; the content is explicitly and specifically dictated by statute (RCW 70.83.040); its purpose is to set a fee pursuant to legislative standards; and it clarifies language of an existing rule without changing its effect.

Hearing Location: Department of Health, Public Health Lab, 1610 N.E. 150th, Shoreline, 98155, on September 14, 1999, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Mike Glass by September 7, 1999, TDD (800) 833-6388.

Submit Written Comments to: Michael Glass, fax (206) 361-4996, by September 13, 1999.

Date of Intended Adoption: September 16, 1999.

Mary C. Selecky

Secretary

[AMENDATORY SECTION (Amending Order 224, filed 12/23/91)]

WAC 246-650-990 Screening charge Fees. The department has the authority under RCW 43.20B.020 to require a reasonable fee charge from parents or responsible parties for the costs of newborn metabolic screening. The charge is to be collected through the hospital facility where the specimen was obtained.

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.

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.

[NEW SECTION]

WAC 246-650-991 Specialty clinic support fee The department has the authority under RCW 70.83.040 to collect a fee for each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia and congenital hypothyroidism. The specialty clinic support fee is \$3.50. It is to be collected in conjunction with the screening charge

from the parents or other responsible party through the facility where the screening specimen is obtained.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The unnecessary underscoring 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 99-16-118
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed August 4, 1999, 11:37 a.m.]

Supplemental Notice to WSR 99-07-085.

Preproposal statement of inquiry was filed as WSR 97-14-033.

Title of Rule: WAC 314-16-260 Sports/entertainment facility license—Purpose, 314-16-265 Definitions, 314-16-270 Sports/entertainment facility licenses—Operating plans, and 314-16-275 How will the operating plans be enforced?

Purpose: These rules will clarify the conditions under which types and service of liquor may be provided in sports/entertainment facilities. Each facility and event may require different conditions based upon the type of event, traffic patterns in the facility and the age of patrons attending the event.

Statutory Authority for Adoption: RCW 66.08.030 and 66.24.570.

Statute Being Implemented: RCW 66.24.570.

Summary: WAC 314-16-260 states the purpose of the rules regarding sports/entertainment facility licensing, WAC 314-16-265 defines terms as used in the rules, WAC 314-16-270 outlines what must be included in the operating plan that sports/entertainment facilities must submit, and WAC 314-16-275 explains how the operating plans will be enforced.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648; **Implementation:** David Goyette, P.O. Box 43098, Olympia, WA 98504-3098, (360) 664-1615; and **Enforcement:** Gary Gilbert, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1780.

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: The 1996 legislature passed RCW 66.24.570, which created a special liquor license designated as a class "R," and renamed "sports/entertainment facility" by SSB 5173 passed by the 1997 legislature. The intent of the legislation was to simplify the alcohol licensing process and to accommodate the size and unique nature of these facilities.

The purpose of the proposed rules is to clarify the conditions under which types and service of liquor may be provided in sports/entertainment facilities. Each facility and event may require different conditions based upon the type of event, traffic patterns in the facility, and the age of patrons attending the event.

- The first proposed rule, WAC 314-16-260, states the purpose of the rules, which is to provide a framework for the enforcement of liquor laws and regulations, particularly those prohibiting the sale of alcohol to persons under twenty-one years of age or persons who are apparently intoxicated.
- The second proposed rule, WAC 314-16-265, contains a list of defined terms as used in the rules.
- The third proposed rule, WAC 314-16-270, outlines the elements that must be contained in each sports/entertainment facility's operating plan, which must be submitted and approved by the board before licensing.
- The fourth proposed rule, WAC 314-16-275, explains how the board will enforce liquor laws and regulations in sports/entertainment facilities.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to small businesses.

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: Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA 98501, on September 8, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by September 7, 1999, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail teb@liq.wa.gov, fax (360) 704-4920, by September 15, 1999.

Date of Intended Adoption: September 22, 1999.

August 4, 1999

Eugene Prince

Chair

NEW SECTION

WAC 314-16-260 Sports/entertainment facility license—Purpose. (1) **What is the purpose of the rules governing the use of alcohol in sports/entertainment facilities?**

(a) In RCW 66.24.570, the legislature established a spirits, beer, and wine license for arenas, coliseums, stadiums, or other facilities where sporting, entertainment, and special events are presented.

(b) These rules provide a framework for the enforcement of liquor laws and regulations, particularly those prohibiting the sale of alcohol to persons under twenty-one years of age or persons who are apparently intoxicated.

(c) This framework recognizes the unique conditions associated with events attended by large crowds consisting of diverse age groups.

(2) **Will the liquor control board recognize the differences between types of sports/entertainment facilities?** Yes. A sports/entertainment facility must submit an operating plan, which must be approved by the board prior to the

issuance of a license. All plans are required to meet the minimum standards outlined in WAC 314-16-270. The board will take into consideration the unique features of each facility when approving an operating plan, including the seating accommodations, eating facilities, and circulation patterns.

NEW SECTION

WAC 314-16-265 Definitions. (1) **Premises** - Buildings, parking lots, and any open areas that are adjacent to and owned, leased, or managed by the licensee and under the licensee's control.

(2) **Event categories** - Types of events that the licensee expects to hold on the premises:

(a) **Professional sporting event** - A contest involving paid athletes and sanctioned by a professional sports organization that regulates the specific sport.

(i) A preapproved level of alcohol service will be applied to the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events (relay races, dashes, pole vaulting, etc.).

(ii) For all other professional sporting events, the board will determine the level of alcohol service on a case-by-case basis, as approved in the operating plan.

(b) **Amateur sporting event** - A contest or demonstration involving athletes who receive no monetary compensation that is sanctioned by a national or regional amateur athletic regulatory organization.

(c) **Entertainment event** - A concert, comedy act, or similar event intended for the entertainment of the audience.

(d) **Special event** - A convention, trade show, or other public/private event to large too be held in a separate banquet or meeting room within the facility.

(e) **Private event** - An event not open to the public such as a wedding, private party, or business meeting, where the portion of the facility where the event is held is not accessible to the general public during the time of the private event.

(3) **Hawking** - The practice of selling alcohol in seating areas by roving servers who carry the beverages with them, as outlined in WAC 314-16-270(4). Because of row seating arrangements, servers normally do not have direct access to customers. Therefore, service usually requires that drinks, money, and identification be passed down rows, involving other spectators.

(4) **Club seats** - A specifically designated and controlled seating area that is distinct from general seating with food and beverage service provided by servers directly to the customer.

NEW SECTION

WAC 314-16-270 Sports/entertainment facility licenses—Operating plans. (1) **What rules govern the submission of operating plans?**

(a) To receive a license, a sports/entertainment facility must submit an operating plan for board approval.

(b) Once approved, the plan remains in effect until the licensee requests a change or the board determines that a change is necessary due to demonstrated problems or condi-

tions not previously considered or adequately addressed in the original plan.

(c) The plan must be submitted in a format designated by the board.

(d) The plan must contain all of the following elements:

(i) How the sports/entertainment facility will prevent the sale and service of alcohol to persons under twenty-one years of age and those who appear to be intoxicated.

(ii) The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served.

(iii) Training provided to staff who serve, regulate, or supervise the service of alcohol.

(iv) The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one transaction.

(v) A list of event categories (see WAC 314-16-265(2)) to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event.

(e) Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the facility's local liquor enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the local enforcement office at least twenty-four hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. Notice of private events is not required when the event is being held in conjunction with a professional or amateur sporting event, an entertainment event, or a special event as outlined in WAC 314-16-265(2).

(2) **May the liquor control board impose any other mandatory standards as a part of an operating plan?**

Yes. To prevent persons who are under twenty-one years of age or who appear intoxicated from gaining access to alcohol, the board may impose the following standards as part of an operating plan:

(a) The board may require that an operating plan include additional mandatory requirements if it is judged by the board that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one years of age or who are apparently intoxicated from obtaining alcohol.

(b) To permit alcohol servers to establish the age of patrons and to prevent over-service, sports/entertainment facilities must meet minimum lighting requirements established by WAC 314-16-030(3) in any area where alcohol is served or consumed. For the purpose of establishing a permanent technical standard, an operating plan may include a lighting standard measured in foot candles, so long as the candle power of the lighting is, at all times, sufficient to permit alcohol servers to establish the validity of documents printed in eight point type.

(3) **Where will spirits, beer, and wine be allowed in a sports/entertainment facility?** The purpose of the following matrix is to outline where and when alcohol service will normally be permitted. Due to the unique nature of each facility, the board will determine the permitted alcohol service based on the facility's approved operating plan.

Type of event as defined in WAC 314-16-265(2)	Beer, wine, and spirits may be sold and served in approved restaurants, lounges, private suites, and club rooms	Beer, wine, and spirits may be sold and served in temporary lounges, beer gardens, or other approved service areas	Wine may be served and consumed in club seats during events	Beer and wine may be consumed throughout seating areas during events	Hawking - Beer may be served throughout seating areas, subject to the provisions of WAC 314-16-270(4)
Professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events	x	x	x	x	x
All other professional sporting events (level of alcohol service will be determined on a case-by-case basis per the approved operating plan)	x	x	x	x	
Amateur sporting events	x	x			
Entertainment events	x	x			
Special events	x	x			

PROPOSED

(a) For private events, beer, wine, and spirits may be served in the separate banquet or meeting rooms where the event is held.

(b) In order to minimize youth access to alcohol, the board may prohibit or restrict the service of alcohol at events where the attendance is expected to be over thirty percent persons under twenty-one years of age. This restriction will not apply to the professional sporting events outlined in WAC 314-16-265 (2)(a).

(4) **Will hawking be allowed at sports/entertainment facilities?** Subject to the provisions of this rule, hawking may be permitted in general seating areas for the sale and consumption of beer, at the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events only, as defined by WAC 314-16-265(2).

(a) An operating plan must include procedures for hawkers to verify the age of purchasers and to prevent service to apparently intoxicated persons.

(b) During hawking, any patron may decline to handle alcoholic beverages, either on behalf of themselves and for any person under their supervision. When a patron objects to handling alcohol, hawkers must accommodate the objection. The facility operating plan will address how hawking will be managed, including how hawkers will respond to patron objections to handling alcohol.

(c) Each facility's hawking authorization will be reviewed by the board one year after the facility commences hawking under these rules and then every two years. This review, which will take no more than ninety days, will recommend the continuation, modification, or repeal of the hawking authorization. The decision to continue hawking will be based on:

(i) The facility's demonstrated record of preventing service of liquor to persons under twenty-one years of age and to persons who appear intoxicated; and

(ii) Public input submitted to the board. The licensee must post written notices to its patrons in event programs and at fixed points of alcohol sales on the premises and provide information over its public address system for at least sixty days prior to the review period, stating that the facility's hawking authorization is up for review by the board, and directing comment to the board. The wording and method of notice must be approved by the board.

NEW SECTION

WAC 314-16-275 How will the operating plans be enforced? (1) The board will inspect sports/entertainment facilities and issue violation notices for:

(a) Infractions of all liquor laws and rules, particularly with regard to persons who appear intoxicated or who are under twenty-one years of age; and

(b) Any significant deviation from the approved operating plan.

(2) Violations of liquor laws or rules that occur as a result of not following the approved operating plan will be considered aggravating circumstances, which permit the board to impose added penalties.

PROPOSED

WSR 99-16-099
EXPEDITED ADOPTION
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed August 4, 1999, 10:12 a.m.]

Title of Rule: Chapter 194-22 WAC, Electric load curtailment.

Purpose: This rule is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy.

Statutory Authority for Adoption: RCW 43.21F.045.

Summary: This change will update references from the "Washington State Energy Office" to the "Washington Department of Community, Trade and Economic Development."

Reasons Supporting Proposal: The Energy Office was dissolved July 1, 1996, and these duties were transferred to the Department of Community, Trade and Economic Development. This rule is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy.

Name of Agency Personnel Responsible for Drafting and Implementation: Cory Plantenberg, 925 Plum Street S.E., Building 4, Olympia, (360) 956-2101; and Enforcement: Julie Palakovich, 925 Plum Street S.E., Building 4, Olympia, (360) 956-2098.

Name of Proponent: Department of Community, Trade and Economic Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this review is to update references in chapter 194-22 WAC from "the Washington State Energy Office" to "the Washington Department of Community, Trade and Economic Development." The Energy Office was dissolved July 1, 1996, and these duties were transferred to the Department of Community, Trade and Economic Development. This rule is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy.

Proposal Changes the Following Existing Rules: The purpose of this review is to update references in chapter 194-22 WAC from "the Washington State Energy Office" to "the Washington Department of Community, Trade and Economic Development."

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 Cory Plantenberg, Department of Community, Trade and Economic Development, P.O. Box 43173, Olympia, WA 98504-3173, AND RECEIVED BY October 4, 1999.

August 4, 1999

Jean L. Ameluxen, Director
Intergovernmental Relations

Title 194 WAC

((ENERGY OFFICE)) DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

AMENDATORY SECTION (Amending WSR 94-20-103, filed 10/4/94, effective 11/4/94)

WAC 194-22-010 Purpose and goal. The purpose of this chapter is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy. This chapter constitutes the Washington state curtailment plan for electric energy (plan). The plan is not intended to be activated for relatively short-term emergencies such as those caused by extremely cold weather or the temporary loss of a major generating plant, but for regional, protracted shortages of electric energy. The plan will be activated by the ~~((Washington state energy office))~~ department of community, trade, and economic development for regional emergencies for which regional curtailment is necessary. Such emergencies may or may not coincide with other emergencies for which other actions, such as repair of damaged facilities, are necessary.

The goal of this plan is to accomplish necessary curtailment while treating consumers fairly and equitably, minimizing adverse impacts from curtailment, complying with existing state laws and regulations, and providing for smooth, efficient, and effective curtailment administration.

AMENDATORY SECTION (Amending WSR 94-20-103, filed 10/4/94, effective 11/4/94)

WAC 194-22-020 Definitions. "Base billing period" is one of the billing periods comprising the base year. Base billing period data may be weather-normalized at each utility's discretion before being used to calculate the amount of curtailment required by consumers.

"Base year" is the period from which required curtailment is calculated. It is normally the twelve-month period immediately preceding imposition of state-initiated load curtailment.

"Critical load consumer" includes consumers that supply essential services relating to public health, safety, welfare, or energy production, and includes but is not limited to those consumers listed in RCW 43.21G.030.

"Curtailment" means electric load reduction, irrespective of the means by which that reduction is achieved.

"Curtailment target" is the maximum amount of energy that a consumer may use and still remain in compliance with the state curtailment request or order; the curtailment target is figured individually for each consumer.

EXPEDITED ADOPTION

"Direct service industries" means industries, primarily aluminum plants, that receive electric power directly from the Bonneville Power Administration (BPA).

"Excess power consumption" is that amount of electric energy consumed during any billing period which is above the consumer's calculated curtailment target. It is calculated as one of two values:

*Actual or estimated load minus curtailment target; or

*Weather-normalized load minus curtailment target.

Under mandatory curtailment, if a consumer's electric energy consumption exceeds the threshold consumption level, all excess power consumption is subject to penalty unless exempted (see WAC 194-22-110, mandatory curtailment enforcement).

"General use customer" refers to any nonresidential consumer who purchased and consumed five average megawatts or less during the base year.

"Major use consumer" refers to any consumer who purchased and consumed over five average megawatts during the base year.

"Minimum audit level" is the minimum percentage of consumers in each consuming sector that must be audited each billing period under mandatory curtailment. The minimum audit level is set by the state and subject to change.

"Region" includes the states of Washington, Oregon, Idaho, and those portions of Montana that are west of the continental divide and/or within the control area of the Montana Power Company.

"Regional curtailment plan for electric energy, May 22, 1992" is the model document on which this plan is based. The regional curtailment plan for electric energy and appendices are a policy document the state will use to guide implementation of this plan. Where there are discrepancies, this chapter applies.

"Regional load" is the electric load placed by ultimate consumers within the region on their respective utility suppliers.

"State" means the (~~Washington state energy office~~) department of community, trade, and economic development. Other state agencies which may participate in curtailment activities include: The office of the governor; the utilities and transportation commission; and the joint senate and house energy and utilities committee established during energy emergencies (~~and the department of community, trade, and economic development~~).

"State contacts" refers to individuals who represent the state of Washington in connection with curtailment issues.

"State-initiated" refers to actions taken by the state to implement load curtailment.

"Threshold consumption level" is the maximum amount of energy that a consumer can use during mandatory load curtailment without being subject to enforcement measures (see WAC 194-22-110, mandatory curtailment enforcement) taken under this plan. The threshold consumption level is set by the state and subject to change.

"Utility contacts" refers to individuals representing utilities in connection with curtailment issues.

"Utility coordinator" is the director of the northwest power pool.

"Utility curtailment reports" are reports summarizing curtailment data, which must be submitted monthly to the state and the utility coordinator. Reporting requirements are provided by the state to utilities.

"Weather-normalization" is the procedure used to reflect the impact of weather on utility load levels, sometimes referred to as "weather-adjustment."

AMENDATORY SECTION (Amending WSR 94-20-103, filed 10/4/94, effective 11/4/94)

WAC 194-22-120 Curtailment administration—Exemptions and adjustments. (1) Utilities will inform consumers how to apply for exemption from plan requirements and for adjustments of base billing period data. Utilities may elect to process exemptions and adjustments only for audited consumers. Consumers seeking an exemption or adjustment shall apply first to their utility and then, if dissatisfied with that outcome, to the state.

(2) No automatic consumer exemptions will be granted under mandatory state-initiated load curtailment. Critical load consumers may be exempted once they have demonstrated to their utility that they have eliminated all nonessential energy use and are using any reliable, cost-effective backup energy resources. Exempted consumers should be informed that exemption may not protect them from Stage 5 black-outs.

(3) Exemptions for consumers not qualifying as critical load consumers under this plan will be evaluated based on whether curtailment would result in unreasonable exposure to health or safety hazards, seriously impair the welfare of the affected consumer, cause extreme economic hardship relative to the amount of energy saved, or produce counterproductive results.

(4) Utilities will maintain a list of all consumers applying for exemption, noting the account, the nature of the requested exemption (base year adjustment or exemption from the mandatory curtailment order), the rationale provided by the consumer, and the action taken by the utility with respect to the request. Records regarding exemption determinations will be made available to the (~~Washington state energy office~~) department of community, trade, and economic development upon request.

AMENDATORY SECTION (Amending WSR 94-20-103, filed 10/4/94, effective 11/4/94)

WAC 194-22-130 Curtailment administration—State appeals board. (1) In the event that mandatory curtailment is ordered, the state shall form an electricity curtailment appeals board (board) to process consumer requests for either exemption or adjustment of base year data where the consumer is appealing a utility determination. The board shall consist of twelve members: The director of the (~~state energy office~~) department of community, trade, and economic development or designee who shall serve as chair, the chair of the Washington utilities and transportation commission or designee, and one representative from each of the following groups as appointed by the governor; public utility districts, cooperative, municipal, and investor-owned utilities, county

and municipal government, commercial and industrial users, and two citizens at large.

(2) The board will:

(a) Develop its own plans and procedures for hearing appeals;

(b) Initiate communications with utilities for receiving appeals; and

(c) Provide information to the governor for any case in which the board refuses to grant the requested exemption or adjustment.

(3) Throughout the appeals process, the state will periodically inform the appealing consumers and their respective utilities of the status of the appeals.

WSR 99-16-112
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 4, 1999, 11:24 a.m.]

Title of Rule:

Amendments to:

WAC	Statutory Authority:	RCW
WAC 296-30-080	Counseling for sexual assault	7.68.030, 7.68.070(12)
WAC 296-30-081	Acceptance of rules and fees for medical and mental health services	7.68.030, 7.68.060, 7.68.080
WAC 296-30-120	Factors considered in order to modify debt due department	7.68.030, 7.68.120
WAC 296-30-170	Payment for medical examination of victims of sexual assault	7.68.030, 7.68.170
WAC 296-30-180	Payment of benefits to prevent unjust enrichment	7.68.030, 7.68.070(15), 7.68.120
WAC 296-31-030	General provider requirements - who may treat	7.68.030, 7.68.080
WAC 296-31-070	Provider obligations - acceptance of rules and fees	7.68.030, 7.68.060, 7.68.080

New sections:

WAC 296-30-085	What is different about billing for a crime victim client?	7.68.030, 7.68.080, 7.68.130
WAC 296-30-090	What are the maximum allowable fees?	7.68.030, 7.68.080, 7.68.130
WAC 296-30-095	How do the rules and fees apply to out-of-state providers?	7.68.030
WAC 296-30-100	Will the department notify providers if a fee schedule is amended or established?	7.68.030
WAC 296-30-105	What protest or appeal rights are available?	7.68.030, 7.68.110, 51.52.050, 51.52.060(1)

WAC 296-31-035	How do I register to become an authorized provider with the crime victims compensation program?	7.68.030, 7.68.080
WAC 296-31-045	Can the department deny, revoke, suspend or impose conditions on a provider's authorization to treat crime victim claimants?	7.68.030, 7.68.080, 7.68.100
WAC 296-31-055	What type of corrective action can be taken against providers?	7.68.030, 7.68.080, 7.68.100, 51.48.080, 51.48.250, 51.48.260, 51.48.280, 51.48.290
WAC 296-31-056	Can providers be charged interest on incorrect or inappropriate payments?	7.68.030, 7.68.080, 51.48.250, 51.48.260
WAC 296-31-057	Can the department penalize a provider?	7.68.030, 7.68.080, 7.68.100, 51.48.060, 51.48.080, 51.48.250, 51.48.260, 51.48.270, 51.48.280, 51.48.290
WAC 296-31-058	What protest and appeal rights are available?	7.68.030, 7.68.110, 51.52.050, 51.52.060(1)
WAC 296-31-074	What if my patient has an unrelated condition?	7.68.030
<u>Repealed sections:</u>		
WAC 296-31-050	Initial treatment and application for benefits	
WAC 296-31-090	Mental health fees	

Purpose: The rules are being rewritten in language that will be clearer to our customers. New sections were added to separate multiple topics that were covered under one rule. Once the information was rewritten and separated out, two rules were left with obsolete or unnecessary information and are being repealed.

Statutory Authority for Adoption: See Title of Rule above.

Statute Being Implemented: Chapter 7.68 RCW, Crime Victims Act.

Summary: In connection with the Governor's Executive Order 97-02 on regulatory improvement, the crime victims compensation program is conducting an intensive review of its administrative rules. These proposed amendments clarify language without changing the effect.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cletus Nnanabu, 7273 Linderson Way, Tumwater, WA, (360) 902-5340.

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: These rules are the second segment of rules the crime victims compensation program will be rewriting under an intensive rule review in connection with the Governor's Executive Order 97-02 on regulatory improvements. The

EXPEDITED ADOPTION

conclusion following intensive review was that the rules could be rewritten to be clearer to victims and to service providers. Many of the rules had multiple topics which were separated out into new sections. There are no changes in regulations. The purpose and anticipated effect will be that the rules are easier to understand to all parties.

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 Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY October 4, 1999.

July 30, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-30-080 ((Counseling for sexual assault.))
Can family members of sexual assault victims receive counseling? ((1) Pursuant to RCW 7.68.070(12), the department shall pay for counseling for victims of sexual assault and, when appropriate, for members of a victim's immediate family. An immediate family member shall be defined as the victim's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

(2) Counseling for the above defined family members is appropriate when:

(a) The counseling is for the spouse, child, parent, or sibling of the victim who suffers psychological trauma as a result of the sexual assault; or

(b) The family member and victim live in the same household and the family member suffers psychological trauma as a result of the sexual assault; or

(c) The family member sees the assault; or

(d) Counseling of the family member will aid in the victim's recovery.)) (1) Counseling for immediate family members of sexual assault victims is appropriate when:

(a) The family member suffers psychological trauma as a result of the sexual assault;

(b) Counseling the family member will help the client's recovery.

(2) Immediate family members are the client's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family unit.

(3) Counseling for immediate family members will be covered under the victim's sexual assault claim.

AMENDATORY SECTION (Amending WSR 99-07-004, filed 3/4/99, effective 4/4/99)

WAC 296-30-081 ((Acceptance of rules and fees for medical and mental health services.)) What are the general obligations of a provider who provides medical or mental health services to a crime victim? ((Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees*, less any available benefits of public or private collateral resources, except as follows:

The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue code are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a).

If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees* is lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the medical fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
P.O. Box 44322
Olympia, WA 98504-4322

To request advance notice of the establishment or amendment of the mental health fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Crime Victims Compensation Section
P.O. Box 44520
Olympia, WA 98504-4520

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist, bills must be received within ninety days following payment or rejection

by the resource. A copy of the payment or rejection must accompany the bill.

If the service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid, and bill the department for services rendered at their usual and customary fees if such rates are in excess of the public or private insurance entitlements.

On claims closed over ninety days, the department will pay for completion of a reopening application (Code 1041M), an office visit and diagnostic studies necessary to complete the application. No other benefits will be paid until the adjudication decision is rendered. When reopening is granted, the department can pay benefits for a period not to exceed sixty days prior to the date the reopening application is received by the department.

Providers outside of the state of Washington are subject to the same requirements, and are paid the same fees, as providers inside the state, with the exception of independent medical or mental health examinations, which will be paid at the examiner's usual customary fee. (1) When treating a crime victim who comes under our jurisdiction, you agree to accept and comply with the department's rules and fees.

(a) Medical providers must comply with this chapter and the department's medical aid rules and fee schedules.

(b) Mental health providers must comply with this chapter and the Crime Victims Compensation Programs Mental Health Treatment Rules and Fees.

(2) You must inform the victim of his or her rights under the Crime Victims Act and give whatever assistance is necessary for the victim to apply for compensation and provide proof of other matters required by our rules. Providers may not charge the victim for these services.

NEW SECTION

WAC 296-30-085 What is different about billing for a crime victim client? (1) Providers must qualify as approved providers and register with the crime victims compensation program before they are authorized to provide treatment and receive payment. To register with the crime victims compensation program, you must send us:

(a) A completed provider application and Form W-9.

(b) A legible copy of your professional license, certification and/or registration.

(c) Ph.Ds not licensed as psychologists and master level counselors must provide a legible copy of their degree.

(2) Providers must determine if any public or private insurance benefits are available before billing the department. Available public or private insurance must be billed first and a copy of the insurance explanation of benefits must be attached to billings submitted to the department.

(3) A client must not be billed for treatment of his or her accepted condition. All copayments, deductibles or out of pocket expenses not covered by primary insurance should be included in your billings to the department.

EXCEPTION: A provider may require the client to pay for treatment if the client's eligibility is in question (e.g., when an investigation or claim determination is pending). If the

claim is subsequently allowed, the provider must refund the client in full and bill us at their usual and customary fees if such rates are in excess of the public or private insurance entitlements.

(4) On claims closed over ninety days, we will pay for completion of a reopening application, an office visit and diagnostic studies necessary to complete the application. No other benefits will be paid until the reopening decision is made. If the reopening application is approved, we can pay benefits for a period not to exceed sixty days prior to the date the reopening application was received by us.

NEW SECTION

WAC 296-30-090 What are the maximum allowable fees? (1) Maximum allowable fees for medical services are those fees published in the *Medical Aid Rules and Fee Schedules* less any available benefits of public or private insurance.

(2) Maximum allowable fees for mental health services are those fees published in the *Crime Victims Compensation Program Mental Health Treatment Rules and Fees* less any available benefits of public or private insurance.

EXCEPTION: If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules* and *Crime Victims Compensation Program Mental Health Treatment Rules and Fees* are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

(3) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

NEW SECTION

WAC 296-30-095 How do the rules and fees apply to out-of-state providers? Rules and fees are the same for out-of-state providers as for in state providers.

EXCEPTION: Out-of-state independent medical or mental health examinations are reimbursed at the examiners usual and customary fee.

NEW SECTION

WAC 296-30-100 Will the department notify providers if a fee schedule is amended or established? We will give you at least thirty days advance notice by mail when we amend or establish a fee schedule.

NEW SECTION

WAC 296-30-105 What protest or appeal rights are available? If you or the client do not agree with our order, decision or award a written protest may be sent to the crime victims compensation program or appeal to the board of industrial insurance appeals. A protest or appeal to our order or decision requiring repayment by a provider must be received within twenty days from receipt of the order or decision. A protest or appeal regarding other issues must be received within ninety days of receipt of the order or decision.

Note: Protest and appeal rights are governed under chapter 51.52 RCW and RCW 7.68.110.

AMENDATORY SECTION (Amending WSR 97-02-090, filed 12/31/96, effective 1/31/97)

WAC 296-30-120 ((Factors considered in order to modify debt due department.)) May the department waive, modify or adjust the debt owed by a convicted offender? ((RCW 7.68.120 allows the department in the interest of justice or rehabilitation, to waive, modify, or adjust the debt owed to the department by any person found to have committed the criminal act for which crime victim benefits were paid. To determine whether or not the debt should be modified, waived or adjusted, the department shall consider the following factors:

- (1) The gravity of the offense;
- (2) Extent of injury to victim;
- (3) Type of crime;
- (4) Circumstances surrounding the criminal act;
- (5) The assailant's attempts at rehabilitation:
 - (a) Rehabilitation program involvement;
 - (b) Employment efforts;
 - (c) Community involvement;
- (6) Ability to pay:
 - (a) Income;
 - (b) Necessary expenses;
 - (c) Number and ages of dependents;
- (7) Sentence imposed by the court;
- (8) The impact on the victim of reducing the debt.)) Yes,

the department may consider the following issues in the decision. The list is not inclusive.

- (1) Justice:
 - (a) Gravity of the criminal offense;
 - (b) History of criminal convictions;
 - (c) Type of crime;
 - (d) Circumstances surrounding the criminal act;
 - (e) Sentence imposed by the court.
- (2) Well-being of the victim:
 - (a) Extent of injury to victim;
 - (b) Safety of victim;
 - (c) Dependency of the victim on the offender;
 - (d) Recovery of victim.
- (3) Rehabilitation of the individual:
 - (a) Attempts at rehabilitation;
 - (b) Employment status;
 - (c) Ability to pay.

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-170 ((Payment for medical examination of victims of sexual assault.)) Who is required to pay for sexual assault examinations? ((A victim of sexual assault is entitled to payment for the costs of a medical examination under RCW 7.68.170 regardless of whether she or he qualifies for benefits under chapter 7.68 RCW, if the hospital or emergency medical facility proves to the department that:

(1) The care was provided; and

(2) The examination was performed at least in part to gather medical evidence for possible prosecution of the assailant.)) When a sexual assault examination is performed for the purpose of gathering evidence for possible prosecution, the costs of the examination must be billed to the crime victims compensation program. We are the primary payer of this benefit. The client is not required to file an application with us to receive this benefit and may not be billed for these costs. If the examination includes treatment costs or the client will require follow-up treatment, an application for benefits must be filed with us for these services to be considered for payment.

AMENDATORY SECTION (Amending WSR 97-02-090, filed 12/31/96, effective 1/31/97)

WAC 296-30-180 ((Payment of benefits to prevent unjust enrichment.)) What protection is available to crime victims to prevent unjust enrichment to others from their benefits? ((RCW 7.68.070(15) prohibits the department from paying any benefits or compensation to the person who caused a crime victim's injuries, or to any other person if that person would be unjustly enriched by the benefits. In some situations, as when a child is injured by a parent or a spouse by the other spouse, there is a danger that the injuring person will divert to his or her own use the benefits or compensation intended for the victim.

To prevent this possibility, the department may on its own motion or the motion of the victim or his or her guardian, request that the victim or other responsible adult establish (1) a trust for which the trustee shall be a neutral third person; or (2) a savings or checking account for which a neutral third person must cosign all withdrawals or checks. Crime victims compensation benefits shall then be deposited in the established account.

The department shall continue to pay medical providers directly.)) (1) The Crime Victims Act prohibits the department from paying benefits or compensation to a person:

(a) Who caused the crime victim's injuries; or

(b) Any person who would be unjustly enriched by the victim's benefits (e.g., there is a danger the person may divert benefits intended for the victim to his or her own use).

(2) To prevent unjust enrichment, the department, victim, or the victim's guardian may file a motion to:

(a) Request that the victim or other responsible adult establish:

(i) A trust account with a neutral third party as trustee; or

(ii) A savings or checking account with a neutral third party to cosign all withdrawals or checks.

(b) Crime victim compensation benefits will then be deposited in the established account.

(3) The department will continue to pay providers directly.

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-030 (~~General provider requirements—Who may treat.~~) **What are the eligibility requirements of a mental health treatment provider under the Crime Victims Act?** (1) Mental health providers ~~(who may treat claimants under the Crime Victims Act must register with the crime victims compensation program and qualify as an approved provider under these rules. The department must register the mental health provider before the mental health provider is eligible for payment for services.~~

~~(2) Washington permanently licensed psychiatrists, psychologists and advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, and registered and/or certified master level counselors whose master's degree is in a field of study related to mental health services including but not limited to, social work, marriage and family therapy or mental health counseling, who are registered with the crime victims program are authorized to provide treatment in accordance with these rules to claimants.~~

~~Out-of-state providers must be licensed, registered and/or certified in accordance to the licensing requirements within the state in which they practice. Copies of license, registration and/or certification must be provided when applying for approval to treat Washington state crime victims)) must qualify as an approved provider and register with the crime victims compensation program before they are authorized to provide treatment and receive payment in accordance with these rules.~~

(2) The following providers who are permanently licensed, registered or certified in Washington are eligible to register with this program:

(a) Psychiatrists;

(b) Psychologists;

(c) Advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing;

(d) Ph.Ds not licensed as psychologists and master level counselors whose master's degree is in a field of study related to mental health services including, but not limited to, social work, marriage and family therapy or mental health counseling.

(3) Out-of-state providers must be currently licensed, registered and/or certified within the state in which they practice. Washington requires mental health counselors to have a masters degree to treat Washington crime victim clients.

EXCEPTION: In areas where the department has determined licensed, registered and/or certified providers are not available, the department may consider registration exceptions on an individual ((ease)) basis.

~~((3) The department has a duty to supervise provision of proper and necessary mental health care that is delivered~~

promptly, efficiently, and economically. The department may deny, revoke, suspend, limit, or impose conditions on a mental health care provider's authorization to treat victims under the Crime Victims Act. Reasons for imposing any of the above restrictions include, but are not limited to the following:

(a) Negligence or incompetence which results in injury to a claimant or which creates an unreasonable risk that a claimant may be harmed.

(b) The illegal possession, use, prescription for use, or distribution of controlled substances, legend drugs, or addictive, habituating, or dependency inducing substances in any way other than for therapeutic purposes.

(c) Any temporary or permanent probation, suspension, revocation, or other relevant type of limitation of a provider's license, certification or registration to practice by any court, board, or administrative agency.

(d) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the provider's profession. The act need not constitute a crime. If a conviction or finding of such an act is reached by a court or other tribunal pursuant to plea, hearing, or trial, a certified copy of the conviction or finding is conclusive evidence of the violation.

(e) Failure to comply with the department's orders, rules, or policies.

(f) Failure, neglect, or refusal to:

(i) Submit copies of license, certification and/or registration and degree to the department.

(ii) Maintain and provide records requested by the department pursuant to a health care services review or an audit.

(iii) Submit complete, adequate, and detailed reports or additional reports requested or required by the department regarding the treatment and condition of a claimant.

(g) The submission of, or collusion in the submission of, false or misleading reports or bills to any government agency.

(h) Billing a claimant for:

(i) Treatment of a condition for which the department has accepted responsibility; or

(ii) Any amount more than the amount paid by the department under the maximum allowable fee set forth in these rules and any other charge with the exception of "no show" appointment charges. The department has no provision to pay charges for missed appointments, except for independent assessments arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

(i) Repeated failure to recognize emotional and social factors impeding recovery of a claimant who is being treated under the Crime Victims Act.

(j) Repeated unreasonable refusal to comply with the recommendations of board certified or qualified consultants who have examined or reviewed a claim for the department.

(k) Repeated use of:

(i) Treatment of controversial or experimental nature;

(ii) Contraindicated or hazardous treatment; or

(iii) Treatment past stabilization of the condition or after maximum mental health improvement has been obtained.

(l) Declaration of mental incompetency by a court or other tribunal.

~~(m) Failure to comply with the applicable code of professional conduct or ethics.~~

~~(n) Failure to inform the department of any disciplinary action issued by order or formal letter taken against the provider's license, certification or registration to practice.~~

~~(o) The finding of any peer group review body of reason to take action against the provider's practice privileges.~~

~~(p) Misrepresentation or omission of any material information in the application for authorization to treat claimants.~~

~~(q) Repeated billing of the department for services that are available to claimants from public or private insurance sources. The crime victims compensation program is a secondary insurer. Providers should bill the department only after all benefits available to the claimant from public or private insurance are exhausted.~~

~~(4) If the department finds reason to take corrective action, the department may also order one or more of the following:~~

~~(a) Recoupment of payments made to the provider, including interest, at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made.~~

~~(b) Denial or reduction of payment;~~

~~(c) Placement of the provider on a prepayment review status requiring the submission of supporting documents prior to payment;~~

~~(d) Requirement to satisfactorily complete education courses and/or programs; and~~

~~(e) Imposition of other appropriate restrictions or conditions on the provider to include revocation of the privilege to be reimbursed for treating victims under the Crime Victims Act.~~

~~(5) The department shall forward a copy of any corrective action taken against a provider to the applicable disciplinary authority.~~

~~(6) Appeal and protest rights: A provider may file a written protest to any department order, decision, or award. An appeal or protest to an order or decision demanding repayment of sums must be submitted to the department or the board of industrial insurance appeals within twenty days from receipt of the order or decision. An appeal or protest to an order or decision regarding other issues, e.g., ongoing treatment or provider eligibility, must be filed within sixty days from receipt of the order or decision. Appeal and protest rights are governed under chapter 51.52 RCW and RCW 7.68.110.)~~

NEW SECTION

WAC 296-31-035 How do I register to become an authorized provider with the crime victims compensation program? You must send us:

(1) A completed provider application and Form W-9;

(2) A legible copy of your license, certification and/or registration;

(3) Ph.Ds not licensed as psychologists and master level counselors must provide a legible copy of their degree.

NEW SECTION

WAC 296-31-045 Can the department deny, revoke, suspend or impose conditions on a provider's authorization to treat crime victim claimants? The department has a duty to supervise the provisions of proper and necessary mental health care that is delivered promptly, efficiently and economically. We may deny, revoke, suspend or impose conditions on your authorization to treat crime victim claimants for reasons that include, but are not limited to:

(1) Incompetence or negligence that results in injury to a client or that exposes the client to harm.

(2) The possession, use, prescription for use, or distribution of controlled substances, legend drugs, or addictive, habituating or dependency-inducing substances except for therapeutic purposes.

(3) Limits placed on your license, certification and/or registration by any court, board or administrative agency. The limits may be temporary or permanent and may involve probation, suspension or revocation.

(4) The commission of any act involving moral turpitude, dishonesty, or corruption that relates to the practice of your profession. The act does not need to be a crime. If a court or other tribunal issues a conviction or finding regarding the act, a certified copy of the conviction or finding is conclusive evidence of the violation.

(5) Failure to comply with our rules, orders or policies.

(6) Failure, neglect or refusal to:

(a) Provide us with copies of your license, certification and/or registration and degree;

(b) Provide records requested by the department pursuant to a health care service review or an audit;

(c) Provide us with complete and timely reports that we require, or additional reports or records that we request.

(7) The submission or collusion in the submission of false or misleading reports or bills to any government agency.

(8) Billing a claimant for:

(a) Treatment of a condition for which the department has accepted responsibility; or

(b) The difference between the amount paid by the department and/or public or private insurance under the maximum allowable fee set forth in these rules and any other charge.

(9) Repeated failure to notify the department immediately and prior to burial in any death, where cause of death is not definitely known and possibly related to a crime victim injury.

(10) Repeated failure to recognize emotional and social factors that impede a client's recovery.

(11) Repeated unreasonable refusal to comply with the recommendations of a board certified or qualified specialist who examines or reviews a claim for us.

(12) Repeated use of treatment that is:

(a) Controversial or experimental;

(b) Contraindicated or hazardous;

(c) Performed after the condition stabilizes; or

(d) Performed after maximum mental health improvement is reached.

(13) Mental incompetence declared by a court or other tribunal.

(14) Failure to comply with the applicable code of professional conduct or ethics.

(15) Failure to inform us of disciplinary action against your license, certification or registration to practice, issued by order or formal letter.

(16) The finding of reason(s) to take action against your privileges to practice by any peer group review body.

(17) Misrepresentation or omission of any material information in your application for authorization to treat crime victims.

(18) Repeated billing of the department for services that are available to clients from public or private insurance sources. You must bill us only after all public or private insurance benefits are exhausted.

NEW SECTION

WAC 296-31-055 What type of corrective action can be taken against providers? (1) If the department finds reason to take corrective action, we may also order one or more of the following:

(a) Recoup our payments to you with interest.

(b) Deny or reduce payment.

(c) Assessment of penalties for each action that falls within the scope of WAC 296-31-045 (1) through (18).

(d) Place you on a prepayment review status that requires you to submit supporting documents prior to payment.

(e) Require you to satisfactorily complete education courses and/or programs.

(f) Impose other appropriate restrictions or conditions, including revoking your privilege to be reimbursed for treating clients under the Crime Victims Act.

(2) Cases involving questions of ethics or quality of care will be referred to the department of health.

(3) We will forward a copy of any corrective action taken against you to the applicable disciplinary authority.

NEW SECTION

WAC 296-31-056 Can providers be charged interest on incorrect or inappropriate payments? (1) When you receive a payment to which you are not entitled, you must repay the excess payment, plus accrued interest, without regard to whether the excess payment occurred due to your error or department error or oversight.

EXCEPTION: If you accept in good faith a determination by the department that a crime victim client is eligible for benefits under the Crime Victims Act and we later determine the client was ineligible for services, interest will not begin to accrue until notification is received by you that the client was ineligible.

(2) Interest will accrue on excess payments at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made. When partial payment of an excess payment is made, interest accrues on the remaining balance.

(3) The department has the option of requesting you to remit the amount of the excess payment and accrued interest or offsetting excess payments and accrued interest against future payments due to you.

NEW SECTION

WAC 296-31-057 Can the department penalize a provider? The penalty provisions for physicians contained in chapter 51.48 RCW are the same for mental health providers under these rules.

NEW SECTION

WAC 296-31-058 What protest and appeal rights are available? If you or the client do not agree with our order, decision or award a written protest may be sent to the crime victims compensation program or appeal to the board of industrial insurance appeals. A protest or appeal to our order or decision requiring repayment by a provider must be received within twenty days from receipt of the order or decision. A protest or appeal regarding other issues must be received within ninety days of receipt of the order or decision.

Note: Protest and appeal rights are governed under chapter 51.52 RCW and RCW 7.68.110.

AMENDATORY SECTION (Amending WSR 95-15-004, filed 7/5/95, effective 8/5/95)

WAC 296-31-070 ((~~Provider obligations—Acceptance of rules and fees.~~) What are my general obligations as an approved mental health provider? ((1) The filing of a crime victims compensation claim, or the rendering of treatment to a victim who comes under the department's jurisdiction constitutes acceptance of the department's crime victims compensation mental health rules and mental health fees and compliance with its rules and fees. In accordance with RCW 7.68.060(1) of the Crime Victims Act, when a mental health provider renders treatment to a victim entitled to benefits under the law, it shall be the duty of the mental health provider to inform the victim of his or her rights under this title and to lend all necessary assistance in making the application for compensation and such proof of other matters as required by the rules of the department without charge to the victim; a victim shall not be billed for treatment rendered for his or her accepted condition. The department may be contacted to obtain brochures and copies of the act.

~~When there is questionable eligibility, (e.g., service is not usually allowed for crime victims when a investigation or claim determination is pending), the provider may require the claimant to pay for the treatment rendered. In cases of questionable eligibility where the provider has billed the claimant or other insurance, and the claim is subsequently allowed, the provider shall refund the claimant in full within thirty days of notification of allowance of claim and bill the department for services rendered at usual and customary charges. Cases in which there is a question of ethics or quality of care will be referred to the department of health.~~

~~(2) The department must be notified immediately when an unrelated condition is being treated concurrently with an accepted condition.~~

~~(3) Penalties. The reporting requirements and penalty provision for physicians contained in RCW 51.36.060 and 51.48.060 shall be the same for physicians under these rules pursuant to RCW 7.68.100.~~

~~(4) Conditions preexisting the accepted condition are not the responsibility of the department. When an unrelated condition is being treated concurrently with the accepted condition, the attending practitioner must notify the department immediately and submit the following:~~

- ~~(a) Diagnosis and/or nature of unrelated condition.~~
- ~~(b) Treatment being rendered.~~
- ~~(c) The effect, if any, on accepted condition.~~

~~Temporary treatment of an unrelated condition may be allowed, upon prior approval by the department, provided these conditions directly retard recovery of the accepted condition. The department will not approve or pay for treatment for a known preexisting unrelated condition for which the claimant was receiving treatment prior to his or her crime victims claim, which is not retarding recovery from his or her accepted condition.~~

~~A thorough explanation of how the unrelated condition is affecting the accepted condition must be included with the request for authorization.~~

~~The department will not pay for treatment of an unrelated condition when it no longer exerts any influence upon the accepted condition. When treatment of an unrelated condition is being rendered, reports must be submitted monthly outlining the effect of treatment on both the unrelated and the accepted conditions.~~

~~The department will not pay for treatment of unrelated conditions unless specifically authorized, including purchases of drugs or medicines.) (1) When treating a crime victim who comes under our jurisdiction, you agree to accept and comply with the *Crime Victims Compensation Program Mental Health Treatment Rules and Fees*.~~

~~(2) You must inform the client they may be entitled to benefits under the Crime Victims Act and provide whatever assistance is necessary for the client to apply for benefits. There is no charge for these services.~~

~~(3) It is the responsibility of the client to notify the provider if they believe their condition is related to a criminal act. If you discover a condition that you believe is crime related, you must notify the client. It is your responsibility to determine if you are the first treating provider.~~

~~(4) If you are the first treating provider, you must:~~

- ~~(a) Provide crisis intervention as necessary;~~
- ~~(b) Provide instructions or help the client complete their portion of the application for benefits; and~~
- ~~(c) Continue necessary treatment according to our mental health rules if the client remains in your care.~~

~~(5) If you are not the first treating provider, you should ask the client if an application for benefits has been filed for the condition.~~

~~(a) If an application for benefits has been filed, and you and the client agree that a change of provider is desirable, the department should be notified of the transfer according to WAC 296-31-068.~~

(b) If an application for benefits has not been filed:

(i) Provide instructions or help the client complete their portion of the application for benefits; and

(ii) Include the name and address of the original provider, if known.

Note:

Providers must determine if the client has public or private insurance benefits available. If there is, the provider should make sure they would be able to continue treating under the client's primary insurance. Crime victims compensation is secondary to other benefits according to RCW 7.68.130.

(6) You must notify us and the client of the date they are released to regular work. Time-loss compensation terminates on the release date. We may allow further treatment if:

(a) You request it;

(b) Treatment is needed; and

(c) The accepted condition is not fixed and stable.

(7) You must notify us if permanent functional impairment or loss (permanent partial disability) is indicated after maximum recovery of the accepted condition is achieved. We will arrange to have impairments rated according to WAC 296-20-200 et al.

(8) A client must not be billed for treatment, except under the following condition:

A provider may require the client to pay for treatment if the client's eligibility is in question (e.g., when an investigation or claim determination is pending). If the claim is subsequently allowed, the provider must refund the client in full and bill us at their usual and customary fees if such rates are in excess of the public and private insurance entitlements.

(9) You must not bill a client for missed or no show appointments. No fee is payable by the department for missed appointments unless the appointment is for an examination arranged by the department.

NEW SECTION

WAC 296-31-074 What if my patient has an unrelated condition? (1) You must immediately notify us when you are treating an unrelated condition concurrently with an accepted condition and provide us with the following information:

(a) Diagnosis and/or nature of unrelated condition;

(b) Treatment being provided; and

(c) The effect, if any, on the accepted condition.

(2) Temporary treatment of an unrelated condition may be allowed and payment for service authorized if:

(a) We approve your request for authorization prior to treatment;

(b) You give us a thorough explanation of how the unrelated condition is affecting the accepted condition;

(c) Treatment of the unrelated condition is retarding recovery of the accepted condition; and

(d) We receive monthly reports from you, outlining treatment and its effect on both the unrelated and accepted conditions.

(3) We will not approve or pay for treatment of:

- (a) An unrelated condition that has no influence or no longer influences the existing condition.
- (b) A preexisting unrelated condition that was treated prior to acceptance of the crime victim's claim, unless it is retarding recovery of the accepted condition.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 296-31-050 | Initial treatment and application for benefits. |
| WAC 296-31-090 | Mental health fees. |

EXPEDITED ADOPTION



WSR 99-15-067
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Adult Services)
 (Office of Rates Management)

[Filed July 19, 1999, 10:32 a.m.]

Date of Adoption: July 19, 1999.

Purpose: To change cross references in chapter 388-78A WAC from chapter 246-316 WAC to chapter 388-78A WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-020, 388-78A-040, 388-78A-050, 388-78A-055, 388-78A-150, 388-78A-240, 388-78A-265, 388-78A-320, and 388-78A-330.

Statutory Authority for Adoption: RCW 18.20.240.

Adopted under notice filed as WSR 99-09-052 on April 19, 1999.

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 9, 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 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 1999

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications. (1) A person shall have a current license issued by the department before operating or advertizing a boarding home.

(2) An applicant for initial licensure shall submit to the department, forty-five days or more before commencing business:

(a) A completed application on forms provided by the department;

(b) Verification of department approval of facility plans submitted for construction review;

(c) A criminal history background check in accordance with WAC ((246-316-045(2))) 388-78A-045(2);

(d) The fee specified in WAC ((246-316-990)) 388-78A-990; and

(e) Other information as required by the department.

(3) A licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

(a) A completed application on forms provided by the department;

(b) A criminal history background check in accordance with WAC ((246-316-045(2))) 388-78A-045(2);

(c) The fee specified in WAC ((246-316-990)) 388-78A-990; and

(d) Other information as required by the department.

(4) A licensee, prior to accepting adults for day care, shall:

(a) Submit a letter to the department which includes:

(i) The maximum number of adults in the proposed day care program; and

(ii) An attestation of meeting the requirements in WAC ((246-316-330)) 388-78A-330;

(b) Obtain written department approval, including the maximum approved capacity for day care adults; and

(c) Maintain and post written approval in a conspicuous place on the boarding home premises.

(5) A licensee may provide respite care within the licensed bed capacity.

(6) A licensee, prior to changing the licensed bed capacity, shall:

(a) Submit a letter requesting approval to the department at least thirty days before the intended change;

(b) Submit the prorated fee as determined by the department; and

(c) Obtain an amended license indicating the new bed capacity.

(7) A licensee, prior to changing the location or use of rooms listed on the licensed room list shall:

(a) Notify the department in writing thirty days or more before the intended change; and

(b) Maintain a copy of the licensed room list.

(8) At least thirty days before selling, leasing, or renting the boarding home or changing officers or partners, and immediately upon a change of administrator, the licensee shall submit to the department:

(a) Name and address of the boarding home;

(b) Type of change;

(c) Full names of the present and prospective licensee;

(d) Date of proposed change;

(e) Names and addresses of all responsible officers or controlling partners; and

(f) A signed statement attesting that any new controlling officers are in compliance with this chapter.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-040 Administrator. (1) The licensee shall employ an administrator and designate an alternate administrator who are twenty-one or more years of age, and:

(a) Hold an associate degree in health, personal care, or business administration, such as:

(i) Social work;

(ii) Nursing;

(iii) Nutrition;

- (iv) Physical therapy;
- (v) Occupational therapy; or
- (vi) Management; or
- (b) Hold an advanced degree in a field specified in (a) of this subsection; or
- (c) Are certified by a department-recognized national accreditation health or personal care organization, such as the American Association of Homes for the Aging; or
- (d) Have a high school diploma or equivalent and two years experience as a resident-care staff person, including one year of caring for residents representative of the population in the boarding home; or
- (e) Held the position of an administrator in a Washington state licensed boarding home or nursing home prior to August 1, 1994.

(2) The administrator, or alternate administrator when acting as the administrator, shall:

- (a) Be responsible for the overall twenty-four-hour-per-day operation of the boarding home; and
 - (i) Provide for the care of residents; and
 - (ii) Comply with this chapter and policies of the licensee; and
- (b) Be available in person or by telephone or electronic pager at all times.

(3) The administrator and alternate administrator shall meet the requirements for criminal history background checks in WAC ((246-316-045)) 388-78A-045.

(4) Upon the appointment of a new administrator or alternate administrator, the licensee shall provide in writing to the department:

- (a) The full name of the new administrator or alternate administrator; and
- (b) A statement that the new administrator or alternate administrator is in compliance with this chapter.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-050 Staff. (1) The licensee shall:

- (a) Develop and maintain written job descriptions for the administrator and each staff position;
- (b) Verify work references;
- (c) Verify required credentialing is current and in good standing for licensed and certified staff;
- (d) Document and retain weekly staffing schedules, as planned and worked, for the last twelve months;
- (e) Provide sufficient, trained staff in each boarding home to:
 - (i) Furnish the services and care needed by residents;
 - (ii) Maintain the boarding home free of safety hazards; and
 - (iii) Implement fire and disaster plans;
- (f) Assure one or more resident-care staff eighteen years of age or older, with current cardiopulmonary resuscitation and first-aid cards, is present to assist residents at all times:
 - (i) On the boarding home premises when one or more residents are present;
 - (ii) Off the boarding home premises during boarding home activities; and
 - (iii) When staff transport a resident;

(g) Assure staff provide "on-premises" supervision when any resident is working for, or employed by, the boarding home; and

(h) Provide staff orientation and appropriate training for expected duties, including:

- (i) Organization of boarding home;
- (ii) Physical boarding home layout;
- (iii) Specific duties and responsibilities; and
- (iv) Policies, procedures, and equipment necessary to perform duties.

(2) The licensee shall, in addition to following WISHA requirements, protect residents from tuberculosis by requiring each staff person to have, upon employment:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older;

(c) A chest x-ray within seven days of any positive Mantoux skin test.

(3) The licensee shall report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority.

(4) The licensee shall retain records of tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers in the boarding home.

(5) The licensee shall assure that all resident-care staff including those transporting residents and supervising resident activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by:

- (i) American Red Cross;
- (ii) American Heart Association;
- (iii) United States Bureau of Mines; or
- (iv) Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection, except nurses do not need first-aid cards.

(6) The licensee shall restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the boarding home setting or by casual contact.

(7) The licensee shall assure any staff person suspected or accused of abuse does not have access to any resident until the licensee investigates and takes action to assure resident safety to the satisfaction of the department.

(8) The licensee shall not interfere with the investigation of a complaint, coerce a resident, or conceal evidence of alleged improprieties occurring within the boarding home.

(9) The licensee shall prohibit an employee from being directly employed by a resident or a resident's family during the hours the employee is working for the boarding home.

(10) The licensee shall maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(a) Staff orientation and training pertinent to duties, including cardiopulmonary resuscitation, first-aid, tuberculin skin testing and HIV/AIDS training;

(b) Criminal history disclosure and background checks as required in WAC ((246-316-045)) 388-78A-045; and

(c) Verification of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-055 Policies and procedures. (1) The licensee shall establish and observe the following written policies and procedures, consistent with this chapter and services provided:

(a) Accepting and retaining residents, including specific policies, if any, for accepting or retaining residents needing state income assistance;

(b) Anti-discrimination;

(c) Limited nursing services consistent with WAC ((246-316-265)) 388-78A-265;

(d) Health care services arranged by a resident under the provisions of WAC ((246-316-268)) 388-78A-268, specifying the types of services allowed in the boarding home, and who has the responsibility for each aspect of the resident's care;

(e) Infection control, including:

(i) Cleaning and disinfecting toilets, bathing fixtures, floors, furniture, and common areas;

(ii) Cleaning resident rooms and furnishings;

(iii) Handwashing;

(iv) Managing staff and residents with communicable disease;

(v) Reporting communicable diseases in accordance with the requirements in chapter 246-100 WAC;

(vi) Handling and storing supplies and equipment used for resident services;

(vii) Infectious waste disposal;

(viii) Bloodborne pathogens in accordance with chapter 296-62 WAC; and

(ix) Laundry and handling of soiled and clean linens;

(f) Supervising and monitoring residents;

(g) Managing aggressive, assaultive residents, including but not limited to:

(i) Controlling violent residents; and

(ii) When and how to seek outside intervention;

(h) Food services, including but not limited to:

(i) Food service sanitation;

(ii) Procuring and storing food;

(iii) Meal times;

(iv) Modified diets;

(v) Food preparation;

(vi) Nutrient supplements; and

(vii) Food and meal substitution;

(i) Maintaining resident records and register;

(j) Medication services for each service category offered in the boarding home;

(k) Boarding home safety;

(l) Adult day care;

(m) Care of residents with dementia, delineating special services required;

(n) Emergency medical care and first-aid, including:

(i) Major emergencies;

(ii) Minor emergencies; and

(iii) Staff actions upon finding a resident not responsive to appropriate stimuli;

(o) Death of a resident;

(p) Suspected abuse, neglect, or exploitation including but not limited to:

(i) Reporting requirements according to chapters 26.44 and 74.34 RCW;

(ii) Responsibility of staff to immediately contact the department directly regarding suspected or alleged abuse or other improprieties, without retaliation from the licensee or administrator;

(iii) Protocol to protect residents according to WAC ((246-316-050(7))) 388-78A-050(7); and

(iv) Additional steps to take in the event of suspected rape or sexual abuse, including:

(A) Immediate medical examination of the alleged victim, with prior notice to the examining physician that the patient may have been raped or sexually abused;

(B) Arranging for a counselor or other professional knowledgeable in the field of rape and sexual assault to question or interview the resident, and provide counseling or intervention, when appropriate; and

(C) Allowing only staff with special training in the field of rape and sexual assault to question the victim or the suspected perpetrator regarding the alleged incident, unless the department, police or prosecutor's office instructs otherwise;

(q) Protecting residents and maintaining living accommodations during internal and external disasters, such as fires, explosions, earthquakes, flooding, hazardous environmental contamination, and other events that jeopardize the safety of residents, describing:

(i) On-duty staff responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment; and

(vi) Emergency communication plan;

(r) Advance directives as described in chapter 70.122 RCW, Natural Death Act;

(s) Resident's temporary absence from the boarding home;

(t) Confidentiality of resident information;

(u) Criminal history background checks in accordance with WAC ((246-316-045)) 388-78A-045;

(v) Resident trust funds; and

(w) Smoking, including means to protect nonsmokers.

(2) The licensee shall make the policies and procedures specified in subsection (1) of this section available to staff at all times and residents and residents' representatives upon request.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-150 Resident room—Room furnishings—Storage. (1) The licensee shall provide each resident sleeping room or area, except as permitted in subsection (3) of this section, with:

(a) Eighty or more square feet of usable floor space in a one-person room or area;

(b) Seventy or more square feet of usable floor space per individual in a room occupied by two or more individuals;

(c) A minimum ceiling height of seven feet six inches over all square footage considered usable floor space;

(d) A maximum room occupancy of:

(i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the boarding home applied for initial licensure or to increase the number of resident sleeping rooms after June 30, 1989;

(e) Room identification and resident capacity consistent with the licensed room list;

(f) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(g) One or more outside windows with:

(i) A total clear glass area equal to at least one-tenth of the room area;

(ii) Minimum area of ten square feet;

(iii) Window sills no more than three feet eight inches from the floor; and

(iv) Window sills at or above grade, with grade extending horizontally ten or more feet from the building;

(v) Easy operation if necessary for fire exit or ventilation; and

(vi) Adjustable curtains, shades, blinds, or equivalent for visual privacy;

(h) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(i) A light control switch located by the entrance for a light fixture in the room;

(j) Lighting at bedside when requested by a resident;

(k) One or more noncombustible waste containers, and no combustible waste containers;

(l) An individual towel and washcloth rack or equivalent;

(m) When requested by the resident, a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(n) Storage facilities in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(o) A comfortable bed, thirty-six or more inches wide, appropriate for size, age and physical condition of the resident and room dimensions, including but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe;

(p) A bed mattress which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety;

(q) Beds spaced at least three feet from other beds unless otherwise requested by all affected residents;

(r) One or more comfortable pillows;

(s) Bedding, in good repair, changed weekly or more often as necessary to maintain cleanliness;

(t) Clean towels and washcloths provided weekly or more often as necessary to maintain cleanliness; and

(u) A sturdy, comfortable chair, appropriate for the age and physical condition of the resident.

(2) The licensee shall not allow the use of a resident room for a passageway or corridor.

(3) The licensee may, upon a resident's request, permit the resident to use personal furniture and furnishings when such usage does not jeopardize the health and safety of any resident.

(4) The licensee shall:

(a) Document the functional ability of each resident to use cooking facilities safely; and

(b) Limit access to cooking facilities by any resident deemed by the licensee unable to cook safely.

(5) The licensee may use or allow use of carpets and other floor coverings when:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards such as curling edges or tattered sections.

(6) The licensee shall, prior to the purchase and installation of carpeting, submit samples to the department for approval in accordance with WAC ((246-316-070)) 388-78A-070.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-240 Criteria for accepting and retaining residents. (1) The licensee shall evaluate the ability of staff and facilities to meet a prospective resident's housing, domiciliary, dementia, and nursing care needs, based on:

(a) Space, equipment and furniture requirements;

(b) General behavior including the tendency to wander, fall, act verbally or physically abusive or socially inappropriate;

(c) Current medication status and need for assistance in obtaining or administering medications;

(d) Height, weight and age;

(e) Functional abilities, including but not limited to:

(i) Ambulatory status and need for mobility aides;

(ii) Mental status and behavioral problems;

(iii) Ability to perform activities of daily living independently or with assistance; and

(iv) Conditions requiring staff monitoring or care of the resident.

(2) If the licensee accepts residents requiring limited nursing services, in addition to the information specified in subsection (1) of this section, the licensee shall consider:

- (a) Medical diagnosis;
 - (b) Blood pressure;
 - (c) Any chewing, swallowing, mouth and dental problems and treatments;
 - (d) Any infections, skin rashes, ulcers and open lesion problems and treatments;
 - (e) Appetite and hydration status;
 - (f) Need for chemotherapy, radiation and dialysis; and
 - (g) Any urethral catheter use and type.
- (3) The licensee shall accept and retain an individual as a resident only when:

(a) The individual is ambulatory unless the boarding home is approved by the Washington state director of fire protection to care for semi-ambulatory or nonambulatory residents;

(b) The individual does not need medical or nursing care exceeding that allowed by WAC ((246-316-265)) 388-78A-265 and ((246-316-268)) 388-78A-268;

(c) A nonsmoking individual can be accommodated with a smoke-free room and smoke-free common-use areas;

(d) A smoking individual can be accommodated by areas meeting the requirements in WAC ((246-316-140(2))) 388-78A-140(2);

(e) The individual can be accommodated by:

- (i) The physical plant, facilities and spaces;
- (ii) Furniture and equipment;
- (iii) Staff who are available and sufficient to provide the type of domiciliary care required and desired by the individual; and

(iv) Staff who are available and sufficient to provide limited nursing services, as required by the individual, if the boarding home provides such services;

(f) The appropriate medication service type pursuant to RCW 18.20.160 and WAC ((246-316-300)) 388-78A-300 is available in the boarding home; and

(g) The individual meets the acceptance criteria defined in the boarding home policies and procedures.

(4) The licensee shall not accept or retain individuals:

(a) Exhibiting continuing overt acts which present a risk of harming self or others, including but not limited to self-mutilation, suicide attempts, and hitting or striking out at others;

(b) Having major areas of skin breakdown and open wounds; or

(c) Whose needs can only be met by inpatient care in a hospital, nursing home, or other facility licensed under chapter 18.51, 71.12, or 70.41 RCW; and

(5) Upon admitting a resident, the licensee shall document in the resident's health record, the resident's choice regarding:

- (a) Definite arrangements with a health care practitioner; and
- (b) The identity of individuals to contact in case of an emergency, illness or death.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-265 Limited nursing services. This section applies only to licensees who choose to provide limited nursing services. This section does not apply when residents care for themselves or arrange for independent nursing or health care services pursuant to WAC ((246-316-268)) 388-78A-268.

(1) The licensee shall employ or contract directly or indirectly with a RN or physician to:

- (a) Provide or supervise limited nursing services;
- (b) Assess, or supervise a LPN's assessment of each resident needing limited nursing services upon admittance, and develop the nursing component of the individual's resident plan;

(c) Reassess, or supervise a LPN's reassessment of the resident's nursing needs when staff notice a change in the resident's functional ability or health status, and amend the nursing component of the individual's resident plan accordingly; and

(d) Be available in person, by pager, or by telephone during hours of limited nursing services.

(2) A licensee shall ensure the following services are only provided by a RN, or a LPN under the supervision of a RN:

- (a) Insertion of urethral catheters, including indwelling;
- (b) Any other nursing service requested by the licensee and approved in writing by the department.

(3) The licensee may allow unlicensed staff to provide the following services under the delegation and supervision of a RN:

- (a) Routine ostomy care that is well-established, with no breakdown or maintenance care;
- (b) Enema;
- (c) Uncomplicated routine colostomy and urethral care when the resident is unable to supervise these activities;
- (d) Care of wounds that are superficial without drainage or infection; and
- (e) Assistance with glucometer testing if the resident can perform the finger stick.

(4) The licensee shall not provide the following nursing services on the premises:

- (a) Respiratory ventilation;
- (b) Intravenous procedures;
- (c) Suctioning;
- (d) Feeding tube insertion or site maintenance; and
- (e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

(5) A licensee providing limited nursing services shall assure that employed or contracted nursing services are consistent with chapters 18.78 and 18.88 RCW.

(6) A licensee providing limited nursing services shall provide for safe and sanitary:

- (a) Storage and handling of clean and sterile nursing equipment and supplies;
- (b) Storage and handling of soiled laundry and linens;
- (c) Cleaning and disinfecting soiled equipment; and
- (d) Refuse and infectious waste disposal.

(7) In new construction designed for limited nursing services, or upon starting a limited nursing services program within an existing boarding home, the licensee shall provide the following, accessible only by staff:

- (a) A clean utility area for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:
 - (i) A work counter or table; and
 - (ii) Adjacent handwashing sink, with soap and paper towels or other approved hand-drying device; and
- (b) A soiled utility area for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:
 - (i) A work counter or table;
 - (ii) Sinks for handwashing and cleaning/sanitizing, with soap and paper towels or other approved hand-drying device.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-320 Resident health record. (1) The licensee shall maintain a health record with entries in ink, typewritten or equivalent, for each resident including:

- (a) Full name, date of birth, and former address of resident;
 - (b) Date of moving in and moving out;
 - (c) The name, address, and telephone number of individuals to contact in case of an emergency, illness or death;
 - (d) Resident's representative, if any;
 - (e) Name, address, and telephone number of resident's personal physician or health care practitioner;
 - (f) Resident admitting information, including any medical diagnoses pertinent to care services needed by the resident and provided by the boarding home;
 - (g) Documented staff entries about:
 - (i) Dates and descriptions of the resident's illnesses, accidents, and incidents;
 - (ii) Changes in the resident's physical, mental, emotional and social abilities to cope with the affairs and activities of daily living, physical and mental coordination; and
 - (iii) Actions of staff related to (g)(i) and (ii) of this subsection;
 - (h) Orders documented by the resident's health care practitioner for any modified diet, concentrate or supplement provided by the boarding home;
 - (i) Medication orders and records as specified in WAC ((246-316-300)) 388-78A-300;
 - (j) Clinical information such as weight, temperature, blood pressure, blood sugar and other laboratory tests that are ordered or required by the individual's resident plan;
 - (k) Advance notice for relocation as specified in chapter 214, Laws of 1994, long-term care facilities—resident rights;
 - (l) Notice of relocation as specified in WAC ((246-316-280)) 388-78A-280; and
 - (m) Proof of resident's receipt of the list of resident rights and rules and regulations governing resident conduct and responsibilities as required by chapter 214, Laws of 1994, long-term care facilities—resident rights.
- (2) The licensee shall:

- (a) Maintain a systematic and secure method of identifying and filing resident health records for easy access;
- (b) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;
- (c) Provide any individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;
- (d) Maintain resident records and health care information for residents receiving category B or C medication services or limited nursing services in accordance with chapter 70.02 RCW; and
- (e) Retain each resident health record at least five years after the resident moves from the boarding home.

AMENDATORY SECTION (Amending WSR 98-20-021, filed 9/25/98, effective 9/25/98)

WAC 388-78A-330 Adult day care. A licensee approved by the department to provide adult day care services for less than a contiguous twenty-four-hour period shall:

- (1) Accept only those adults meeting the resident criteria in WAC ((246-316-240)) 388-78A-240;
- (2) Provide dining room and day room facilities according to WAC ((246-316-170)) 388-78A-170 and ((246-316-180)) 388-78A-180;
- (3) Provide toilets and handwashing sinks according to WAC ((246-316-160)) 388-78A-160;
- (4) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents, including:
 - (a) Sturdy comfortable chairs, appropriate for the age and physical condition of the day care adults; and
 - (b) Napping furniture such as lounge chairs, recliners, or couches which are placed three or more feet apart if needed or requested;
- (5) Provide staff to supervise and assist day care adults in activities of daily living, limited nursing services and medication services as described in WAC ((246-316-260)) 388-78A-260, ((246-316-265)) 388-78A-265 and ((246-316-300)) 388-78A-300;
- (6) Provide a meal, which meets at least one-third of the recommended dietary allowance described in WAC ((246-316-170(2))) 388-78A-170(2), during every five-hour period of stay or no more than fourteen hours between the evening meal and breakfast;
- (7) Ensure rights according to WAC ((246-316-250)) 388-78A-250;
- (8) Provide services, notification, and safety as described in WAC ((246-316-260)) 388-78A-260, ((246-316-265)) 388-78A-265, ((246-316-280)) 388-78A-280, and ((246-316-290)) 388-78A-290;
- (9) Maintain a separate register of all day care adults using the format described in WAC ((246-316-310)) 388-78A-310; and
- (10) Maintain a health record for each day care adult as described for residents in WAC ((246-316-320)) 388-78A-320.

PERMANENT

WSR 99-16-005

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 97-8—Filed July 22, 1999, 9:33 a.m.]

Date of Adoption: July 22, 1999.

Purpose: The rule was identified in the commissioner's regulatory improvement process as one that was out of date and should be reviewed and updated. References in the existing rule are outdated, benefit minimums established in 1987 have become ceilings and are no longer adequate to pay for increasingly effective but expensive treatment.

Citation of Existing Rules Affected by this Order: Amending WAC 284-53-010.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Other Authority: RCW 48.21.160, 48.21.180, 48.21.197, 48.44.240, 48.46.350.

Adopted under notice filed as WSR 99-11-103 on May 19, 1999.

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 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 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 1999

Robert A. Harkins

Chief Deputy Commissioner

NEW SECTION

WAC 284-53-005 Definitions. (1) "Chronic illnesses" include, but are not limited to, heart disease, diabetes, chronic obstructive pulmonary disease, and chemical dependency.

(2) "Medically necessary" or "medical necessity," with respect to chemical dependency coverage, means indicated in the *Patient Placement Criteria for the Treatment of Substance Abuse-Related Disorders II* as published in 1996 by the American Society of Addiction Medicine.

(3) Other terms used in this chapter, but not specifically defined here, shall have the meanings given in WAC 284-43-130 or, if not defined there, in WAC 284-50-030.

AMENDATORY SECTION (Amending Order R 87-10, filed 8/31/87, effective 1/1/88)

WAC 284-53-010 Standards for coverage of chemical dependency. Contractual provisions in any policy issued or renewed on or after January 1, 2000, for chemical dependency required by RCW 48.21.180, 48.44.240, or 48.46.350 shall meet the following standards and administrative requirements.

(1) Medically necessary detoxification must be covered as an emergency medical condition according to RCW 48.43.093, and so long as a patient is not yet enrolled in other chemical dependency treatment, detoxification may not be included when calculating payments within the chemical dependency payment minimum required in this chapter.

(2) ~~The coverage for chemical dependency shall provide payment ((toward)) for reasonable charges for any medically necessary treatment and supporting services provided to ((covered individuals)) an enrollee by an "approved treatment ((facility)) program" approved ((pursuant to)) under RCW 70.96A.020((2) or 69.54.030, which may include medical evaluations, psychiatric evaluations, room and board (inpatient only), psychotherapy (individual and group), counseling (individual and group), behavior therapy, recreation therapy, family therapy (individual and group) for the patient and covered persons, prescription drugs prescribed by an approved treatment facility, and supplies prescribed by an approved treatment facility. The coverage shall provide such payment whether the treatment or services are provided on an inpatient (resident) or an outpatient (nonresident) basis, except to the extent that inpatient or outpatient coverage is not provided to the individual insured for other common illnesses or disease. Inpatient coverage shall include detoxification if detoxification is not specifically included in other contract coverage)~~ (3) In addition, medically necessary detoxification services may also be provided in hospitals licensed according to chapter 70.41 RCW.

((2)) (3) ~~Except to the extent prohibited by this ((section)) chapter, the chemical dependency coverage may be limited by provisions of the contract that are applicable to other benefits or services for other ((common)) chronic illnesses or disease generally including, but not limited to, provisions relating to ((deductibles, coinsurance and copayments)) enrollee point of service cost sharing. However, coverage shall not be denied by reason of contract provisions which are not pertinent to the treatment of chemical dependency, such as provisions requiring a treatment ((facility)) program to have surgical facilities or approval by the joint commission on accreditation of hospitals, that there be a physician in attendance, or that the exact date of onset be known.~~

((3)) (4)(a) ~~The minimum benefits for chemical dependency treatment((;)) and supporting services ((and detoxification)) shall be ((an amount which is the lesser of five)) no less than ten thousand dollars, exclusive of ((deductibles, coinsurance and copayments;)) all enrollee point of service cost-sharing amounts in any consecutive twenty-four-month period ((or an amount equal to the benefit limit in the contract applicable to the individual insured which would normally be applied to treatment of any common major illness or disease other than chemical dependency. The benefits may be limited~~

~~to a lifetime maximum of not less than ten thousand dollars exclusive of deductibles, coinsurance and copayments, notwithstanding WAC 284-44-040(2). For purposes of determining the limitations allowed by this subsection, with regard to all benefits except the lifetime maximum a carrier may take credit for any benefits paid by any carrier on behalf of a covered individual for chemical dependency treatment and supporting services received in an immediately preceding twenty-four month period. For purposes of determining the lifetime maximum allowed by this subsection, calculation must be made on either a per contract or per carrier basis except that when one group contract holder has utilized one or more carriers or plans then a carrier may take credit for amounts paid on behalf of a covered individual from January 1, 1987, onward under all past and current carriers and plans with respect to that group contract holder).~~

~~((4)) (b) The minimum benefit specified in this subsection must be adjusted by a carrier in any of its contracts for which a new or revised form is filed with the commissioner. The adjustment must correspond with the change in the medical care component of the consumer price index for all urban consumers for the Seattle Standard Metropolitan Statistical Area compiled by the Bureau of Labor statistics, United States Department of Labor. The base year for the computation shall be 1999.~~

~~(5) Contract provisions subject to this rule:~~

~~(a) Shall not impose waiting periods or preexisting condition limitations on chemical dependency coverage, except that a carrier may impose ((a waiting period or)) no longer than a three month preexisting condition limitation for chemical dependency treatment and supporting services to the extent that a ((waiting period or)) preexisting condition limitation is imposed for other ((common)) chronic illnesses ((or disease)).~~

~~(b) ((Shall not provide for the application of comparative statistical measures which are lacking in statistical reliability. Because of the limited number of approved treatment facilities in this state and the diversity of methodologies and fee structures, a measure based on the application of usual, customary and reasonable charges for overall chemical dependency treatment and supporting services is not currently acceptable but comparison of costs for specific components of such treatment and supporting services may be acceptable.~~

~~(e)) Shall not deny reasonable benefits for actual treatment and services rendered solely because a course of treatment was interrupted or was not completed.~~

~~((d)) (c) May limit coverage to specific facilities but only if the carrier provides ((one or more reasonably available and conveniently located)) or contracts for the provision of approved treatment ((facilities)) programs under RCW 70.96A.020((2) or 69.54.030) which alone or in combination offer both inpatient and outpatient care and which comply with network adequacy requirements established in WAC 284-43-200. This right to limit coverage to specific facilities ((with)) permits a carrier to limit diagnosis and treatment to that rendered by itself or by a facility to which it makes referrals, but, in either case, only if the facility is or part of an approved treatment ((facility)) program under RCW 70.96A.020((2) or 69.54.030).~~

~~((e)) (d) Except in the case of detoxification services, may require prenotification in all reasonable situations; may also require a second opinion if such second opinion is required under the contract generally for other ((common)) chronic illnesses ((and disease)). Prenotification with respect to medically necessary detoxification ((in most cases would)) services is not ((be)) reasonable.~~

~~((5)) (6) In situations where an ((insured)) enrollee is under court order to undergo a chemical dependency assessment or treatment, or in situations related to deferral of prosecution, deferral of sentencing or suspended sentencing, or in situations pertaining to motor vehicle driving rights and the Washington state department of licensing, the carrier may require the ((insured)) enrollee to furnish at the ((patient's)) enrollee's expense no less than ten and no more than thirty working days before treatment is to begin, an initial assessment of the need for chemical dependency treatment and a treatment plan, made by an individual of the ((patient's)) enrollee's choice who is a ((qualified alcoholism and/or drug treatment)) chemical dependency counselor as defined in chapter 440-22 WAC employed by an approved treatment ((facility)) program under RCW 70.96A.020((2) or 69.54.030) or licensed under chapter 18.57 or 18.71 RCW to enable the carrier to make its own evaluation of medical necessity prior to scheduled treatment. Nothing in this chapter may be construed to require a carrier to pay for court ordered chemical dependency treatment that is not medically necessary, nor may anything in this chapter be construed to relieve a carrier from its obligations to pay for court ordered chemical dependency treatment when it is medically necessary.~~

~~((6)) (7) Except as determined not to be medically necessary or otherwise specifically provided in this ((section)) chapter, contractual provisions subject to this section and the administration of such provisions shall not use definitions, predetermination procedures or other prior approval requirements, or other provisions, requirements or procedures, which ((unreasonably)) restrict access to treatment, continuity of care or payment of claims.~~

WSR 99-16-007

PERMANENT RULES

LOTTERY COMMISSION

[Filed July 22, 1999, 10:27 a.m.]

Date of Adoption: July 16, 1999.

Purpose: Repeal rules for scratch games which are now closed.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-11A-166 through 315-11A-182 and 315-11A-184 through 315-11A-186.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under preproposal statement of inquiry filed as WSR 99-10-031 on April 29, 1999.

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 20.

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.
July 22, 1999

Mary Jane Ferguson
Rules Coordinator

[REPEALER]

- WAC 315-11A-166 "Hit the Jackpot"
- WAC 315-11A-167 "100 Grands"
- WAC 315-11A-168 "\$2 Instant Casino"
- WAC 315-11A-169 "Aces High"
- WAC 315-11A-170 "Lucky Charms"
- WAC 315-11A-171 "\$5 Holiday Surprise"
- WAC 315-11A-172 "Winner Wonderland"
- WAC 315-11A-173 "Lucky Streak"
- WAC 315-11A-174 "\$2 Double Joker"
- WAC 315-11A-175 "Cash Vault"
- WAC 315-11A-176 "Amazing 8s"
- WAC 315-11A-177 "\$2 Jumbo Bucks"
- WAC 178-11A-178 "Royal Flush"
- WAC 315-11A-179 "Crazy Cash"
- WAC 315-11A-180 "\$2 Stadium Fever"
- WAC 315-11A-181 "My! Oh! My!"
- WAC 315-11A-182 "Bonus 7 Come 11"
- WAC 315-11A-184 "Instant Monopoly"
- WAC 315-11A-185 "Double Blackjack"
- WAC 315-11A-186 "Lucky Bug"

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 99-16-008

PERMANENT RULES

LOTTERY COMMISSION

[Filed July 22, 1999, 10:29 a.m.]

Date of Adoption: July 16, 1999.

Purpose: To permit up to one Quinto drawing per day.

Citation of Existing Rules Affected by this Order: Amending WAC 315-33A-060 Quinto—Drawings.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 99-10-052 on May 3, 1999.

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.
July 22, 1999

Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-19-052, filed 9/10/93, effective 10/11/93)

WAC 315-33A-060 Drawings. (1) ~~The Quinto drawing pursuant to this chapter shall be held ((once each Saturday evening beginning November 2, 1991, and once each Wednesday evening beginning November 17, 1993, except that the director may change the drawing schedule if Saturday or Wednesday is a holiday))~~ up to once every twenty-four hours, at the discretion of the director.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, five winning sets with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn sets are not declared winners until the drawing is certified by the lottery. The winning sets shall be used in determining all Quinto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

PERMANENT

WSR 99-16-009
PERMANENT RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION

[Filed July 22, 1999, 1:26 p.m.]

Date of Adoption: July 16, 1999.

Purpose: Implement chapter 144, Laws of 1998 (SHB 2826) wherein, under limited circumstances, certain non-profit ORV organizations may be eligible to receive nonhighway and off-road vehicles activities program grant moneys.

Citation of Existing Rules Affected by this Order: Amending WAC 286-26-100 Development projects—Conversions to other uses.

Statutory Authority for Adoption: RCW 46.09.240 Administration and use of ORV moneys.

Adopted under notice filed as WSR 99-08-114 on April 7, 1999.

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 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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 1999

Greg Lovelady
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

WAC 286-26-100 Development projects—Conversion to other uses. (1) Without prior approval of the committee, a facility developed with money granted by the committee (~~(, to state, county, municipality or native American tribal government sponsors,))~~) shall not be converted to a use other than that for which funds were originally approved.

(2) The committee shall only approve such a conversion under conditions which assure that:

(a) All practical alternatives to the conversion have been evaluated and rejected on a sound basis;

(b) A new development, in the spirit of WAC 286-13-080 ("...aid through the committee is intended to supplement the existing capacity of a sponsor..."), will serve as a replacement which:

(i) Is of reasonably equivalent recreation utility and location;

(ii) Will be administered by the same political jurisdiction as the converted development;

(iii) Will satisfy need(s) identified in the sponsor's NOVA plan (see WAC 286-26-080); and

(iv) Includes only elements eligible under the committee's program from which funds were originally allocated.

(3) A master agreement signed by the parties shall control the provision of funds granted by the committee for facility developments to any federal agency sponsor.

WSR 99-16-015
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed July 23, 1999, 4:08 p.m.]

Date of Adoption: July 15, 1999.

Purpose: Change awarding standards; change student eligibility requirements; make technical corrections.

Citation of Existing Rules Affected by this Order: Amending chapter 250-20 WAC.

Statutory Authority for Adoption: 2813.80 [Chapter 28B.80 RCW].

Adopted under notice filed as WSR 99-10-074 on May 4, 1999.

Changes Other than Editing from Proposed to Adopted Version: The following statement was inserted into WAC 250-20-011(6) for additional clarity: "A student shall be deemed to have received an associate degree as a state need grant recipient if the student received state need grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associates degree."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, 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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, 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.

July 23, 1999

John Klacik
Associate Director

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-001 Applicability of rules. Unless specified, the term "state need grant" applies to both the state need grant program and the federal (~~(program for state student incentive grants))~~ leveraging educational assistance partner-

ship program. Institutions participating in the state need grant program must comply with the regulations specified in chapter 250-20 WAC and conform to all requirements of the ~~((state student incentive grant))~~ leveraging educational assistance partnership program as specified in 34 Code of Federal Regulations, Part 692.

AMENDATORY SECTION (Amending WSR 95-17-045, filed 8/11/95, effective 9/11/95)

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802 or be a "disadvantaged student" who has completed a board approved program designed to promote early awareness of, and aspiration to, higher education.

(2) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (d).

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester or, in the case of institutions which do not use credit hours, in a program of at least six hundred clock hours requiring at least twelve clock hours of instruction per week.

(b) A student enrolled less than half time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(c) Have a high school diploma or its equivalent. Equivalent standards include a general education development certificate, a certificate of completion of a home study program recognized by the student's home state. For a student without a high school diploma or its equivalent, he or she must pass a federally recognized ability-to-benefit test as is required for the receipt of federal student aid.

(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two, nor exceed one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. A student shall be deemed to have received an associate degree as a state need grant recipient if the student received state need grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associates degree. Upon receipt of a bachelor's degree, a student is no longer eligible.

(7) Have made a bona fide application for a Pell grant.

(8) Certify that he or she does not owe a refund on a state need grant, a Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

AMENDATORY SECTION (Amending WSR 96-18-024, filed 8/27/96, effective 9/27/96)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW ~~((28B.15.011 through 28B.15.013))~~ 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

- (b) Is a veteran of the U.S. Armed Forces; or,
- (c) Is an orphan or ward of the court; or,
- (d) Has legal dependents other than a spouse; or,
- (e) Is a married student or a graduate/professional student; or,
- (f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "~~((Maximum))~~ Base grant" is ~~((a percentage of))~~ the state need grant ~~((costs-of-attendance))~~ award for each sector before the addition of a dependent care allowance. ~~((The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding.))~~ The base grant per student will be no less than the published base grant in 1998-1999. The ~~((maximum))~~ base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program, its successor program, or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's ~~((eligibility for the))~~ base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent ~~((which is paid to and provided))~~ by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

(15) "State need grant award" is the ~~((maximum))~~ base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of ~~((credit))~~ credit or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of ~~((credit))~~ credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

(20) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

(21) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a for-profit or a postsecondary vocational institution shall mean a program which provides at least a 15-week

undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

(22) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

(23) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

~~((23))~~ (24) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

WAC 250-20-031 Application procedure. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a statewide basis.

~~((The board shall each year develop criteria which shall be used to determine eligible need analysis processors in a multiple processor system. Further,))~~ The board shall ~~((each year))~~ annually specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. That criteria shall include ~~((the state need grant cost of attendance for each sector,))~~ the maximum award ~~((;))~~ for each sector and the income cutoff level.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) The financial aid administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

AMENDATORY SECTION (Amending WSR 95-17-045, filed 8/11/95, effective 9/11/95)

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student shall be the ~~((maximum))~~ base grant, appropriate for the sector attended ~~((adjusted for the student's level of family income,))~~ and a dependent care allowance, if applicable, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students ~~((attending for-profit institutions))~~ shall be established as follows:

(a) ~~((Students enrolled in a baccalaureate degree program will be awarded at levels equal to those provided students attending public comprehensive universities.~~

(b) ~~All other state need grant recipients attending for-profit institutions shall receive grants equal to those provided students attending public community and technical colleges.~~

~~((4))~~ The award shall be based on the representative average tuition, service, and activity fees charged within each public sector of higher education. The average is to be determined annually by the higher education coordinating board.

(b) The base grant award shall not exceed the actual tuition and fees charged to the eligible student.

(c) The base grant award for students attending independent four-year institutions shall be equal to that authorized for students attending the public four-year research institutions. The base grant for students attending private vocational institutions shall be equal to that authorized for students attending the public community and technical colleges.

(4) The total state need grant award shall be reduced for students with family incomes greater than fifty percent of the state's median and for less than full-time enrollment.

(a) Students whose incomes are equal to fifty-one percent to seventy-five percent of the state's median family income shall receive seventy-five percent of the maximum award. Students whose incomes are equal to seventy-six percent to one hundred percent of the state's median family income shall receive fifty percent of the maximum award. Students whose incomes are equal to one hundred one percent to one hundred twenty-five percent of the state's median family income shall receive twenty-five percent of the maximum award.

(b) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their ((full-time base)) grant ((plus dependent care allowance)). Students enrolled half-time at the time of disbursement will receive fifty percent of their ((full-time base)) grant ((plus dependent care allowance)).

(5) Depending on the availability of funds, students may receive ((a)) the need grant for summer session attendance.

~~((5))~~ (6) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

~~((6))~~ (7) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered overawarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

~~((7))~~ (8) The institution shall ensure that the recipient's need grant award, in combination with grant aid from all sources, not exceed seventy-five percent of the student's cost-of-attendance. In counting self-help sources of aid, the aid administrator shall include all loans, employment, work-study, scholarships, grants not based on need, family contribution, and unmet need.

(9) The institution will notify the student of receipt of the state need grant.

~~((8))~~ (10) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year may apply to the board for funds to continue receipt of the grant at the receiving institution.

WSR 99-16-020

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 26, 1999, 8:22 a.m.]

Date of Adoption: July 21, 1998 [1999].

Purpose: 1. Clarify the process of confidential license plates.

2. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Vehicle licenses application and procedures for obtaining confidential license plates, repealing WAC 308-96A-097 Confidential license plates—Records disclosure; and amending WAC 308-96A-080 Confidential license plates—Application procedure, 308-96A-085 Confidential license plates—Agency contact, 308-96A-090 Confidential vehicle license plates—Inventory, and 308-96A-095 Confidential license plates—Refusal and removal.

Statutory Authority for Adoption: RCW 46.08.066.

Adopted under notice filed as WSR 99-12-111 on June 2, 1999.

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 4, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 1; 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.

July 22, 1999

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-080 Confidential/undercover license plates—Application procedures. (1) ((A government agency requesting confidential license plates shall:

(a) Write to the department on their letterhead requesting one or more vehicles be included in the confidential license plate program;

(b) Complete an application form approved by the department;

(c) Provide a copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the government agency.

(2) The letter of request and application shall be signed by the government agency head or designated contact person.)) **What are confidential and undercover license plates as referred to in RCW 46.08.066?** Confidential and undercover license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(2) **What are my registration options under RCW 46.08.066?** You may choose to register a publicly owned or

operated vehicle in the confidential/undercover license plate program in one of the following ways:

(a) Selecting the undercover option will show fictitious names and addresses on the registration certificates and other department records subject to public disclosure; or

(b) Selecting the confidential license plate option will show the public agency names and addresses on the registration certificates and other department records subject to public disclosure.

(3) **What safeguards shall a public agency use to select a fictitious name and address?** Public agencies shall certify on the application that precautions have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses have not been used.

(4) **Who may apply for a confidential license plate?** Only public agencies identified in RCW 46.08.066 are authorized to apply for confidential license plates.

(5) **How does a public agency apply for confidential or undercover license plates?** A public agency requesting confidential or undercover license plates shall provide:

(a) A completed application form approved by the department and signed by the public agency head or designated contact person. The agency shall indicate on the application form which type of registration is needed (confidential or undercover).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the public agency.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-085 Confidential and undercover license plates—Agency contact. (1) ((A government agency head or designee may apply for confidential license plates or sign correspondence pertaining to confidential license plates:

(2) The government agency head may designate a maximum of two agency employees to represent the agency regarding confidential license plates. The government agency head shall provide the name, title, address, and telephone number of each designee.

(3) A government agency head or designee shall notify the department in writing within five days of any change in the agency head or designee.)) **Who may represent a public agency regarding confidential or undercover license plates?** The public agency head may designate a maximum of two agency employees to represent the agency regarding confidential license plates. The public agency head shall provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.

(2) **How often does the public agency contact information need to be updated?** The public agency contact information shall be updated, in writing, annually or within thirty days of any change in the agency head or designee.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-090 Confidential or undercover license plates—Vehicle inventory. (1) ~~((The department shall provide an inventory listing of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the confidential vehicle license plate program. Each government agency shall verify the accuracy of the information by:~~

- ~~(a) Correcting any erroneous information;~~
- ~~(b) Deleting vehicles no longer in the program;~~
- ~~(c) Adding vehicles in the program, but not shown on the inventory listing;~~
- ~~(d) Signing the inventory listing certifying that all confidential license plates shown on the listing are being utilized under RCW 46.08.066; and~~
- ~~(e) Returning the inventory listing to the department.))~~

How does the department maintain a current inventory listing of vehicles with confidential or undercover license plates?

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the confidential/undercover vehicle license plate program. Each public agency verifies the accuracy of the information by:

- (i) Correcting any erroneous information;
- (ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;

(iii) Adding vehicles in the program, that are not shown on the inventory list. Submit the request/application (copy if already submitted) to verify adding a vehicle to the list;

(iv) Signing the inventory list certifying that all confidential and undercover license plates shown on the list are being utilized under RCW 46.08.066; and

(v) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action does the department take if inventory listings are not returned? The department ~~((shall not))~~ may refuse to renew a vehicle(s) shown on the quarterly inventory ((listing)) list until the ((government)) public agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-095 Confidential or undercover license plates—~~((Refusal and removal))~~ Cancellation. (1) ~~((The department may cancel or refuse to issue or renew confidential license plates when the department or chief of the Washington state patrol has reasonable cause to believe the license plates are not being used for purposes authorized in RCW 46.08.066.~~

~~((2) When a government agency no longer requires confidential license plates or the license plates are cancelled:~~

~~((a) The government agency shall remove and destroy the license plates and registration or return them to the department; and~~

~~((b) Notify the department in writing that the confidential license plates))~~ **Who may cancel confidential or undercover license plates?** The department may cancel or refuse to renew confidential or undercover license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066. A public agency may request cancellation of their confidential or undercover license plates when the license plates are no longer required.

(2) How are confidential or undercover license plates cancelled? Confidential or undercover license plates are cancelled when the public agency notifies the department in writing that the confidential or undercover license plates are no longer required, and indicate whether the license plates and registration:

- (a) Are being returned to the department; or
- (b) Have been ((removed and)) destroyed.

The department shall delete the confidential or undercover license plates record from the ~~((confidential))~~ program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-097 Confidential license plates—Records disclosure.

WSR 99-16-022
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Basic Health Plan)

[Order 99-02—Filed July 26, 1999, 10:10 a.m.]

Date of Adoption: July 26, 1999.

Purpose: WAC 182-25-030 is revised to clarify eligibility criteria, particularly as they apply to applicants or enrollees eligible for Medicare. WAC 182-25-040 is revised to incorporate changes related to recoupment of subsidy overpayments and to clarify current policy or reduce duplication or unnecessary language, as required by Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-030 and 182-25-040.

Statutory Authority for Adoption: RCW 70.47.050 and 70.47.060.

Adopted under notice filed as WSR 99-12-032 on May 26, 1999.

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 2, 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.

July 23, 1999

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must be a Washington state resident who is not:

(a) ~~((Reside within the state of Washington;~~
(b) ~~Not be))~~ Eligible for free Medicare~~((; and~~
(c) ~~Not be))~~ coverage or eligible to buy Medicare cover-
age; or

(b) Institutionalized at the time of enrollment.

(2) Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who ~~((subsequently fails to meet the criteria in (a) and (b) of this subsection,))~~ is no longer a Washington resident, who becomes eligible for free or purchased Medicare, or who is later determined to have failed to meet BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled, provided he or she remains otherwise eligible and continues to make all premium payments when due.

~~((2))~~ (3) Eligibility for ~~((DSHS-coordinated programs, such as))~~ BHP Plus and ~~((S-Medical, are))~~ maternity benefits through medical assistance is determined by DSHS, based on Medicaid eligibility criteria.

~~((3))~~ (4) To be eligible for subsidized enrollment in BHP, an individual must meet the eligibility criteria in subsection (1) of this section, have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

~~((4))~~ (5) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level, must meet the eligibility criteria in subsection (1) of this section, and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

~~((5))~~ (6) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result

in an overexpenditure of BHP funds. In the event that the administrator closes or limits enrollment and to the extent funding is available, BHP will continue to accept and process applications for enrollment from:

(a) Applicants who will pay the full premium;

(b) Children eligible for BHP Plus;

(c) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;

(d) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

(e) Eligible individual home care providers;

(f) Licensed foster care workers;

(g) Limited enrollment of new employer groups; and

(h) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

Applicants for subsidized BHP who are not in any of these categories may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. In the event that enrollment is reopened by the administrator, applicants whose names appear on the reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

PERMANENT

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be required for purposes of eligibility determination. ~~((Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010(17)(b).))~~

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) ~~When a managed health care system((s may)) assists BHP applicants in the enrollment process, ((but)) it must provide them with the toll-free number for BHP((:)) and information on all MHCS available within the applicant's county of residence and ((an estimate of)) the estimated premiums ((the applicant would pay)) for each available MHCS.~~

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee

to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030~~((4))~~ (6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP. In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030~~((4))~~ (6).

(8) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other ~~((continuous))~~ health care coverage, for a family member(s) who ~~((have))~~ has previously waived coverage, ~~((upon))~~ provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) ~~((Birth, adoption or change in dependency or custody of a child or adult dependent.))~~ Addition of an eligible newborn child or ((newly adopted children may be enrolled effective from the date of birth or physical placement)) a child newly placed for adoption provided ((that)) BHP receives the child's application for enrollment ((is submitted to BHP)) within sixty days of the date of birth or ((such)) placement for

adoption. These children may be enrolled effective from the date of birth or placement for adoption.

~~(9) ((Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or enrollment in other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or enrollment in other health care coverage, he/she may reenroll in BHP, subject to enrollment limits and portability and preexisting condition policies as referenced in WAC 182-25-020(1) and 182-25-030(4) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. Enrollees who are not under group coverage, may not reenroll for a minimum of twelve months from the effective date of their last suspension if they are disenrolled from BHP for nonpayment under WAC 182-25-090 (2)(b) because:~~

~~(a) They failed to pay the premium within the billing cycle for the next coverage month following a suspension of coverage; or~~

~~(b) They have been suspended from coverage more than two times in a twelve-month period for failure to pay their premium by the due date.~~

~~If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.~~

~~(10)) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income to determine if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that ~~((a subsidized))~~ an enrollee((s)) has not reported income ~~((exceeds twice the poverty level according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level))~~ or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.~~

WSR 99-16-023

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Management Services Administration)

[Filed July 26, 1999, 11:03 a.m.]

Date of Adoption: July 26, 1999.

Purpose: To amend rules in chapter 388-08 WAC relating to adjudicative proceedings at the Department of Social and Health Services. To correct typographical errors, make address or name changes, clarify the rules without changing the effect of the rules; and implements legislative change for service of petition for judicial review.

Citation of Existing Rules Affected by this Order: Amending WAC 388-08-410, 388-08-413, 388-08-437, 388-08-440, 388-08-464, 388-08-470, 388-08-515, 388-08-555, and 388-08-575.

Statutory Authority for Adoption: RCW 34.05.220 and 34.05.413.

Adopted under notice filed as WSR 99-11-086 on May 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: Changed internal references in WAC 388-08-555, because the public disclosure rules cited in this rule were amended and renumbered after these rules were proposed: WAC 388-320-220 was changed to WAC 388-01-040 and 388-220-140 was changed to WAC 388-01-080.

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 9, Repealed 0.

Number of Sections Adopted in Order to Ci Streamline, or Reform Agency Procedures: New 0, Amended 9, 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 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 26, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-410 Application of chapter 388-08 WAC. (1) Scope. This chapter applies to adjudicative proceedings begun on or after July 1, 1989, in programs administered by the department of social and health services (DSHS). The definition of the word "begun" is receipt of the application for an adjudication proceeding ~~((at the DSHS's office of appeals))~~ as provided in WAC 388-08-413(3). Proceedings begun before July 1, 1989, are governed by the pro-

PERMANENT

cedural rules in effect on ~~((July))~~ June 30, 1989. Legal authority for adopting this chapter is RCW 34.05.220 (1)(a).

(2) Conflict of rules. If a provision in this chapter conflicts with a provision in the chapter containing the program's substantive rules, the provision in the chapter containing the program's substantive rules governs.

(3) Presiding officer. The presiding officer shall be either an administrative law judge (ALJ) from the office of administrative hearings or a review judge from the DSHS ~~((office))~~ board of appeals. References to ALJ in this chapter apply to a review judge when a review judge is the presiding officer.

(4) Reviewing officer. The reviewing officer shall be the secretary or a review judge from the DSHS ~~((office))~~ board of appeals.

(5) Physical and mailing addresses~~((:))~~:

(a) ALJ administrative and field office addresses are listed under WAC 10-04-020. The mailing address for applications for adjudicative proceedings or requests for hearing in DSHS programs before the office of administrative hearings is: Office of Administrative Hearings, P.O. Box 2465, Olympia WA 98507-2465 or the address of the assigned field office.

(b) ~~The ((office)) DSHS board of appeals is located in the ((DSHS Headquarters, Office Building Number 2, Twelfth and Franklin, Olympia, and the mailing address is Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465))~~ Blake Office Park, 4500 -10th Avenue Southeast, Lacey, Washington and the mailing address is Board of Appeals, P.O. Box 45803, Olympia, WA 98504-5803.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-413 Application for an adjudicative proceeding. (1) Who may apply. Any person or authorized representative may file an oral or written application for an adjudicative proceeding.

(2) Form of application. The application need not be in any particular form but should specify the decision being appealed and the reasons the appellant is dissatisfied with the decision.

(3) Application.

(a) An oral application shall be made to a responsible department or office of administrative hearings employee.

(b) A written application should be filed at the office of ~~((appeals))~~ administrative hearings at the address in WAC 388-08-410 (5)(a). However, the application can be filed with any responsible department or office of administrative hearings employee.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-437 Filing and service of papers. (1) Service required when filing. A party filing a pleading, brief, or other paper, except an application for an adjudicative proceeding, with the ~~((office))~~ board of appeals or the office of administrative ((law judge (ALJ)) hearings shall serve a copy of the paper upon:

(a) Every other party; or

(b) If the other party is represented or has an agent, the other party's representative or agent.

(2) Filing and service made by. Unless otherwise provided by law, filing and service shall be made by:

(a) Personal service;

(b) First class, registered, or certified mail;

(c) Telegraph;

(d) Electronic telefacsimile transmission and same-day mailing of copies; or

(e) Commercial parcel delivery company.

(3) Filing complete. Filing with the ~~((department))~~ board of appeals shall be complete upon actual receipt during office hours at the ~~((office))~~ board of appeals. Filing with the ~~((ALJ))~~ office of administrative hearings shall be complete upon actual receipt during office hours at ~~((the))~~ any field or administrative office ((of the ALJ)).

(4) Service complete. Service shall be complete when:

(a) Personal service is made;

(b) Mail is properly stamped and addressed and is deposited in the United States mail;

(c) A properly addressed telegram is deposited with a telegraph company with charges prepaid;

(d) An electronic telefacsimile transmission produces proof of transmission; or

(e) A commercial parcel is delivered to the parcel delivery company with charges prepaid.

(5) Proof of service. Where proof of service is required by statute or rule, filing the papers with the ~~((department or ALJ))~~ board of appeals or the office of administrative hearings, together with one of the following, shall constitute proof of service:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served upon all parties and the signature of the serving party indicating service was completed ~~((by:~~

~~((i) Personal service;~~

~~((ii) Mailing a copy properly addressed with postage prepaid to each party to the proceeding, or the party's representative or authorized agent;~~

~~((iii) Telegraphing a copy properly addressed with charges prepaid to each party to the proceeding, or the party's representative or authorized agent;~~

~~((iv) Transmitting a copy by electronic telefacsimile device and, on the same day, mailing a copy to each party to the proceeding, or the party's representative or authorized agent; or~~

~~((v) Depositing a copy properly addressed with charges prepaid with a commercial parcel delivery company))~~ under subsection (4) of this section.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-440 Vacating an order of dismissal for reason of default or withdrawal. (1) Right to request. The parties shall have the right to file a written request to vacate an order of dismissal for reason of default or withdrawal.

(2) Contents. The request shall state the grounds relied upon.

(3) Time limits.

(a) The period to file a request ~~((shall be))~~ is twenty-one days from the date the ~~((party serves))~~ administrative law judge (ALJ) serves the order of dismissal.

(b) The ~~((administrative law judge-))~~ALJ~~((s))~~ shall waive the twenty-one day limit for filing a request when a person:

(i) Files a request within thirty days of the date the order becomes final; and

(ii) Demonstrates good cause for failure to file a timely request. Good cause means one of the grounds enumerated in Court Rule 60 and includes:

(A) A person's mistake, inadvertence, or excusable neglect preventing the person from timely filing a request; or

(B) An unavoidable casualty or misfortune preventing the person from timely filing a request.

(4) Filing. The person shall file the request at the ~~((office))~~ board of appeals or the office of administrative hearings.

(5) Grounds to vacate an order of dismissal. When, in the reasoned opinion of the ALJ, good cause to grant the relief is shown, the ALJ shall vacate the order of dismissal and reinstate the application.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-464 Petition for review—Response to petition—Disqualification of review judge. (1) Initial orders that may become final orders.

(a) If a petition for review is not filed within twenty-one days from service of the initial order, the initial order shall, subject to the provisions of this section, become the final order.

(b) An initial order shall not become the final order after a food stamp administrative disqualification hearing. Each party shall have the right to file a petition for review of the administrative law judge's order. Whether a petition for review is or is not filed, the review judge shall enter the final order on behalf of the secretary.

(2) Who may petition. Each party has the right to file a petition for review of an order entered by an administrative law judge.

(3) Petition contents. The petition for review shall:

(a) Specify the portions of the order to which exception is taken; and

(b) Refer to the evidence of record relied upon to support the petition.

(4) Petition time limits.

(a) The period to timely file a petition for review is twenty-one days from the date the initial decision was served.

(b) A review judge shall extend the twenty-one-day period to file a petition for review upon request of a party when:

(i) The request is made during the twenty-one-day period; and

(ii) Good cause for the extension is shown.

(c) The review judge shall waive the twenty-one-day limit for filing a petition for review when a person:

(i) Files a petition for review within thirty days of the date the initial order becomes final; and

(ii) Demonstrates good cause for failure to file a timely petition. Good cause means one of the grounds enumerated in Court Rule 60 and includes:

(A) A petitioner's mistake, inadvertence, or excusable neglect preventing the petitioner from timely filing a petition; or

(B) An unavoidable casualty or misfortune preventing the petitioner from timely filing a petition for review.

(5) Petition filing and service. The petition for review shall be in writing and filed with the ~~((office))~~ board of appeals at the address in WAC 388-08-410 (5)(b). The petitioning party is encouraged to serve a copy of the petition upon the other party or the other party's representative at the time the petition is filed. The ~~((office))~~ board of appeals shall serve a copy on the other party or representative.

(6) Notice of petition. When a petition for review is filed, the ~~((office))~~ board of appeals shall send a copy of the petition to the nonpetitioning party ~~((or))~~ and, if represented, to the representative with a notice of the right to file a response.

(7) Response time limit, filing, service.

(a) The nonpetitioning party shall file any response with the ~~((office))~~ board of appeals within seven days of the date ~~((that office served))~~ of service of a copy of the petition on the nonpetitioning party or representative.

(b) The nonpetitioning party shall serve a copy of the response on the petitioner and any other party or, if represented, on the representative at the time the response is filed.

(c) A review judge may extend the period to file a response upon request of a party showing good cause.

(d) A review judge may, in the review judge's discretion, accept a late filed response and consider the response when ruling on a petition for review.

(8) Disqualification. The ~~((chief review judge))~~ board of appeals shall disclose the name of the review judge assigned to rule on a petition to any party or representative making inquiry. An individual petitioning to disqualify a review judge under RCW 34.05.425 shall file the petition with the review judge assigned to the proceeding.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-470 Reconsideration. Within ten days of service of a review order, any party may file a petition for reconsideration. A review judge shall extend the period to file a petition upon request of a party made during the ten-day filing period when good cause for the extension is shown. The petition shall state the specific grounds upon which relief is requested. A petition for reconsideration shall be filed at the ~~((office))~~ board of appeals at the address in WAC 388-08-410 (5)(b).

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-515 Notice to limited-English-speaking parties. This section applies when the ~~((office))~~ board of appeals or the office of administrative ~~((law judge))~~ hearings is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding. All

notices concerning the proceedings, including notices of hearing, continuance, and dismissal shall:

- (1) Be written in the primary language of the party; or
- (2) Include a notice in the primary language of the party describing:
 - (a) The significance of the notice; and
 - (b) How the party may receive assistance in understanding the notice and, if necessary, responding to the notice.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-555 Separate hearing regarding disclosure of investigative and intelligence files. (1) Applicability and request to ~~((office of special))~~ the division of fraud investigation ~~((OSI))~~ (DFI). When the appellant seeks disclosure of a record maintained by the ~~((OSI))~~ DFI subject to the exemption under WAC ~~((388-320-220))~~ 388-01-040, the following process shall determine whether, on a case-by-case basis, disclosure shall be ordered:

(a) The appellant or the appellant's representative shall file a written request with the office of ~~((appeals or the))~~ administrative ~~((law judge (ALJ), if one is appointed))~~ hearings, no later than fourteen days before the hearing;

(b) The request shall identify the record sought;

(c) The request shall state the reasons why the appellant believes disclosure is necessary;

(d) The request shall identify the local community service office or the ~~((OSI))~~ DFI field office where the appellant wishes to review the record;

(e) The office of ~~((appeals or ALJ))~~ administrative hearings shall forward a request copy to the ~~((OSI at the main))~~ DFI at its headquarters office ~~((of special investigation))~~ in Olympia; and

(f) Upon the appellant's showing of good cause, the ALJ may shorten the fourteen-day notice period.

(2) ~~((OSI))~~ DFI action.

(a) Within ten days of receipt of a properly filed request, the ~~((OSI))~~ DFI shall determine whether the record sought is within an exemption to disclosure.

(b) Any exempt record shall be:

(i) Sealed in an envelope clearly designated as an exempt or confidential record of the ~~((OSI))~~ DFI;

(ii) Placed in the ~~((OSI))~~ DFI file;

(c) The ~~((OSI))~~ DFI shall then notify the appellant or representative, in writing, of the:

(i) ~~((OSI's))~~ DFI's action; and

(ii) Appellant's or representative's right to a disclosure hearing.

(iii) If any information is placed in a sealed envelope and excluded from disclosure, the notice shall state the specific exemption relied upon for this action. The notice shall provide the appellant a ten-day opportunity to inspect the ~~((OSI))~~ DFI file by the person, or the person's representative, at the community service office or ~~((OSI))~~ DFI field office designated by the appellant. In no event shall the investigative file leave the physical control of the designated ~~((OSI))~~ DFI records custodian, provided the appellant may copy all documents not sealed in an envelope designated as exempt or confidential.

(d) If no amended disclosure request under subsection (3) of this section is filed, the issue of disclosure shall be regarded as moot.

(3) ALJ action. If the appellant wants further disclosure, the appellant shall file an amended disclosure request with the ALJ. The ALJ shall schedule a separate, *in camera* hearing to determine whether, and to what extent, to allow the disclosure of an exempted record.

(a) The department shall have the burden of proving, by a preponderance of the credible evidence, whether the necessity to protect an exempt record or confidential information clearly outweighs the disclosure interests.

(b) Either party may offer witnesses to testify on the disclosure issue. When the appellant calls witnesses from the state, investigative, law enforcement, or penology agencies as adverse witnesses, the appellant may ask leading questions.

(c) Attendance shall be limited to the parties, the parties' representatives, the ALJ, and any witnesses to be called provided, upon the request of either party or upon the ALJ's own motion, the ALJ may exclude nontestifying witnesses from the hearing.

(d) In determining whether to disclose information to the appellant, the ALJ shall review the information, but shall not disclose the information to the appellant.

(e) The ALJ shall enter an initial order.

(i) If the information sought is pertinent to any ongoing criminal investigation, disclosure shall only be ordered by a superior court of this state.

(ii) The ALJ shall order nondisclosure of specific information consistent with law after making findings of fact showing:

(A) The information sought to be disclosed is inadmissible and immaterial to establishing a defense; or

(B) Specific investigative or intelligence information, which cannot be deleted from any specific records sought, is clearly necessary to protect any vital governmental function, ongoing criminal investigation, or an individual's right of privacy; or

(C) After weighing the public interest in protecting the flow of information against the individual's right to prepare the individual's defense, the evidence demonstrates it is not necessary to disclose particular intelligence or investigative information.

(iii) An order for disclosure shall state the times and methods for record inspection. In no event shall such order compel the release of an original record but, rather, where release is ordered, copies shall be provided. Copying a record shall be governed by WAC ~~((388-320-140))~~ 388-01-080.

(f) Each party has the right to file a petition for review ~~((for))~~ of the initial order under WAC 388-08-464. There shall be no disclosure under an initial order until exhausting all review proceedings.

(4) Assignment of new ALJ. When the ALJ conducts the *in camera* review under subsection (3) of this section and determines information should not be disclosed to the appellant, the chief ALJ or the chief ALJ's designee shall assign another ALJ to preside over the adjudicative proceeding.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-575 Judicial review of final adjudicative order. (1) Right to judicial review; exclusive remedy. An appellant or intervener aggrieved, as described under RCW 34.05.530, by the final decision or order in a department of social and health services (DSHS) adjudicative proceeding may appeal the decision or order to court. Judicial review shall only be obtained under chapter 34.05 RCW. Judicial review may not be obtained through any other procedure.

(a) Chapter 34.05 RCW contains the pertinent provisions of the law.

(b) RCW 74.08.080(3) contains additional provisions about public assistance proceedings.

(2) Instituting judicial review; filing and serving the petition. As described in RCW 34.05.542(2), within thirty days after the department mails the final decision, the petitioner shall file the petition for judicial review with the court and serve a copy of the petition on DSHS, the office of the attorney general, and all parties of record.

(a) A petition shall be filed in the Superior Court at the petitioner's option for:

(i) Thurston County;

(ii) The county of the petitioner's residence or principal place of business; or

(iii) Any county where property affected by the decision is located.

(b) ~~((Service))~~ Delivery of a copy of the petition for judicial review on DSHS under RCW 34.05.542(4) may be ~~((had))~~ made by ~~((personally))~~ serving a copy of the petition on the ~~((office))~~ secretary or on the board of appeals by personal service or mail that provides proof of receipt. If there is an attorney of record for DSHS, service on the agency may be made by mailing a copy of the petition, postage prepaid, to the attorney of record.

(c) Service of a copy of the petition for judicial review on the office of the attorney general may be ~~((had))~~ made by mailing a copy of the petition, postage prepaid, to the attorney of record or to the Office of the Attorney General, ((Highway Licenses Building, PB 71)) P.O. Box 40124, Olympia, WA 98504-0124.

(d) Service of a copy of the petition for judicial review on other parties of record may be ~~((had))~~ made by mailing a copy of the petition to the other parties, properly addressed and postage prepaid.

Purpose: Correct inadvertent errors and omissions in the 388-400 series WAC and related rules. Amend 388-400 series WAC to reflect changes in program policy.

Added WAC 388-418-0012 to reflect requirement that clients be prospectively eligible for food assistance.

Citation of Existing Rules Affected by this Order:

New WAC Sections		
WAC #	WSR #	Filing Date
388-418-0012	99-12-121	6-2-99

Repealed WAC Sections		
WAC #	WSR #	Filing Date
388-478-0025	99-12-116	6-2-99

Amended WAC Sections		
WAC #	WSR #	Filing Date
388-450-0100, 388-450-0106, 388-450-0116, 388-450-0140, 388-450-0160, 388-450-0185, 388-450-0190, 388-450-0200	99-12-116	6-2-99
388-470-0025, 388-470-0035, 388-470-0045, 388-470-0055, 388-470-0075, 388-482-0005, 388-412-0005, 388-412-0015, 388-416-0005	99-12-117	6-2-99
388-450-0005, 388-450-0215, 388-450-0220, 388-450-0225, 388-450-0235, 388-450-0250	99-12-118	6-2-99
388-450-0035, 388-450-0045, 388-450-0060, 388-450-0065, 388-450-0080, 388-450-0085	99-12-119	6-2-99
388-478-0010, 388-478-0060, 388-442-0010	99-12-120	6-2-99
388-418-0030, 388-406-0015, 388-406-0035, 388-406-0040, 388-406-0050	99-12-121	6-2-99

WSR 99-16-024
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Division of Assistance Programs)

[Filed July 26, 1999, 11:14 a.m., effective September 1, 1999]

Date of Adoption: July 26, 1999.

PERMANENT

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 99-12-116, 99-12-117, 99-12-118, 99-12-119, 99-12-120, and 99-12-121, on June 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-470-0075 (1)(g) revised to strike the words "an elderly or" in order to comply with federal rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 19, Repealed 1; 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 37, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 18, 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 37, Repealed 1.

Effective Date of Rule: September 1, 1999.

July 26, 1999

Marie Myerchin-Redifer
Manager

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-18 issue of the Register.

WSR 99-16-027
PERMANENT RULES
STATE BOARD OF
PILOTAGE COMMISSIONERS

[Filed July 27, 1999, 8:27 a.m.]

Date of Adoption: July 8, 1999.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 99-12-028 on May 25, 1999.

Changes Other than Editing from Proposed to Adopted Version: The adopted rule reflects a 13.8% increase in all tariff categories except transportation to be charged for pilotage services. This is 27.2% less than the proposed increase of 41%. The "travel allowance" category was retitled and fixed at \$55 per assignment.

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 1, 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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Delay of the hearing process caused the delay of filing outside of thirty-one days.

Effective Date of Rule: August 1, 1999.

July 26, 1999

Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 98-19-036, filed 9/11/98, effective 9/15/98)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ((9-15-98)) 8-1-99 through 2400 hours ((7-31-99)) 7-31-00.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ((~~\$61.89~~)) \$70.43 per meter (or ((~~\$18.83~~)) \$21.43 per foot) and the tonnage charge shall be ((~~\$0.1974~~)) \$0.2246 per net registered ton. The minimum net registered tonnage charge is ((~~\$690.60~~)) \$785.90. The charge for an extra vessel (in case of tow) is ((~~\$394.65~~)) \$449.11.

Boarding fee:

Per each boarding/deboarding from a boat ((~~\$297.75~~))
\$338.84

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ((~~\$495.05~~))
\$563.37

Delays per hour ((~~\$118.05~~))
\$134.34

Cancellation charge (pilot only) ((~~\$197.31~~))
\$224.54

Cancellation charge (pilot boat only) ((~~\$591.95~~))
\$673.64

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Travel allowance:

((Boarding or deboarding a vessel off Grays Harbor entrance)) <u>Transportation fee per assignment</u>	((91.62)) <u>\$55.00</u>
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ((690.62)) <u>\$785.93</u> for each day or fraction thereof, and the travel expense incurred	((690.62)) <u>\$785.93</u>

Bridge transit:

Charge for each bridge transited	((216.71)) <u>\$246.62</u>
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	((600.00)) <u>\$682.80</u>

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 99-16-029
PERMANENT RULES
PENINSULA COLLEGE

[Filed July 27, 1999, 8:46 a.m.]

Date of Adoption: June 23, 1999.

Purpose: Updating Title 132A WAC, WAC 132A-160-006.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 28B.50 RCW.

Adopted under notice filed as WSR 99-10-100 on May 5, 1999.

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 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.
 July 26, 1999
 Bonnie Cauffman
 Assistant Vice President
 Human Resources

NEW SECTION

WAC 132A-160-006 Peninsula College policy regarding admission and registration regulations and procedures. Admission and registration regulations and procedures for students wishing to attend Peninsula College are published in the college catalog. Copies of the catalog are available in the registration office. Questions and inquiries about regulations and procedures should be directed to the appropriate administrator.

WSR 99-16-035

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter R - 99-3—Filed July 28, 1999, 4:38 p.m.]

Date of Adoption: July 28, 1999.

Purpose: Reduce the amount of copies of the annual reports that must be filed with the commissioner.

Citation of Existing Rules Affected by this Order: Amending WAC 284-07-050.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, 48.46.200.

Adopted under notice filed as WSR 99-11-101 on May 19, 1999.

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 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 July 28, 1999

Robert A. Harkins
 Chief Deputy Commissioner

AMENDATORY SECTION (Amending Matter No. R 95-18, filed 8/21/96, effective 9/21/96)

WAC 284-07-050 Annual statement instructions. (1)
 For the purpose of this section, the following definitions shall apply:

PERMANENT

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required to file with the commissioner an annual statement for the previous calendar year in the general form and context as promulgated by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and shall also file a copy thereof with the NAIC. To effectuate RCW 48.05.250, 48.05.400, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions, the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

(3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

(4) Number of statements:

(a) For domestic insurers, the statements are to be filed in ~~((quaduplicate))~~ triplicate to assist with public viewing and copying. ~~((Three))~~ Two statements must be permanently bound on the left side. The ~~((fourth))~~ third statement must be unbound. ~~((Two bound))~~ The statements ~~((and one unbound statement))~~ are to be filed in the Olympia office ~~((and one bound statement is to be filed in the Seattle office))~~.

(b) For foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(5) Each domestic insurer shall file quarterly reports of its financial condition with the commissioner. Each foreign insurer shall file quarterly reports of its financial condition with the NAIC. The commissioner may require a foreign insurer to file quarterly reports with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The reports shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. Such quarterly reports shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly reports for the fourth quarter are not required.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly

financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. Such monthly financial reports shall be the internal financial statements of the company. In addition, the commissioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as the insurer's quarterly financial reports of insurers.

(7) Health care service contractors shall use the Hospital, Medical, Dental Service or Indemnity Corporation's Statement Form promulgated by the NAIC for their statutory filings.

(8) Each health care service contractor's and health maintenance organization's annual statement shall be accompanied by a monthly enrollment data form (IC-16-HC/IC-15-HMO) and additional data statement form (IC-13A-HC/IC-14-HMO).

(9) An insurer who on December 31, 1996, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.

(10) The commissioner may allow a reasonable extension of the time within which such financial statements shall be filed.

WSR 99-16-036

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-20—Filed July 28, 1999, 4:39 p.m.]

Date of Adoption: July 28, 1999.

Purpose: The rules are intended to implement RCW 48.43.045 by identifying health carrier practices that would violate the statute. The rules supersede an earlier declaratory order (G 96-13) filed on May 21, 1996.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, and 48.46.200.

Adopted under notice filed as WSR 99-11-102 on May 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: A provision is added giving health carriers until January 1, 2000, to bring their operations, contracts, networks and plans into compliance with the rules. A phrase is deleted that might lead some to believe that the rules only applied to health care networks.

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 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.

July 28, 1999

Robert A. Harkins

Chief Deputy Commissioner

NEW SECTION

WAC 284-43-205 Every category of health care providers. (1) To effectuate the requirement of RCW 48.43.045 that health plans provide coverage for treatments and services by every category of provider, health carriers shall not exclude any category of providers licensed by the state of Washington who provide health care services or care within the scope of their practice for conditions covered by basic health plan (BHP) services as defined by RCW 48.43.005(4). If the BHP covers the condition, the carrier may not exclude a category of provider who is licensed to provide services for that condition, and is acting within the scope of practice, unless such services would not meet the carrier's standards pursuant to RCW 48.43.045 (1)(b). For example, if the BHP provides coverage for outpatient treatment of lower back pain, any category of provider that provides cost-effective and clinically efficacious outpatient treatment for lower back pain within its scope practice and otherwise abides by standards pursuant to RCW 48.43.045 (1)(b) may not be excluded from the network.

(2) RCW 48.43.045 (1)(b) permits health carriers to require providers to abide by certain standards. These standards may not be used in a manner designed to exclude categories of providers unreasonably. For example, health carriers may not decide that a particular category of provider can never render any cost-effective or clinically efficacious services and thereby exclude that category of provider completely from health plans on that basis. However, health carriers may determine that particular services for particular conditions by particular categories of providers are not cost-effective or clinically efficacious, and may exclude such services from coverage or reimbursement under a health plan. Any such determinations must be supported by relevant information or evidence of the type usually considered and relied upon in making determinations of cost-effectiveness or clinical efficacy.

(3) Health plans are not prohibited by this section from placing reasonable limits on individual services rendered by specific categories of providers. However, health plans may not contain unreasonable limits, and may not include limits

on the type of provider permitted to render the covered service unless such limits comply with RCW 48.43.045 (1)(b).

(4) This section does not prohibit health plans from using restricted networks. Health carriers offering plans with restricted networks may select the individual providers in any category of provider with whom they will contract or whom they will reimburse. A health carrier is not required by RCW 48.43.045 or this section to accede to a request by any individual provider for inclusion in any network for any health plan. Health plans that use "gatekeepers" for access to specialist providers may use them for access to specified categories of providers.

(5) Health carriers may not offer coverage for health services for certain categories of providers solely as a separately priced optional benefit.

(6) The insurance commissioner may grant reasonable temporary extensions of time for implementation of RCW 48.43.045 or this section, or any part thereof, for good cause shown.

(7) All health carriers and their plans, provider contracts, networks and operations shall conform to the provisions of this section WAC 284-43-205, by January 1, 2000.

WSR 99-16-038
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed July 29, 1999, 10:14 a.m.]

Date of Adoption: July 8, 1999.

Purpose: Revision to WAC 136-130-050, the rural arterial program.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-050.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 99-09-084 on April 20, 1999.

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.

July 19, 1999

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-130-050 Project prioritization in northeast region (NER). Each county in the NER may submit projects requesting RATA funds not to exceed twenty-five percent of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - Ten percent for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
- Category 2 - Forty-five percent for reconstruction of rural collectors; and
- Category 3 - Forty-five percent for resurfacing, restoration, rehabilitation (3R) type projects on rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the county road administration board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

(1) Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the Bridge for Federal Bridge replacement funding.

(2) A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

(3) A RAP project may include a bridge when the cost of the bridge does not exceed twenty percent of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. A total of ten points representing local significance may be added to one project included in each county's biennial submittal. A total of up to ten points representing missing links definition may also be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating

points shown on the appropriate project worksheet and the prospectus form of the project application.

**WSR 99-16-040
PERMANENT RULES
DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)

[Filed July 29, 1999, 4:19 p.m.]

Date of Adoption: July 29, 1999.

Purpose: To amend WAC 308-48-800 to bring Board of Funeral Directors and Embalmers revenues into line with expenditures.

Citation of Existing Rules Affected by this Order: Amending WAC 308-48-800.

Statutory Authority for Adoption: RCW 18.39.181.

Adopted under notice filed as WSR 99-13-136 on June 18, 1999.

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.

July 29, 1999

Alan E. Rathbun

Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 98-21-056, filed 10/19/98, effective 11/19/98)

WAC 308-48-800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination or reexamination	((\$150.00)) <u>\$154.98</u>
Renewal	((100.00)) <u>103.32</u>
Late renewal penalty	((50.00)) <u>51.66</u>
Duplicate	((15.00)) <u>15.50</u>

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Title of Fee	Fee	Title of Fee	Fee
Certification	((25.00)) <u>25.83</u>	100 or more sales	((150.00)) <u>154.98</u>
Embalmer apprentice:		Financial statement fee	((50.00)) <u>51.66</u>
Apprentice application	((75.00)) <u>77.49</u>	Crematory endorsement registration	((100.00)) <u>103.32</u>
Apprentice renewal	((45.00)) <u>46.49</u>	Crematory endorsement renewal	((50.00 plus fifty)) <u>fifty-one dol-</u> <u>lars and sixty-six cents plus fifty-</u> <u>two cents per cremation per-</u> <u>formed during previous calendar</u> <u>year.</u>
Duplicate	((15.00)) <u>15.50</u>		
Certification	((25.00)) <u>25.83</u>		
Funeral director:			
State examination or reexamination	((150.00)) <u>154.98</u>	WSR 99-16-047	
Renewal	((100.00)) <u>103.32</u>	PERMANENT RULES	
Late renewal penalty	((50.00)) <u>51.66</u>	DEPARTMENT OF HEALTH	
Duplicate	((15.00)) <u>15.50</u>	(Board of Optometry)	
Certification	((25.00)) <u>25.83</u>	[Filed July 30, 1999, 1:16 p.m.]	
Funeral director apprentice:		Date of Adoption: June 1, 1999.	
Apprentice application	((75.00)) <u>77.49</u>	Purpose: Expedited repeal of rules which have been replaced by other rules of the agency adopted to implement the Consumer Access to Vision Care Act.	
Apprentice renewal	((45.00)) <u>46.49</u>	Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-270, 246-851-340, and 246-851-360.	
Duplicate	((15.00)) <u>15.50</u>	Statutory Authority for Adoption: RCW 18.54.070(2).	
Certification	((25.00)) <u>25.83</u>	Adopted under preproposal statement of inquiry filed as WSR 98-20-065 on October 2, 1998.	
Funeral establishment:		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.	
Original application	((350.00)) <u>361.62</u>	Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.	
Renewal	((300.00)) <u>309.96</u>	Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 3.	
Branch registration and renewal	((250.00)) <u>258.30</u>	Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 3.	
Preneed application	((200.00)) <u>206.64</u>	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 3.	
Preneed renewal:		Effective Date of Rule: Thirty-one days after filing.	
0-25 sales	((25.00)) <u>25.83</u>	July 19, 1999	
26-99 sales	((100.00)) <u>103.32</u>	Anup K. Deol, O.D. Chair, Board of Optometry	

PERMANENT

WSR 99-16-054
PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 30, 1999, 4:19 p.m.]

Date of Adoption: July 30, 1999.

Purpose: Chapter 16-160 WAC contains the rules and regulations for the registration of materials (pesticides, fertilizers, post harvest materials, processing aids, etc.) for use in organic food production. The amendments to chapter 16-160 WAC clarify the application process for the registration of brand name materials, explain the brand name materials list, outline the criteria for approval of brand name materials, reduce fees, and allow for the use of an organic logo.

Citation of Existing Rules Affected by this Order: Chapter 16-160 WAC, amending WAC 16-160-010, 16-160-020, 16-160-030, 16-160-040, 16-160-050, 16-160-060, 16-160-070, 16-160-090, and 16-160-100.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Adopted under notice filed as WSR 99-13-195 on June 23, 1999.

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 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 9, 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 3, Amended 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 30, 1999

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-010 (~~Purpose.~~) **What is the purpose of this rule?** This chapter specifies the review process and criteria for registering brand name materials used in organic food production, processing and handling. This chapter is promulgated pursuant to RCW 15.86.060((1)-wherein) in which the director is authorized to adopt rules ((and regulations)) for the proper administration of chapter 15.86 RCW and establish a list of approved substances that may be used in the production, processing and handling of organic food and RCW 15.86.070 ((wherein)) in which the director is authorized to adopt rules governing the certification of producers of organic food.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-020 Definitions. As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Animal manure" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.

(3) "Applicant" means the person who submits an application to register a material pursuant to the provisions of this chapter.

~~((3))~~ (4) "Approved generic material" means any material which is approved for use in organic food production, processing or handling under chapter 15.86 RCW(~~chapter 16-154 WAC, and WAC 16-160-060~~) (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

~~((4))~~ (5) "Brand name material" means any material that is supplied, distributed or manufactured by a person.

(6) "Compost" means a material produced from a controlled process in which organic materials are digested aerobically or anaerobically by microbial action.

(7) "Crop production aid" means any substance, material, structure, or device, that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

(8) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

~~((5))~~ (9) "Department" means the department of agriculture of the state of Washington.

~~((6))~~ (10) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

~~((7))~~ (11) "Director" means the director of the department of agriculture or his or her duly authorized representative.

~~((8))~~ (12) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.

~~((9))~~ (13) "EPA" means the United States Environmental Protection Agency.

(14) "Fertilizer" means any substance containing one or more recognized plant nutrients.

(15) "Generic material" means any type, class or group of materials that is specified under chapter 15.86 RCW or rules adopted pursuant to chapter 15.86 RCW.

(16) "Genetic engineering" means techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA, cell fusion, micro- and macro-encapsulation, gene deletion, and doubling, introducing a foreign gene, and changing the positions of genes. It does not include breeding, conjugation, fermentation, hybridization, in-vitro fertilization and tissue culture.

(17) "Inert ingredient" means an ingredient which is not an active ingredient.

~~((10))~~ (18) "Label" means the written, printed, or graphic matter on, or attached to, the material or ~~((the))~~ its

immediate container (~~thereof, and the outside container or wrapper of the retail package~~).

~~((11))~~ (19) "Labeling" includes all written, printed, or graphic matter, upon or accompanying a material, or advertisement, brochures, posters, television, and radio announcements used in promoting the distribution or sale of the material.

(20) "Livestock production aid" means any substance, material, structure, or device, that is used to aid a producer in the production of livestock (e.g., parasiticides, medicines, feed additives).

(21) "Material" means any ~~(pesticide, plant regulator, defoliant, desiccant, spray adjuvant, fertilizer, soil amendment, growth regulator, or other)~~ substance or mixture of substances ~~(which)~~ that is intended to be used in agricultural production ~~(or post-harvest use)~~, processing or handling.

~~((12))~~ (22) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95 RCW.

(23) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((13))~~ (24) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

~~((14))~~ (25) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

~~((15))~~ (26) "Post harvest material" means any substance, material, structure, or device, that is used in the post harvest handling of agricultural products.

(27) "Processing aid" means any material used in processing that does not become an ingredient in the food product (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

(28) "Prohibited material" means any material which is prohibited for use in organic food production, handling, or processing under chapter 15.86 RCW ~~(chapter 16-154 WAC, and WAC 16-160-060)~~ (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

~~((16))~~ (29) "Registered material" means any material that has applied for registration under this chapter, has met the criteria for approval and has been issued written approval by the department.

(30) "Registrant" means the person registering any material pursuant to the provisions of this chapter.

~~((17))~~ (31) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

(32) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to ~~(the)~~ its application or to ~~(the)~~ its effect ~~(thereof)~~, and which is in a package or container separate from that of the pesticide with which it is to be used.

(33) "Washington application rate" is calculated by using an averaging period of up to four consecutive years that incorporates agronomic rates that are representative of soil, crop rotation, and climatic conditions in Washington state.

NEW SECTION

WAC 16-160-025 What materials are approved for use in organic food production, processing and handling?

Materials approved for use in organic food production, processing and handling include generic materials specified in rule and brand name products registered under this chapter. Approved generic materials are specified in the following rules.

(1) The Organic crop production standards, chapter 16-154 WAC, specifies the pesticides, fertilizers, soil amendments and other materials that can be used in organic crop production.

(2) The Standards for the certification of processors of organic food, chapter 16-158 WAC, specifies the processing aids and minor ingredients that can be used in the processing of organic food.

(3) The Animal production standards for organic meat and dairy products, chapter 16-162 WAC, specifies the materials that can be used in the production of organic animal products.

(4) The Standards for the certification of handlers of organic food, chapter 16-164 WAC, specifies the post harvest materials that can be used in the handling of organic food products.

In order for specific brand name materials to be approved for use in organic food production, processing or handling they must be registered through this chapter.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-030 (~~Registration of materials.~~) Do I need to register my brand name material with the organic food program? Every material which is manufactured within this state and/or distributed within this state for use in organic food production, processing or handling may be registered ~~(for use in organic food production if it meets the~~

terms and conditions as set forth in this chapter. Such application shall be made prior to January 1 of each year) with the department. Registration is not required, but is necessary for a product to appear on the brand name materials list or to label or advertise itself as approved for use in organic food production, processing or handling.

NEW SECTION

WAC 16-160-035 Brand name materials list. The department maintains a list of registered materials and brand name materials that have been denied registration. The list is provided to all producers, processors and handlers of organic food who apply for certification with the department. A registered material that appears on the brand name materials list has been reviewed to verify that all of its ingredients comply with organic standards.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-040 (~~(Application for material registration-)~~) **How do I apply for registration?** Applications for brand name material registration (~~(shall)~~) must be made on a form designated by the department. Applications, must be accompanied by the appropriate fee, and must be postmarked by October 31 of each year. Applications made after the set deadline may be processed as the department can review the application. Applications received after October 31 may appear on the annual brand name materials list if received in time to complete the registration prior to the publication of the list. The application form shall include:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicants;
- (2) The name of the material;
- (3) A (~~(complete)~~) copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;
- (4) The complete formula of the material(~~(s)~~) including the active and inert ingredients;
- (5) A description of the manufacturing process including all materials used for the extraction and synthesis of the material, if appropriate;
- (6) The intended uses of the product;
- (7) (~~(For pesticides, a full description of the tests made and the results of acute toxicity, chronic toxicity, reproductive effects, teratogenicity tests, mutagenicity tests, carcinogenicity tests, ecological effects, environmental fate and persistence. Similar information on nonpesticide materials must be provided when the data are available)~~) The source or supplier of all ingredients; and
- (8) Any additional information deemed necessary.

The director may require a full description of the tests made and the results thereof upon which the claims are based. Trade secrets are confidential and exempt from public disclosure under the Uniform Trade Secrets Act, chapter 19.108 RCW. RCW 42.17.260(1).

AMENDATORY SECTION (Amending WSR 91-20-013, filed 9/20/91, effective 10/21/91)

WAC 16-160-060 (~~(Criterion for registering-)~~) **What criteria are used to determine if a brand name material is approved?** (~~(1)~~) The director shall review the information provided under WAC 16-160-040 and shall register the material as an "approved material" if he or she determines that:

- (a) Its composition is such as to warrant the proposed claims for it;
- (b) Its labeling and other material required to be submitted comply with state and federal laws;
- (c) It is composed entirely of "approved" materials as stated in chapter 16-154 WAC or meets the provisions of subsection (2) of this section.
 - (2) Synthetic materials may be considered for registration by the director if he or she determines that:
 - (a) The material is judged to be essential to the production of the crop;
 - (b) The material is less toxic or environmentally hazardous than a naturally derived alternative; and
 - (c) The use of the material is consistent with the principles of organic farming as set forth in chapter 16-154 WAC.)) The director reviews the information provided under WAC 16-160-040. A brand name material that meets the following criteria will be registered.

(1) General requirements.

- (a) Its composition is such as to warrant the proposed claims for it;
- (b) Its labeling and other material required to be submitted comply with state and federal laws;
- (c) It does not contain ingredients that are genetically engineered;
- (d) It does not contain ingredients that appear on the EPA's List 1 or 2 of Inert Pesticide Ingredients.

(2) Pesticide and spray adjuvants.

- (a) The material does not contain ingredients that are prohibited under chapter 16-154 WAC; and
- (b) The ingredients are approved under chapter 16-154 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or

The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or

- The ingredients meet the following conditions:
- (i) Would not be harmful to human health or the environment;
 - (ii) Are necessary to the production or handling of organic products; and
 - (iii) Are consistent with organic principles.

(3) Fertilizers, organic waste derived materials, compost, animal manures, soil amendments, and crop production aids.

- (a) All fertilizers, organic waste derived materials, compost, animal manures and soil amendments must meet standards for allowable levels of nonnutritive substances under chapter 15.54 RCW. Washington application rates shall be used to ensure that the maximum acceptable cumulative metal additions to soil are not exceeded.

(b) All organic waste derived materials, compost and animal manures must consist of acceptable feedstocks. Acceptable feedstocks include materials approved under WAC 16-154-070. Prohibited feedstocks include mixed municipal solid waste, sewage sludge, biosolids, glossy paper, recycled gypsum, dangerous waste, special waste, waste or by-product from processes that create organochlorines, cement kilns, secondary steel mills, waste categorically excluded from the dangerous waste regulations and other materials prohibited under this chapter. Applications for registering organic waste derived materials, composts and animal manures must include an inspection of the facility. Inspections of facilities entail an examination of the feedstocks and may entail an examination of any other information deemed necessary to the requirements of chapter 15.86 RCW and this chapter.

(c) The material does not contain ingredients that are prohibited under chapter 16-154 WAC.

(d) The ingredients are approved under chapter 16-154 WAC; or the ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or the ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or the ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the production of organic products; and

(iii) Are consistent with organic principles.

(4) Post harvest materials.

(a) The material does not contain ingredients that are prohibited under chapter 16-164 WAC or WAC 16-154-120; and

(b) The ingredients are approved under WAC 16-154-120 or chapter 16-164 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or

The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the handling of the organic products; and

(iii) Are consistent with organic principles.

(5) Processing aids.

(a) The material does not contain ingredients that are prohibited under chapter 16-158 WAC; and

(b) The ingredients are approved under chapter 16-158 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-158 WAC; or

The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the processing of organic products; and

(iii) Are consistent with organic principles.

(6) Livestock production aids (parasitocides and medicines, vitamins, minerals, livestock feed additives).

(a) The material does not contain ingredients that are prohibited under chapter 16-162 WAC; and

(b) The ingredients are approved under chapter 16-162 WAC; or

The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-162 WAC; or

The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or

The ingredients meet the following conditions:

(i) Would not be harmful to human health or the environment;

(ii) Are necessary to the production or handling of the organic livestock products; and

(iii) Are consistent with organic principles.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-070 (~~Inspection~~) Application fees. Whenever the department receives an application for registration of materials under this chapter, the department (~~shall~~) may conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for prohibited materials, and any other information deemed necessary to the requirements of this chapter.

((The applicant or registrant shall pay a yearly inspection fee of three hundred dollars at the time the application for material registration is filed with the director.)) The application fee for initial registration of a pesticide, spray adjuvant, processing aid or post harvest material is two hundred dollars per material. The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is one hundred dollars per material.

The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid or post harvest material is one hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is fifty dollars per material.

Renewal registrations postmarked after October 31 pay a late fee of twenty dollars per pesticide, spray adjuvant, processing aid or post harvest material; and ten dollars per fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid.

Additional inspections, if required, will be billed at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

Additional samples (in addition to one sample provided for), if required shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-090 Refusing or canceling registration~~((—Procedure)).~~ **Initial registration.**

(1) ~~((With regard to the initial registration of a material,))~~ If it does not appear to the director that the brand name material is such as to warrant the proposed claims for it or if the brand name material and its labeling ~~((and other material required to be submitted))~~ do not comply with the provisions of this chapter, ~~((he or she))~~ the director shall notify the registrant of the manner in which the brand name material ~~((;))~~ and its labeling ~~((, or other material required to be submitted))~~ fails to comply with the provisions of this chapter ~~((or state or federal law))~~ so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make corrections, the director shall ~~((refuse to register))~~ deny registration of the material in accordance with chapter 34.05 RCW.

Renewal registration.

(2) ~~((When evaluating a materials registration renewal application, the director may,))~~ When ((he or she)) the director determines that a material or its labeling does not comply with the provisions of this chapter ((or state or federal law)), or ((if he or she determines)) that false or inaccurate information was provided by the registrant ((concerning the material)), the director shall cancel the registration of a material ((after a hearing)) in accordance with ((the provisions of)) chapter 34.05 RCW ((provided that the applicant has otherwise made timely and sufficient application for registration renewal)).

Revoking registration.

(3) ~~((During the current registration period of a material, the director may,))~~ When ((he or she)) the director determines that a material or its labeling does not comply with the provisions of this chapter ((or state or federal law)), or if false or inaccurate information was provided by the registrant ((concerning the registered material)), the director shall cancel the registration of such material ((after a hearing)) in accordance with ((the provisions of)) chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-100 Labeling of registered brand name materials and use of organic logo. A person((s who apply under this program and)) whose material is registered ((as an "approved material" will be allowed to)) under this chapter may use the words((;)) "approved material under Washington state department of agriculture organic food program" ((in their labeling)) and may use the logo specified in WAC 16-160-110 in the labeling of the material. Approved generic materials that are not registered under this chapter must not

use the statement nor the logo in the labeling of the material. Registration ~~((as an "approved material"))~~ by no means implies the Washington department of agriculture endorses the use of ~~((such))~~ the product.

NEW SECTION

WAC 16-160-110 Organic material registration logo.



AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-050 ~~((Annual application and initial inspection fee—Expiration—Continuation if renewal application made.))~~ **When do registrations expire?** ~~((+))~~ Any person desiring to register a material for organic food production shall file with the director an application and a yearly inspection fee as set forth in WAC 16-160-070 for each material.)) All registrations expire on ~~((December))~~ October 31st of each year.

~~((2))~~ If a renewal application has been ((filed)) submitted and the ((yearly inspection)) application fee paid, then the registration of any material which has been approved by the director and is in effect on the 31st day of ((December)) October continues in full force and effect until the director notifies the applicant that the registration has been renewed, or until it is otherwise denied in accordance with ((WAC 16-160-090)) chapter 34.05 RCW.

WSR 99-16-066
PERMANENT RULES
SECRETARY OF STATE
 [Filed August 2, 1999, 3:01 p.m.]

Date of Adoption: August 2, 1999.

Purpose: Correcting the references to the RCW for the international student exchange agency registration.

Citation of Existing Rules Affected by this Order: Amending WAC 434-166-210, 434-166-290, and 434-166-310.

Statutory Authority for Adoption: RCW 19.166.030, 19.166.040, 19.166.050, 19.166.060.

Adopted under notice filed as WSR 99-12-009 on May 20, 1999.

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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, 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.

August 2, 1999

Donald F. Whiting

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-210 Appointment of a responsible officer and responsible officer address. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW ((19.166.050)) 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW ((19.166.050)) 19.166.040(2) shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

AMENDATORY SECTION (Amending WSR 96-10-052, filed 4/29/96, effective 5/30/96)

WAC 434-166-290 Application for reregistration. (1) Prior to the expiration of the registration period, organizations may seek reregistration within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW ((19.166.050)) 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW ((19.166.050)) 19.166.040; no extensions will be granted by the secretary.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-310 Termination. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW ((19.166.050)) 19.166.040(3).

WSR 99-16-068
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 2, 1999, 3:28 p.m.]

Date of Adoption: August 2, 1999.

Purpose: To comply with the Governor's Executive Order 97-02. To combine all medical therapy rules into new chapter 388-545 WAC. To organize and combine occupa-

tional therapy rules into one section in the new medical therapies chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-073 Occupational therapy.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 99-11-071 on May 18, 1999.

Changes Other than Editing from Proposed to Adopted Version: To WAC 388-545-0300(6) added "MAA will pay for one visit to instruct in the application of transcutaneous neurostimulator (TENS), per client, per lifetime." This clarifies that MAA will pay for one visit to instruct in the application of, rather than pay for one application.

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 1, 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 1, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-545 WAC

THERAPIES

NEW SECTION

WAC 388-545-300 Occupational therapy. (1) The following providers are eligible to enroll with medical assistance administration (MAA) to provide occupational therapy services:

- (a) A licensed occupational therapist;
- (b) A licensed occupational therapy assistant supervised by a licensed occupational therapist; and
- (c) An occupational therapy aide, in schools, trained and supervised by a licensed occupational therapist.

(2) Clients in the following MAA programs are eligible to receive occupational therapy services described in this chapter:

- (a) Categorically needy;
- (b) Children's health;
- (c) General assistance unemployable (within Washington state or border areas only);
- (d) Alcoholism and drug addiction treatment and support act (ADATSA) (within Washington state or border areas only);

(e) Medically indigent program for emergency hospital-based services only; or

(f) Medically needy program only when the client is either:

(i) Twenty years of age or younger and referred by a screening provider under the early and periodic screening, diagnosis and treatment program (healthy kids program) as described in WAC 388-86-027; or

(ii) Receiving home health care services as described in WAC 388-86-045.

(3) Occupational therapy services received by MAA eligible clients must be provided:

(a) As part of an outpatient treatment program for adults and children;

(b) By a home health agency as described under WAC 388-86-045;

(c) As part of the physical medicine and rehabilitation (PM&R) program as described in WAC 388-86-112;

(d) By a neurodevelopmental center;

(e) By a school district or educational service district as part of an individual education program or individualized family service plan as described in WAC 388-86-022; or

(f) When prescribed by a provider for clients age twenty-one or older. The therapy must:

(i) Prevent the need for hospitalization or nursing home care;

(ii) Assist a client in becoming employable;

(iii) Assist a client who suffers from severe motor disabilities to obtain a greater degree of self-care or independence; or

(iv) Be a part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization.

(4) MAA pays only for covered occupational therapy services listed in this section when they are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary, when prescribed by a provider; and

(c) Begun within thirty days of the date prescribed.

(5) MAA covers the following occupational therapy services per client, per calendar year:

(a) Unlimited occupational therapy program visits for clients twenty years of age or younger;

(b) One occupational therapy evaluation. The evaluation is in addition to the twelve program visits allowed per year;

(c) Two durable medical equipment needs assessments. The assessments are in addition to the twelve program visits allowed per year;

(d) Twelve occupational therapy program visits;

(e) Twenty-four additional outpatient occupational therapy program visits when the diagnosis is any of the following:

(i) A medically necessary condition for developmentally delayed clients;

(ii) Surgeries involving extremities, including:

(A) Fractures; or

(B) Open wounds with tendon involvement;

(iii) Intracranial injuries;

(iv) Burns;

(v) Traumatic injuries;
 (f) Twenty-four additional occupational therapy program visits following a completed and approved inpatient PM&R program. In this case, the client no longer needs nursing services but continues to require specialized outpatient therapy for any of the following:

- (i) Traumatic brain injury (TBI);
- (ii) Spinal cord injury (paraplegia and quadriplegia);
- (iii) Recent or recurrent stroke;
- (iv) Restoration of the levels of function due to secondary illness or loss from multiple sclerosis (MS);
- (v) Amyotrophic lateral sclerosis (ALS);
- (vi) Cerebral palsy (CP);
- (vii) Extensive severe burns;
- (viii) Skin flaps for sacral decubitus for quads only;
- (ix) Bilateral limb loss; or
- (x) Acute, infective polyneuritis (Guillain-Barre' syndrome).

(g) Additional medically necessary occupational therapy services, regardless of the diagnosis, must be approved by MAA.

(6) MAA will pay for one visit to instruct in the application of transcutaneous neurostimulator (TENS), per client, per lifetime.

(7) MAA does not cover occupational therapy services that are included as part of the reimbursement for other treatment programs. This includes, but is not limited to, hospital inpatient and nursing facility services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-073 Occupational therapy.

WSR 99-16-069
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed August 2, 1999, 3:30 p.m.]

Date of Adoption: August 2, 1999.

Purpose: The department is establishing new chapter 388-551 WAC, Alternatives to hospital services, to combine alternative services into one chapter. The new chapter consolidates all the rules about this subject and makes it easier to find information. It also clarifies department policies and so complies with the Governor's Executive Order 97-02. The department is repealing WAC 388-86-045 and 388-87-065 to avoid duplicating rules found in the new chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-045 and 388-87-065.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under notice filed as WSR 99-11-053 on May 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: Deleted material indicated by ~~strike through~~ type, additions indicated by underlined type.

WAC 388-551-2000, "...The client must be homebound, as determined by documentation ~~provided~~ submitted to MAA during the client's focused program review period."

WAC 388-551-2010, "'Homebound' - means a physician has certified that the client is medically or physically ~~not capable of leaving the client's residence, and MAA has determined, by reviewing available supporting documentation, that the client meets the requirements to receive home health services, confined to the home, and under normal circumstances, lacks the ability to leave home without a considerable and taxing effort.~~ The client may be considered homebound if absences from the home are infrequent or for periods of relatively short duration, or are attributable to the need to receive medical treatment."

WAC 388-551-2100 (9)(b), "When provided by a Medicaid approved infant phototherapy agency, ~~which has a copy of MAA's approval letter on file; and...~~"

WAC 388-551-2210 (1)(d), "Be reviewed; and revised ~~and signed~~ by a physician at least every sixty-two calendar days; and signed by a physician within forty-five days of the verbal order."

WAC 388-551-2210 (2)(k)(i), "~~The date~~ Any new prescription is prescribed, and..."

WAC 388-551-2210(5), "The provider must document at least the following in the client's ~~visit notes~~ medical record:..."

WAC 388-551-2130 (1)(c), "Pre- and postnatal skilled nursing services except as listed under WAC 388-551-2100(10)."

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 10, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 0, Repealed 2.

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 10, Amended 0, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1999

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

SUBCHAPTER II—HOME HEALTH SERVICES

NEW SECTION

WAC 388-551-2000 Home health services—General.
 The purpose of the medical assistance administration (MAA) home health program is to reduce the costs of health care ser-

vices by providing equally effective, more conservative, and/or less costly treatment in a client's home.

Home health services consist of skilled nursing and **specialized therapies** provided in a client's **residence**. Home health aide services may be provided in addition to these services. The client must be **homebound**, as determined by documentation submitted to MAA during the client's focused program review period. Services provided are for acute, intermittent, short term, and intensive courses of treatment. See chapter 388-515 WAC for clients needing chronic, long-term maintenance care.

NEW SECTION

WAC 388-551-2010 Home health—Definitions. Words and abbreviations in bold have the following definitions for this chapter. See also chapter 388-500 WAC for other definitions and abbreviations used by the department.

"Home health agency" means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

"Home health services" mean skilled health care (nursing, specialized therapy, and home health aide) services provided in the client's residence on a part-time or intermittent basis by a Title XVIII Medicare and Title XIX Medicaid home health provider. See also WAC 388-551-2000.

"Homebound" means a physician has certified that the client is medically or physically confined to the home, and under normal circumstances, lacks the ability to leave home without a considerable and taxing effort. The client may be considered homebound if absences from the home are infrequent or for periods of relatively short duration, or are attributable to the need to receive medical treatment.

"Plan of treatment (POT)" (also known as **"plan of care (POC)"**) means a written plan of treatment that is established and periodically reviewed and signed by both a physician and a home health agency provider, that describes the home health care to be provided at the client's **residence**. See WAC 388-551-2210.

"Residence" means a client's home or place of living not including a hospital, skilled nursing facility, or residential facility with skilled nursing services available.

"Specialized therapy" means skilled therapy services provided to **homebound** clients which includes:

- (1) Physical;
- (2) Occupational; or
- (3) Speech/audiology services.

See WAC 388-551-2110.

NEW SECTION

WAC 388-551-2020 Home health services—Eligible clients. (1) Clients in the following MAA programs are eligible to receive **home health services** subject to the limitations described in this chapter. Chapter 388-551 WAC does not apply to clients enrolled in MAA's managed care plans.

- (a) Categorically needy program (CNP);
- (b) Limited casualty program - medically needy program (LCP-MNP);

(c) General assistance expedited (GA-X) (disability determination pending); and

(d) Medical care services (MCS) programs:

- (i) General assistance - unemployable (GA-U); and
- (ii) Alcoholism and drug addiction treatment and support act (ADATSA) (GA-W).

(2) Clients in the following emergency-only MAA programs are eligible to receive **home health services** subject to the limitations described in this chapter. Coverage is also limited to two skilled nursing visits per eligibility enrollment period. **Specialized therapy** services and home health aide visits are not covered:

(a) Categorically needy program (CNP) - emergency-only.

(b) Limited casualty program - medically needy program (LCP-MNP)-emergency only.

NEW SECTION

WAC 388-551-2100 Covered home health services—Nursing. (1) Skilled nursing services involve observation, assessment, treatment, teaching, training, management and/or evaluation requiring the skills of:

- (a) A registered nurse; or
- (b) A licensed practical nurse under the supervision of a registered nurse.

(2) MAA may pay for up to two skilled nursing visits per day. See WAC 388-551-2220 (3), (4) and (5).

(3) Coverage for home health nursing services is limited to **homebound** clients, except as listed in subsection (4) of this section.

(4) MAA covers home health nursing services for non-homebound clients on a limited basis only when the client is unable to access similar services in a less costly setting, as documented by the provider and approved by MAA.

(5) A brief skilled nursing visit occurs when only one of the following activities is performed during a visit:

- (a) An injection or blood draw;
- (b) Placement of oral medications in containers (e.g., envelopes, cups, medisets); or
- (c) A prefill of insulin syringes.

(6) MAA may cover brief skilled nursing visits for a client with chronic needs, for a short time, until a long term care plan is implemented.

(7) MAA limits services provided to a client enrolled in either of the emergency medical programs listed in WAC 388-551-2020 (2)(a) and (b), to two skilled nursing visits within their eligibility enrollment period.

(8) To receive infusion therapy clients must:

(a) Be willing and capable of learning and managing their infusion care; or

(b) Have a caregiver willing and capable of learning and managing the client's infusion care.

(9) MAA covers infant phototherapy:

- (a) For up to five skilled nursing visits per infant;
- (b) When provided by a Medicaid approved infant phototherapy agency; and
- (c) When the infant is diagnosed with hyperbilirubemia.

(10) MAA covers limited high risk obstetrical services:

(a) For a medical condition that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn;

(b) During the span of home health agency services, if enrollment in or referral to the following providers of First Steps has been verified:

- (i) Maternity support services (MSS); or
- (ii) Maternity case management (MCM);
- (c) When provided by a registered nurse who has either:
 - (i) National prenatal certification; or
 - (ii) A minimum of one year of labor, delivery, and postpartum experience at a hospital within the last five years; and
 - (d) For up to three home health visits per pregnancy.

NEW SECTION

WAC 388-551-2110 Covered home health services—Specialized therapy. (1) MAA may pay for up to one specialized therapy visit per day, per type of specialized therapy.

(2) To receive specialized therapy services, a client must be homebound.

NEW SECTION

WAC 388-551-2120 Home health services—Aides.

(1) MAA may pay for up to one home health aide visit per day.

(2) MAA pays for home health aide services only when the services are provided under the supervision of and in conjunction with:

- (a) Skilled nursing services; or
- (b) Specialized therapy services.

(3) MAA covers home health aide services only when a registered nurse or licensed therapist visits the client's residence at least once every fourteen days to monitor or supervise home health aide services, with or without the presence of the home health aide.

NEW SECTION

WAC 388-551-2130 Home health services—Noncovered. (1) MAA does not cover the following **home health services** and expenses:

- (a) Medical social work services;
- (b) Psychiatric skilled nursing services;
- (c) Pre- and postnatal skilled nursing services except as listed under WAC 388-551-2100(10);
- (d) Additional administrative costs billed above the visit rate (these costs are included in the visit rate and may not be billed separately);
- (e) Well baby follow-up care;
- (f) Services performed in hospitals, correctional facilities, skilled nursing facilities or a residential facility with skilled nursing services available;
- (g) Home health aide services that are not provided in conjunction with skilled nursing or **specialized therapy** services;
- (h) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change);

(i) Home health **specialized therapies** and home health aide visits for clients in the following programs:

- (i) CNP - emergency medical only; and
- (ii) LCP-MNP - emergency medical only;
- (j) Skilled nursing visits for a client when a **home health agency** cannot safely meet the medical needs of that client within **home health services** program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care);

(k) More than one of the same type of specialized therapy and/or home health aide visit per day;

(l) Home health visits made without a written physician order unless the verbal order is:

- (i) Written prior to or on the date of the visit; and
- (ii) Signed by the physician within forty-five days.

NEW SECTION

WAC 388-551-2200 Home health services—Eligible providers. A home health provider may contract with MAA to be a Medicaid provider if the provider is Title XVIII (Medicare) certified and licensed by the state as a **home health agency**. Providers must have an active Medicaid provider number to bill MAA.

NEW SECTION

WAC 388-551-2210 Home health providers—Requirements. For any delivered **home health service** to be payable, MAA requires home health providers to develop and implement an individualized **plan of treatment (POT)** for the client.

(1) The **POT** must:

(a) Be documented in writing and be located in the client's home health medical record;

(b) Be developed and supervised by a licensed registered nurse or licensed therapist;

(c) Reflect the physician's orders and client's current health status;

(d) Be reviewed and revised by a physician at least every sixty-two calendar days and signed by a physician within forty-five days of the verbal order;

(e) Contain specific goals and treatment plans; and

(f) Be available to department staff or its designated contractor(s) on request.

(2) The provider must include in the **POT** all of the following:

(a) The primary diagnosis (the diagnosis that is most related to the reason the client qualifies for **home health services**);

(b) The medical diagnoses and prognosis, including date(s) of onset or exacerbation;

(c) A discharge plan;

(d) The type(s) of equipment required;

(e) A description of each planned service and goals related to the services provided;

(f) Specific procedures and modalities;

(g) A description of the client's mental status;

(h) Rehabilitation potential;

(i) A list of permitted activities;

(j) A list of safety measures taken on behalf of the client; and

(k) A list of medications which indicates:

(i) Any new prescription prescribed; and

(ii) Which medications are changed for dosage or route of administration.

(3) The provider must include in or attach to the **POT**:

(a) A description of the client's functional limits and the effects;

(b) Significant clinical findings;

(c) Dates of recent hospitalization; and

(d) If the client is not **homebound**, a description of why **home health services** are necessary. The description must include:

(i) A written statement noting coordination with, or referral to, the client's department of social and health services-assigned case manager; or

(ii) An assessment of the client and the client's access to community resources, including attempts to use appropriate alternatives to meet the client's home health needs.

(4) The individual client medical record must comply with community standards of practice, and must include documentation of:

(a) Supervisory visits for home health aide services per WAC 388-551-2120(3);

(b) All medications administered and treatments provided;

(c) All physician orders and change orders, with notation that the order was received prior to treatment;

(d) Signed physician new orders and change orders;

(e) Home health aide services as indicated by a registered nurse or licensed therapist in a home health aide care plan;

(f) Interdisciplinary team communications;

(g) Inter-agency and intra-agency referrals;

(h) Medical tests and results; and

(i) Pertinent medical history.

(5) The provider must document at least the following in the client's medical record:

(a) Skilled interventions per the **POT**;

(b) Any clinical change in client status;

(c) Follow-up interventions specific to a change in status with significant clinical findings; and

(d) Any communications with the attending physician.

(6) The provider must include the following documentation in the client's visit notes when appropriate:

(a) Any teaching, assessment, management, evaluation, patient compliance, and client response;

(b) Weekly documentation of wound care, size, drainage, color, odor, and identification of potential complications and interventions provided; and

(c) The client's physical system assessment as identified in the **POT**.

NEW SECTION

WAC 388-551-2220 Home health providers—Payments. (1) Payment to home health providers is:

(a) A set visit rate for each discipline provided to a client;

(b) Based on the county location of the providing **home health agency**; and

(c) Updated by general vendor rate changes.

(2) For clients eligible for Medicaid and Medicare, MAA may pay for services described in this chapter only when Medicare does not cover those services. The maximum payment for each service is Medicaid's maximum payment.

(3) Providers must submit documentation to the department during any MAA focused program review period. Documentation includes, but is not limited to, the requirements listed in WAC 388-551-2210.

(4) After MAA receives the documentation, MAA's medical director or designee reviews the client's medical records for program compliance and quality of care.

(5) MAA may take back payment for any insufficiently documented home health care service when the MAA medical director or designee determines that:

(a) The service was not medically necessary (defined in WAC 388-500-0005) or reasonable;

(b) Clients were able to receive care outside of the home (see definition of **homebound** in this chapter and WAC 388-551-2100(3)); or

(c) The service was not in compliance with program policy.

(6) Covered **home health services** for clients enrolled in a Healthy Options managed care plan are paid for by that plan.

WSR 99-16-070

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 2, 1999, 3:33 p.m.]

Date of Adoption: August 2, 1999.

Purpose: To simplify and clarify the department's hospital rate reimbursement administrative appeal process for provider/contractors and hospitals. To comply with the Governor's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 388-502-0220 Administrative appeals—Rates and 388-550-5600 Hospital rate appeals and disputes.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.730.

Adopted under notice filed as WSR 99-11-052 on May 17, 1999.

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 2, 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.

August 2, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-502-0220 Administrative appeal (~~Rate~~) **contractor/provider rate reimbursement.** (1) (~~Right to an administrative appeal~~) Any enrolled contractor/provider of medical services (~~(, except nursing facilities governed by WAC 388-96-904, shall have)~~) has a right to an administrative appeal (~~(any time)~~) when the contractor/provider disagrees with the medical assistance administration's (MAA) reimbursement rate. The exception to this is nursing facilities governed by WAC 388-96-904.

(2) (~~First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the medical assistance administration (MAA).~~)

(a) ~~Unless a written rate notification specifies otherwise, the department shall make retroactive rate adjustments only when a contractor/provider files a rate appeal. The rate appeal requesting retroactive rate adjustment shall be made within sixty calendar days after being notified of an action or determination the contractor/provider wishes to challenge. The notification date of an action or determination shall be the date of the written rate notification letter. The department shall not consider for retroactive adjustments, a contractor/provider rate adjustment appeal filed after the sixty day period described in this subsection.~~

(b) ~~The appeal shall include a statement of the specific issue being appealed, supporting documentation, and a request for recalculation of the rate. MAA may request additional documentation to complete the review. MAA may conduct an audit of the documentation provided in order to complete the review.~~

(c) ~~When a portion of a rate is appealed, MAA may review all components of the reimbursement rate.~~

(d) ~~MAA shall issue a decision or request additional information within sixty calendar days of the receipt of the rate appeal request. When additional information is necessary, the contractor/provider shall have forty five calendar days to submit the information. MAA shall issue a decision within thirty calendar days of receipt of complete information.~~

(e) ~~Unless the written rate notification specifies otherwise, increases in rates resulting from an appeal shall be effective retroactively to the effective date of the rate change. The appeal shall be filed within sixty calendar days after the written rate notification letter that the contractor/provider is challenging. Increases in rates, resulting from a rate appeal~~

~~filed after the sixty day period described under (a) of this subsection, shall be effective the date the appeal is filed with MAA. Appeals resulting in rate decreases shall be effective on the date specified in the appeal decision notification. The effective date shall not be before the date of the appeal decision notification. Rate changes subject to the provisions of fraudulent practices as described under RCW 74.09.210 are exempt from these provisions.~~

(f) ~~MAA may grant extensions of time at MAA's discretion if requested within the sixty day period referenced under (a) of this subsection.)~~ The first level of appeal. A contractor/provider who wants to contest a reimbursement rate must file a written appeal with MAA.

(a) The appeal must include all of the following:

(i) A statement of the specific issue being appealed;

(ii) Supporting documentation; and

(iii) A request for MAA to recalculate the rate.

(b) When a contractor/provider appeals a portion of a rate, MAA may review all components of the reimbursement rate.

(c) In order to complete a review of the appeal, MAA may do one or both of the following:

(i) Request additional information; and/or

(ii) Conduct an audit of the documentation provided.

(d) MAA issues a decision or requests additional information within sixty calendar days of receiving the rate appeal request.

(i) When MAA requests additional information, the contractor/provider has forty-five calendar days from the date of MAA's request to submit the additional information.

(ii) MAA issues a decision within thirty calendar days of receipt of the completed information.

(e) MAA may adjust rates retroactively to the effective date of a new rate or a rate change. In order for a rate increase to be retroactive, the contractor/provider must file the appeal within sixty calendar days of the date of the rate notification letter from MAA. MAA does not consider any appeal filed after the sixty day period to be eligible for retroactive adjustment.

(f) MAA may grant a time extension for the appeal period if the contractor/provider makes such a request within the sixty-day period referenced under (e) of this subsection.

(g) Any rate increase resulting from an appeal filed within the sixty-day period described in subsection (2)(e) of this section is effective retroactively to the rate effective date in the notification letter.

(h) Any rate increase resulting from an appeal filed after the sixty-day period described in subsection (2)(e) of this section is effective on the date the rate appeal is received by the department.

(i) Any rate decrease resulting from an appeal is effective on the date specified in the appeal decision letter.

(j) Any rate change that MAA grants that is the result of fraudulent practices on the part of the contractor/provider as described under RCW 74.09.210 is exempt from the appeal provisions in this chapter.

(3) The second level of appeal. When the contractor/provider disagrees with ((an adverse)) a rate review decision, ((the contractor/provider)) it may file a request for a dispute conference with ((the)) MAA. ((D)) For this section "dispute

conference" (~~for this section~~) means an informal administrative hearing for the purpose of resolving contractor/provider disagreements with ~~(any of the)~~ a department action ~~(s;)~~ as described under subsection (1) of this section, and not (resolved) agreed upon at the first level of appeal. The dispute conference is not governed by the Administrative Procedure Act, chapter 34.05 RCW.

(a) If a contractor/provider (shall) files a request for a dispute conference, it must submit the request to MAA within thirty calendar days (following receipt of the adverse) after the contractor/provider receives the rate review decision. (The department shall) MAA does not consider dispute conference requests submitted after the thirty-day period (of) for the first level decision (date).

(b) MAA ~~(shall)~~ conducts the dispute conference within ninety calendar days of ~~(the receipt of)~~ receiving the request.

(c) ~~(The)~~ A department-appointed conference chairperson (shall) issues the final decision within thirty calendar days of the conference. Extensions of time for extenuating circumstances may be granted if all parties agree.

(d) ~~(MAA may grant extensions of time for extenuating circumstances.~~

~~(e) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)(e) of this section.~~

~~(f)) Any rate increase or decrease resulting from a dispute conference decision is effective on the date specified in the dispute conference decision.~~

~~(e) The dispute conference (shall be) is the final level of administrative appeal within the department and precede judicial action.~~

(4) MAA ~~(shall construe failure on the part of the)~~ considers that a contractor/provider who fails to attempt to resolve disputed rates as provided in this section (as an abandonment of) has abandoned the dispute.

AMENDATORY SECTION (Amending WSR 98-01-124, filed 12/18/97, effective 1/18/98)

WAC 388-550-5600 Administrative appeal for hospital rate (~~appeals and disputes~~) reimbursement. ~~((1) A hospital may appeal any aspect of its Medicaid payment rates by submitting a written notice of appeal and supporting documentation to the medical assistance administration's (MAA) hospital reimbursement section, except that no administrative appeals may be filed challenging the method described herein.~~

~~(a) The grounds for rate adjustments include, but are not limited to:~~

~~(i) Errors or omissions in the data used to establish rates; and~~

~~(ii) Peer group change recommended by the Washington state department of health.~~

~~(b) The department may require additional documentation from the provider in order to complete the appeal review. The department may conduct an audit and/or desk review if necessary to complete the appeal review.~~

~~(e) Unless the written rate notification specifies otherwise, a hospital shall file an appeal within sixty days after~~

~~being notified of an action or determination the hospital wishes to challenge. The department shall deem the notification date of an action or determination the date of the written rate notification letter.~~

~~(i) A hospital which files an appeal within the sixty day period described in subsection (1)(e) of this section shall be eligible for retroactive rate adjustments if it prevails.~~

~~(ii) The department shall not consider a hospital rate appeal filed after the sixty day period described in this subsection for retroactive rate adjustments.~~

~~(d) When a hospital appeals a rate the department may review all aspects of its rate.~~

~~(e) Unless the written rate notification specifies otherwise, the department shall deem rate changes resulting from an appeal effective as follows:~~

~~(i) Increases in rates resulting from an appeal filed within sixty days after the written rate notification letter that the hospital is challenging shall be effective retroactive to the date of the rate change specified in the original notification letter.~~

~~(ii) Increases in rates resulting from a rate appeal filed after the sixty day period or exception period shall be effective on the date the appeal was filed with the department.~~

~~(iii) A rate decrease resulting from an appeal shall be effective on the date specified in the appeal decision notification.~~

~~(2)(a) A hospital may request a dispute conference to appeal an administrative review decision. The conference shall be conducted by the assistant secretary for the MAA or his/her designee.~~

~~(b) The hospital shall submit a request for a conference within thirty days of receipt of the administrative review decision.~~

~~(e) The department shall deem the dispute conference decision its final decision regarding rate appeals.) The hospital appeals and dispute process follows the procedures as stated in WAC 388-502-0220, Administrative appeal for contractor/provider rate reimbursement.~~

WSR 99-16-071

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 2, 1999, 3:35 p.m.]

Date of Adoption: August 2, 1999.

Purpose: To comply with the Governor's Executive Order 97-02. To combine all medical therapy rules into new chapter 388-545 WAC. To combine speech therapy and audiology service rules into one section of the new medical therapy chapter. To add and update criteria for speech/audiology services.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-098 Speech therapy services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 99-11-074 on May 18, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-545-0700 (4)(b) added "One medical diagnostic evaluation for clients twenty-one years of age and older."

WAC 388-545-0700 (4)(f) added "Additional medically necessary speech/audiology program visits beyond the initial twelve visits and additional twenty-four visits for clients twenty-one years of age and older if approved by MAA."

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 1, 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 1, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 2, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-545-700 Speech/audiology services. (1)

The following providers are eligible to enroll with medical assistance administration (MAA) to provide, and be reimbursed for, speech/audiology services:

(a) A speech-language pathologist who has been granted a certificate of clinical competence by the American Speech, Hearing and Language Association;

(b) A speech-language pathologist who has completed the equivalent educational and work experience necessary for such a certificate;

(c) An audiologist who is appropriately licensed or registered to perform audiology services within their state of residence; and

(d) School districts or educational service districts. Services must be noted in the client's individual educational program or individualized family service plan as described under WAC 388-86-022.

(2) Clients in the following MAA programs are eligible to receive speech/audiology services described in this chapter:

(a) Categorically needy, children's health, general assistance unemployable, and alcoholism and drug addiction treatment and support act (ADATSA) programs within Washington state or border areas only; or

(b) Medically needy program only when the client is either:

(i) Twenty years of age or under; or

(ii) Receiving home health care services as described under WAC 388-86-045;

(c) Medically indigent program only for emergency hospital-based services.

(3) MAA pays only for covered speech/audiology services listed in this section when they are:

(a) Within the scope of an eligible client's medical care program;

(b) For conditions which are the result of medically recognized diseases and defects; and

(c) Medically necessary, as determined by a health professional.

(4) The following speech/audiology services are covered per client, per calendar year, per provider:

(a) Unlimited speech/audiology program visits for clients twenty years of age and younger;

(b) One medical diagnostic evaluation for clients twenty-one years of age and older. The medical diagnostic evaluation is in addition to the twelve program visits allowed per year;

(c) One second medical diagnostic evaluation at the time of discharge for any of the following:

(i) Anoxic brain damage;

(ii) Acute, ill-defined, cerebrovascular disease;

(iii) Subarachnoid, subdural, and extradural hemorrhage following injury; or

(iv) Intracranial injury of other and unspecified nature;

(d) Twelve speech/audiology program visits for clients twenty-one years of age and older;

(e) Twenty-four additional speech/audiology visits if the speech/audiology service is for any of the following:

(i) Medically necessary conditions for developmentally delayed clients;

(ii) Neurofibromatosis;

(iii) Severe oral or motor dyspraxia;

(iv) Amyotrophic lateral sclerosis (ALS);

(v) Multiple sclerosis;

(vi) Cerebral palsy;

(vii) Quadriplegia;

(viii) Acute, infective polyneuritis (Guillain-Barre' syndrome);

(ix) Acute, but ill-defined, cerebrovascular disease;

(x) Meningomyelocele;

(xi) Cleft palate and cleft lip;

(xii) Down's syndrome;

(xiii) Lack of coordination;

(xiv) Severe aphasia;

(xv) Severe dysphagia;

(xvi) Fracture of the:

(A) Vault or base of the skull;

(B) Multiple fracture involving skull or face with other bones;

(C) Cervical column;

(D) Larynx and trachea; or

(E) Other and unqualified skull fractures;

(xvii) Head injuries as follows:

(A) Cerebral laceration and contusion;

(B) Subarachnoid, subdural, and extradural hemorrhage following injury;

(C) Other and unspecified intracranial hemorrhage following injury;

(D) Injury to blood vessels of the head and neck; or

(E) Intracranial injury of other second unspecified nature;

(xvii) Burns of:

(A) The face, head, and neck, when severe;

(B) Multiple, specified sites; or

(C) Internal organs;

(xix) Cervical spinal cord injury without evidence of spinal bone injury; or

(xx) Other speech disturbances (e.g., severe dysarthria).

(f) Additional medically necessary speech/audiology program visits beyond the initial twelve visits and additional twenty-four visits for clients twenty-one years of age and older if approved by MAA.

(5) MAA limits:

(a) Caloric vestibular testing to four units for each ear, and

(b) Sinusoidal vertical axis rotational testing to three units for each direction.

(6) MAA does not cover speech/audiology services that are included as part of the reimbursement for other treatment programs. This includes, but is not limited to, hospital inpatient and nursing facility services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-86-098 Speech therapy services.

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 99-16-075
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 3, 1999, 9:05 a.m.]

Date of Adoption: August 3, 1999.

Purpose: To amend the department's rules implementing the law codified in chapters 41.26 and 41.50 RCW in order to make those rules consistent with amendments and to conform to clear rule writing standards.

Citation of Existing Rules Affected by this Order: Amending chapter 415-104 WAC, WAC 415-104-035, 415-104-045, 415-104-050, 415-104-060, 415-104-070, 415-104-080, 415-104-090, 415-104-125, 415-104-135, 415-104-145, 415-104-165, 415-104-175, 415-104-211, 415-104-215 and 415-104-299; and chapter 415-105 WAC, WAC 415-105-010, 415-105-020, 415-105-030, 415-105-040, 415-105-050, 415-105-060, 415-105-070, 415-105-080, 415-105-090, 415-105-100, 415-105-110, 415-105-120, 415-105-140, 415-105-150, 415-105-160, 415-105-170, and 415-105-180.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 99-13-166 on June 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: After the proposed version was filed, we clarified

WAC 415-104-090, 415-104-135, 415-105-040, 415-105-090, 415-105-100, and 415-105-110 in response to input from stakeholders and the Attorney General's Office.

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 2, 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 3, 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.

August 3, 1999

John Charles

Director

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-035 Jurisdiction of director. ((+))

~~The director ((has no jurisdiction to review the propriety of a disability board finding that the member's disability was incurred in the line of duty under RCW 41.26.120 or not incurred in the line of duty under RCW 41.26.125. If a member is granted disability retirement subsequent to a disability board's denial of disability, the director shall remand the matter to the disability board to make a finding of whether the disability was incurred in the line of duty.~~

(2) The director has no jurisdiction to review a disability board determination regarding)) or the director's designee (director, designee or DRS) does not have authority to review local disability board findings or decisions regarding:

(1) Whether a member's disability was incurred in the line of duty under RCW 41.26.120 or not incurred in the line of duty under RCW 41.26.125; or

(2) A member's right to the employer's payment for medical services pursuant to RCW 41.26.030(22) and((+)) 41.26.150.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-045 ((Grievances.)) Appeal of a local disability board decision. Any person aggrieved by ((a)) the decision ((or order of the)) of a local disability board ((denying disability leave, disability retirement, or cancelling a previously granted disability retirement allowance must submit a notice of appeal to the director)) may appeal the decision if it:

(1) Denies disability leave;

(2) Denies disability retirement; or

(3) Cancels a previously granted disability retirement.

The written notice of appeal must be submitted to DRS within thirty days in accordance with RCW 41.26.200.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-050 Review of disability board action; appeal of director's decision. ~~((After the director has reviewed the disability board's decision pursuant to the provisions of RCW 41.26.120 or 41.26.125, he shall serve a copy of his decision on the disability board, the employer, and the applicant. If the director's decision is adverse to the applicant, he shall notify the applicant of his/her right to appeal by filing a notice for hearing.))~~ Under RCW 41.26.120(3) and 41.26.125(3), DRS must review a disability board's order to grant a disability retirement allowance. DRS must:

- (1) Affirm (approve) the board's decision; or
 - (2) Remand (send back) the case for further proceeding;
- or
- (3) Reverse (deny) the board's decision.

DRS must serve a copy of the decision on the applicant, employer, and disability board. DRS must notify the applicant of the right to file a notice for hearing (an appeal under RCW 41.26.200) if the DRS decision denies the disability retirement allowance.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-060 ((Rules)) Records reviewed on appeals filed ((pursuant to)) under RCW 41.26.200. ~~((Appeal from decisions of the local disability boards will be reviewed on the basis of the record established by the disability board and materials appearing in the records of the department of retirement systems. The director shall act on such appeals as follows:~~

- ~~(1) Affirmance; or~~
- ~~(2) Remand for further proceedings; or~~
- ~~(3) Reversal and remand.))~~ DRS will review the appeal based on the record established by the disability board and materials appearing in the records of the department of retirement systems. DRS must:

- (1) Affirm (approve) the board's decision; or
 - (2) Remand (send back) the case for further proceeding;
- or
- (3) Reverse (deny) the board's decision.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-070 Parties to a de novo hearing. ~~((The parties to a de novo hearing held pursuant to RCW 41.26.220 shall be the applicant, employer, and the department.))~~ The applicant, the employer, and the department are parties to a hearing held under RCW 41.26.221. The disability board may appear at such hearing only in support of the ((director's)) department's decision ((pursuant to RCW 41.26.220)).

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-080 The department can require an examination. ~~The ((director or his representative, in his/her)) department has discretion((, may)) to require an ((application)) applicant for disability retirement to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW ((41.26.220)) 41.26.221. The cost of such examination is the responsibility of the department.~~

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-090 Notice of appeal to the superior court. ~~((Upon an appeal from the decision and order of the director to the superior court pursuant to RCW 41.26.210, the appealing party within thirty days from the decision and order of the director must perfect his appeal by serving notice of appeal on the director and filing the notice of appeal together with proof of service with the clerk of the superior court. The service and the filing together with proof of service of the notice of appeal within thirty days shall be jurisdictional.))~~ Any party aggrieved by a DRS final decision and order issued under RCW 41.26.211 may petition for judicial review within thirty days after the decision and order was mailed. Any party wishing to perfect a superior court appeal must comply with chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 415-104-112 Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors. (1) At the time of a member's application for retirement, the department does not have all information necessary to make a final computation of the member's retirement allowance. The department shall compute an interim retirement allowance that shall be paid to the member until the department's final computation of the member's retirement allowance. The interim retirement allowance is an initial, estimated computation of the retiree's retirement allowance subject to adjustment by the department based upon subsequent review of information provided by the member's employer.

(2) In computing the interim retirement allowance, the department may, subject to later correction, consider only the amount of the member's salary actually reported by the employer up to the date of the interim computation, but may impute the member's earned service credit for the same period.

(3) Every employer of a member who applies for retirement shall provide the department with a final compensation report for that member. The report shall be completed on a form provided or approved by the department.

(4) Following the department's computation of the interim benefit and receipt of the employer final compensation report, earnings history, and any additional information requested by the department, the department will complete a

final computation of the member's retirement allowance. The department's final computation may increase, decrease, or leave unchanged the amount of the interim retirement allowance computed pursuant to subsection (1) of this section.

(5) Pursuant to RCW 41.50.130, either before or after the department's final computation of the member's retirement allowance as provided in subsection (4) of this section, the department may adjust a member's retirement allowance to correct any error in retirement system records. For purposes of this subsection, errors in retirement system records include, but are not limited to, the following:

(a) Applying an incorrect retirement allowance formula in computing the retirement allowance;

(b) Including service that is not creditable to the member;

(c) Including payments that do not constitute basic salary to a member in the member's retirement allowance computation, or excluding basic salary not reported by an employer;

(d) Benefit overpayments and underpayments;

(e) Including an individual in the membership of the retirement system or plan who is not entitled to such membership;

(f) Excluding an individual from membership in the retirement system or plan who is entitled to such membership.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-125 (~~Director's~~) **DRS review of disability board order.** (1) ~~(Every order of a disability board determining that an applicant's disability has ceased pursuant to RCW 41.26.130(3) shall be reviewed by the director, or his designated representative. The director may affirm or reverse the order or remand the matter for further proceedings.~~

(2) ~~A retiree may appeal the disability board determination that a disability has not ceased to the director pursuant to the provisions of RCW 41.26.140(6).)~~ Under the provisions of RCW 41.26.135, DRS must review a disability board determination that an applicant's disability has ceased pursuant to RCW 41.26.130(3). DRS must:

(a) Affirm (approve) the board's decision; or

(b) Remand (send back) the case for further proceedings;

or

(c) Reverse (deny) the board's decision.

(2) A retiree aggrieved by a decision of the local disability board that the disability has not ceased may appeal the determination to the director. The written notice of appeal must be submitted to DRS within thirty days as provided by RCW 41.26.140(6).

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-135 Notice for hearing. (~~Before appealing to the superior court, any~~) A person aggrieved by:

(1) The director's ((final)) decision on review of the local board determination; or

(2) The director's ((final)) decision after review of the record on appeal ((shall)) must invoke the director's jurisdic-

tion by filing a notice for hearing in accordance with RCW ((41.26.210)) 41.26.211 and WAC 415-08-020 before they can appeal to the superior court. Such hearing shall be in accordance with RCW ((41.26.220)) 41.26.221.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-145 Department examination. The director or his representative, in his/her discretion, may require a disability retiree to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW ((41.26.220)) 41.26.221. The cost of such examination is the responsibility of the department.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-165 Payment of benefits pending final determination. (~~When a disability board determines that a retiree's disability has ceased, the department shall continue to pay monthly benefits. Provided, however, That~~) The department will continue to pay monthly benefits when a disability board determines that a retiree's disability has ceased until there is a final determination from which no appeal is taken. The department ((shall)) will pay either the ((member's)) retiree's monthly service retirement allowance or monthly disability retirement allowance, whichever is less(, until there is a final determination from which no appeal is taken). Any retroactive adjustment (~~that may be necessary~~) required as the result of the final determination (~~shall~~) will be made after the appeal period has passed.

AMENDATORY SECTION (Amending Order 87-4, filed 3/11/87)

WAC 415-104-175 Comparison of disability retirement allowance and service retirement allowance. In comparing the ((member's)) disability retirement allowance and ((his/her)) the service retirement allowance as required by RCW 41.26.130(3), the department (~~shall calculate the service retirement allowance using a final average salary calculated as follows:~~

~~On the date the disability ceased, the average of the greatest basic monthly rate of salary or wages (basic salary) that was paid or would have been paid to the member had he/she been in "active service" (employed) during any consecutive twenty-four month period within the member's last ten years of service for which service credit was given (including periods of disability leave and disability retirement).~~

~~The initial calculation of)) must:~~

(1) Compute the service retirement allowance using a final average salary calculated as follows:

(a) The department shall first calculate the greatest basic salaries that were or would have been payable to such member during any consecutive twenty-four month period within

such member's last ten years of service for which service credit is allowed;

(b) The department shall then divide the total basic salaries during the selected twenty-four month period by twenty-four to compute the final average salary.

(2) Compute the service retirement allowance. The service retirement allowance does not include any cost-of-living increases that would have been granted if the service retirement allowance had been in effect during the period of disability retirement.

(3) Compare the service retirement allowance (~~(is then compared)~~) to the monthly disability retirement allowance (~~(amount)~~) that the member was receiving on the date that the disability ceased.

AMENDATORY SECTION (Amending WSR 96-01-047, filed 12/14/95, effective 1/14/96)

WAC 415-104-211 Married member's benefit selection—Spousal consent required. (1) A member, if married, must provide the spouse's written consent to the option selected under WAC 415-104-215. If a married member does not provide spousal consent, the department will pay the retired member a joint and one-half survivor benefit allowance and record the member's spouse as the survivor, in compliance with RCW 41.26.460(2).

(2) Spousal consent is not needed to enforce a marital dissolution order requiring the department to pay an ex-spouse under RCW 41.50.790.

(3) "Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 96-01-047, filed 12/14/95, effective 1/14/96)

WAC 415-104-215 Retirement benefit options. RCW 41.26.460 enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One (standard allowance).** The department pays the retiree a monthly retirement allowance actuarially based solely on the single life of the member, in accordance with RCW 41.26.430 (service) or 41.26.470 (disability). When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) The retiree's designated beneficiary; or if none, to

Plan Two:

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to \$2,191.05, the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's

(b) The retiree's surviving spouse; or if none, to

(c) The retiree's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.

(2) **Benefit options with a survivor feature.** A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, the remaining balance is retained in the retirement fund.

(a) **Option Two (joint and whole allowance).** When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

(b) **Option Three (joint and one-half allowance).** When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

(c) **Option Four (joint and two-thirds allowance).**

(i) This subsection applies to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the retiree's gross monthly retirement allowance.

(3) If a member retires on or after June 6, 1996, the department is required to pay an ex-spouse survivor benefits pursuant to a marital dissolution order that complies with RCW 41.50.790.

(4) **Benefit increases when survivor predeceases retiree (pop-up provision).**

(a) This section applies to members retiring on or after January 1, 1996, who select Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(c) Pop-up recalculation example:

Year	Option One (Standard Allow.)	Survivor Option (2,3,4) plus COLAs	COLA incr. (3% max)	\$ Increase
0 (1996)	2,000.00	1,750.00	(inelig.)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			Total COLA's	191.05
Original Option One Benefit Amount		+Total COLA's		=New Benefit Amount
\$2000		+\$191.05		=\$2,191.05*

*In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all contributions are exhausted, the remaining balance is retained by the retirement fund.

((4)) (5) Any retiree who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (2) of this section is entitled to receive a retirement allowance adjustment if the retiree meets the following conditions:

(a) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(b) The retiree provides the department proper proof of the designated beneficiary's death.

The retiree is not required to apply for the increased benefit provided in this subsection. The adjusted retirement allowance will be effective on July 1, 1998, or the first day of the month following the date of death of the designated beneficiary, whichever comes last. The adjustment is computed as described in RCW 41.26.460 (3)(c) for Plan 2 retirees.

(6) Survivor. For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

AMENDATORY SECTION (Amending WSR 97-01-016, filed 12/6/96, effective 1/6/97)

WAC 415-104-299 Basic salary table. The following table is provided as a quick reference guide to help you characterize payments under LEOFF Plan I and LEOFF Plan II. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it. See WAC 415-104-311 (Plan ((H)) 1) and WAC 415-104-360 (Plan ((H)) 2).

Type of Payment	LEOFF I Basic Salary?	LEOFF II Basic Salary?
Additional Duty Pay	Yes - WAC 415-104-3205	Yes - WAC 415-104-360
Allowances (i.e. uniform)	No - WAC 415-104-3404	No - WAC 415-104-390
Basic Monthly Rate	Yes - WAC 415-104-3200	Yes - WAC 415-104-360
Cafeteria Plans	No - WAC 415-104-3303	Yes - WAC 415-104-367
Deferred Wages Attached to Position	Yes - WAC 415-104-3201(1)	Yes - WAC 415-104-363(1)
Deferred Wages not attached to a Position	No - WAC 415-104-3306	No - WAC 415-104-363(2)
Disability Payments	No - WAC 415-104-340	No - WAC 415-104-380
Education Attainment Pay	No - WAC 415-104-3301	Yes - WAC 415-104-375
Employer taxes/contributions	No - WAC 415-104-3401	No - WAC 415-104-383
Fringe Benefits	No - WAC 415-104-3402	No - WAC 415-104-385
Illegal Payments	No - WAC 415-104-3403	No - WAC 415-104-387
Leave Cash Outs/Severance	No - WAC 415-104-3304	No - WAC ((415-104-400)) 415-104-401
<u>Longevity</u>	<u>Yes - WAC 415-104-311</u>	<u>Yes - WAC 415-104-375</u>
Overtime	No - WAC 415-104-3305	Yes - WAC 415-104-370
Paid Leave	Yes - WAC 415-104-3203	Yes - WAC 415-104-373
Payments in Lieu of Excluded Items	No - WAC 415-104-350	No - WAC 415-104-405

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Type of Payment	LEOFF I Basic Salary?	LEOFF II Basic Salary?
Performance Bonuses	No - WAC 415-104-3302	Yes - WAC 415-104-377
Retroactive Salary Increase	Yes - WAC 415-104-3202	Yes - WAC 415-104-365
Reimbursements	No - WAC 415-104-3404	No - WAC 415-104-390
Retirement or Termination Bonuses	No - WAC 415-104-3406	No - WAC 415-104-395
Shift Differential	Yes - WAC 415-104-3204	Yes - WAC 415-104-379
Special Salary or Wages	No - WAC 415-104-330	Yes - WAC 415-104-375
Standby Pay	No - WAC 415-104-3405	No - WAC 415-104-393
Tuition/Fee Reimbursement	No - WAC 415-104-3404	No - WAC 415-104-390
Worker's Compensation	Not Applicable	No - WAC 415-104-380

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-010 Preamble. ~~((In adopting the rules contained herein, it is not the intention of the director of department of retirement systems to in any way weaken the existing powers and practices of any local disability board. Further, it is not the intent of these rules to preclude adoption or continuation of any procedures in addition to those set forth herein by any local disability board.))~~ These rules are not intended to weaken the authority of the local disability board nor to prevent the disability board from adopting additional rules or procedures necessary for performing its duties.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-020 Purpose. These rules are adopted ~~((pursuant to))~~ under the authority of section 1, chapter 294, Laws of 1981 ((E)) (RCW 41.26.115((to implement chapter 41.26 RCW and))) to provide a basis for uniform administration of disability retirement matters. ~~((They shall))~~ These rules must be followed by each disability board.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-030 Board doctor. (1) ~~((A duly licensed and practicing physician or physicians shall be appointed by the board. No disability retirement shall be approved by the board without prior examination of the claimant by the board doctor or a specialist of his selection, on or near the expiration of the disability leave period. The board doctor shall render such other medical service as may be requested by the board.~~

(2) ~~In order to carry out the duties of this position, each physician appointed or approved by the board is required to be knowledgeable concerning the duties, functions and general demands required of the employee being examined. The disability board shall furnish to the examining physician the job and/or position description of the applicant.~~

(3) ~~Reexamination of any member on disability retirement shall be conducted by a board appointed or approved physician.)~~ Each board must appoint a board doctor. The board must not approve a disability retirement without prior examination of the applicant by the board doctor or a specialist selected by the board doctor. The board doctor must be a

practicing physician licensed under the provisions of chapter 18.71 RCW; or, if the board doctor practices outside the state of Washington, then he/she must be a physician licensed by the state in which he/she practices.

(2) The board doctor and any selected specialist must be knowledgeable about the normal, routine duties, functions and general demands of the position the applicant held at the time the applicant discontinued service.

(3) The board must furnish the examining physician with the applicant's job and/or position description. The board must inform the physician that the board's decision to grant or deny a disability retirement allowance is to be measured against the actual, normal, routine duties that the applicant performs.

(4) The board doctor or approved specialist will provide medical services requested by the board including examinations pursuant to RCW 41.26.120(1); 41.26.125(1); 41.26.130(5); and 41.26.150(1)(a).

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-040 Disability leave. (1) ~~((Following receipt of an application for disability benefits, the shall review all relevant information pertaining to the tion of the applicant's fitness for duty, and if, in the opin. the majority of the board, the evidence supports the proposition that the member is unfit for duty, such member shall be granted disability leave, unless such leave is waived pursuant to RCW 41.26.120(4). In considering such application, the board shall consider the duties of the position, and any other evidence that is relevant.~~

(2) ~~The burden of proving the existence of a disabling condition, and whether or not the condition was incurred in line of duty, shall be upon the applicant.~~

(3) ~~The minimum medical and health standards previously promulgated by the state retirement board for entry or reentry into LEOFF System membership were provided only to safeguard the fiscal integrity of the pension system and are not the applicable standards for any other purpose.~~

(4) ~~Each application shall be accompanied by a list identifying by name any physician who had been contacted within the last six months for the illness or injury for which disability is claimed.~~

(5) ~~In the event the board finds that insufficient information is available to make a determination, the matter may be~~

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~~continued to the next regular board meeting or be set for consideration at a special meeting. The board shall also advise the member of the additional information needed, and of the member's obligation to provide additional information and the deadline date by which such information must be provided.~~

~~(6) The board shall be authorized to demand the appearance of the member and to request the appearance of such other persons as it deems appropriate. It shall be incumbent upon each member obtaining medical evaluations to be used in connection with such disability leave and subsequent evaluations, to advise each and every examining physician: that such evaluation is being conducted at the direction of the board; that any reports relating thereto are for the benefit of the board; that the doctor-patient privilege may not be invoked with respect thereto; and that the physician may be called upon by the board to testify as to his findings.)~~ The applicant must prove the existence of:

(a) A disabling condition; and

(b) Whether or not the condition was incurred in the line of duty.

(2) The application must include the name of each physician contacted by the applicant within the last six months for the disabling illness or injury. The applicant must advise each examining physician that:

(a) The board has requested the evaluation;

(b) Any reports of the evaluation will be reviewed by the board;

(c) That the doctor-patient privilege may not be invoked with respect to the evaluation; and

(d) The physician may be requested by the board to testify as to his or her findings.

(3) The disability board is authorized to demand the appearance of the applicant and to request the appearance of any other persons it deems appropriate.

(4) Following receipt of an application for disability benefits, the board must:

(a) Review the application and all relevant information about the applicant's fitness for duty;

(b) Consider the duties of the applicant's position; and

(c) Consider any other pertinent evidence.

The board must either grant or deny disability leave based on the evidence or continue the matter pending receipt of additional information.

(5) If the information before the board is insufficient to determine whether or not the applicant is disabled, the matter can be continued to the next regular meeting or set for consideration at a special meeting. The board must advise the applicant of:

(a) The additional information needed;

(b) The applicant's obligation to provide the additional information; and

(c) The date by which the information must be provided.

(6) The applicant may waive any or all of the disability leave granted pursuant to RCW 41.26.120(4) and 41.26.125(4).

(7) The board is not to use the minimum medical and health standards (MMHS) to determine whether or not an applicant is unfit for duty. The MMHS established pursuant to RCW 41.26.046 govern entry or reentry into LEOFF Sys-

tem membership and were provided only to safeguard the fiscal integrity of the pension system.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-050 Examination ((for disability retirement)), review and determination. (1) ~~((Every applicant for disability retirement shall be reexamined during the fifth or sixth month of disability leave in order to determine his/her eligibility for disability retirement, with the following exception: If the applicant establishes that the disabling condition will be in existence for a period of at least six months and he/she voluntarily waives disability leave. No applicant will be granted a disability retirement allowance unless the conditions imposed by this subsection are met.~~

(2) In the event the medical and other relevant evidence is inconclusive, the board may specify in written order a reasonable trial service period for return to duty in the same position held at the time of discontinuance of service to determine the member's fitness for active duty. The reasonable length of such trial return to service shall be supported by medical evidence. Such a trial return to service does not entitle the member to a second six-month period of disability leave for the same disability if, based upon this trial period of service, the member is found to be disabled.) The board must have the applicant examined during the fifth or sixth month of disability leave. The examination is to be performed by the board doctor or a specialist selected by the board doctor. The board shall not approve the disability retirement without this examination unless:

(a) The applicant establishes that the disabling condition will exist for at least six months; and

(b) The applicant voluntarily waives disability leave.

(2) Following receipt of the examination report, the board must:

(a) Review the medical evidence and all relevant information about the applicant's fitness for duty;

(b) Consider the duties of the applicant's position; and

(c) Consider any other pertinent evidence.

The board must either grant or deny disability retirement based on the evidence or return the applicant to duty for a reasonable period of trial service.

(3) If the board cannot determine with reasonable certainty whether or not the applicant is disabled, the board may issue a written order that the applicant is to return to duty for a reasonable period of trial service to determine the applicant's fitness for active duty.

(a) The length of the trial service period must be supported by medical evidence.

(b) During the period of trial service the applicant is to return to the same duties in the same position held at the time of discontinuance of service.

(c) If the applicant is found to be disabled, the board is not to grant a second six-month period of disability leave, but is to return the applicant to disability leave status for the remainder, if any, of the initial six-month leave period.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-060 Granting disability retirement.

(1) ~~((If the evidence shows to the satisfaction of the board that the member is physically or mentally disabled from further performance of duty and that the disability has been continuous from the date of commencement of disability leave for a period of six months, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law in compliance with RCW 41.26.120 or 41.26.125. Such written decision and order with supporting documentation shall thereafter be forwarded to the director, department of retirement systems, for review. In the event a regular meeting of the board precedes by no more than 40 days the date at which the full six months will conclude and the evidence is clear that the disability can be expected to continue through the full six month period, the board may make a finding of six months continuous disability prior to the actual conclusion of the six month period, so as to eliminate unnecessary delay of receipt of retirement benefits.~~

(2) ~~In order to qualify to receive a disability retirement allowance, the applicant will be required to prove that he or she is physically or mentally disabled to such extent that he or she is unable to discharge with average efficiency the duty of the position held at time of discontinuance of service: *Provided*, That no member shall be entitled to a disability retirement allowance if the appropriate authority advises that there is an available position for which the member is qualified and to which one of such grade or rank is normally assigned and the board determines that the member is capable of discharging, with average efficiency, the duties of the position.) The applicant is required to prove that he or she is disabled and unable to perform with average efficiency the duties of the position held at the time of discontinuance of service.~~

(2) The board must determine, based on the evidence, that the applicant is disabled from performing his or her duties and the disability has been continuous since the beginning of the disability leave period.

(3) The board may make a finding of six months continuous disability prior to the actual conclusion of the six-month period if:

(a) The regular meeting of the board does not precede the end of the six-month disability leave period by more than forty days; and

(b) Medical evidence shows the disability is expected to continue through the full six-month period.

(4) The applicant is not entitled to a disability retirement allowance if:

(a) The employer advises the board that there is an available position for which the applicant is qualified and to which a person of the same grade or rank is normally assigned; and

(b) The board determines that the applicant is capable of discharging the duties of the position with average efficiency.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-070 (~~Execution~~) Decision and order.

~~((Every order of the disability board granting or denying a disability retirement allowance shall contain the following presented in clear and concise terms:~~

~~(1) Findings of fact supported by credible evidence sufficient to sustain the granting or denying of the disability retirement allowance. When a disability retirement is granted, findings of fact shall include:~~

~~(a) Whether or not the disability was incurred in the line of duty;~~

~~(b) Whether or not the disability was incurred in other employment;~~

~~(c) Dates encompassing disability leave and/or dates relating to authorized trial basis return to duty; and, in the case of return to duty on a trial basis, the factual basis for such decision;~~

~~(d) Dates encompassing waiver of disability leave, if applicable; and that applicant established that such disability will be in existence for a period of six months;~~

~~(2) Conclusions of law in accordance with law on the basis of the facts in the case;~~

~~(3) Decision and order.)~~ (1) After granting or denying a disability retirement allowance, the board must enter a written decision and order that includes:

(a) Appropriate findings of fact supported by credible evidence sufficient to sustain the decision; and

(b) Conclusions of law.

(2) When a disability retirement allowance is granted, the decision and order and all supporting documentation must be sent to the director of the department of retirement systems.

(a) The accompanying findings of fact shall include at least the following:

(i) The applicant's length of service with the em and the position held at discontinuance of service;

(ii) The names of the examining physicians and the of the examinations;

(iii) The nature of the disability;

(iv) Whether or not the disability was incurred in the line of duty;

(v) Whether or not the disability was incurred in other employment;

(vi) Dates encompassing disability leave;

(vii) Dates related to authorized return to duty on a trial basis and the factual basis for the decision; and

(viii) Dates encompassing waiver of disability leave, if applicable, and that applicant established that the disability will be continuous for at least six months.

(b) The supporting documentation shall include a copy of at least the following:

(i) The application for disability benefits showing the applicant's current mailing address;

(ii) The job description accurately reflecting the duties of the position the applicant held at discontinuance of service;

(iii) Employer statement(s), if any, relevant to the applicant's position and/or fitness for duty;

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(iv) All medical and other evidence considered by the board; and

(v) The minutes and/or transcript of all meetings at which the applicant's disability status was considered.

NEW SECTION

WAC 415-105-072 Burden of proof to cancel disability allowance. The disability board has the burden of proof in any proceeding to cancel a disability retirement allowance.

NEW SECTION

WAC 415-105-074 Determination to cancel disability allowance. The board need not rely solely on medical evidence in making its determination. To cancel a disability retirement allowance, the board must demonstrate that:

(1) The retiree is reasonably able to perform the ordinary duties of his or her former position or a position within the retiree's former rank with average efficiency; and

(2) There has been a material change in the circumstances upon which the retirement was based; and

(3) No other physical or mental disability now prevents the retiree from performing the ordinary duties of his or her position or rank.

The board may not cancel a disability retirement allowance based on a determination that the medical condition was incorrectly diagnosed at the time of the initial disability hearing. If the medical condition for which the retiree was granted disability retirement has improved, but the retiree is still not physically or mentally able to perform his or her duties with average efficiency, the retiree shall continue to receive the disability retirement allowance. The board must send a copy of all determinations and the examination reports and other evidence on which they are based to the department of retirement systems.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-080 Notice of denial of benefits and right to appeal. ~~((If the board denies disability leave or disability retirement or cancels a previously granted disability leave or retirement, the applicant shall be immediately notified and advised of the right to appeal such decision or order to the director of the department of retirement systems, pursuant to RCW 41.26.200. Such notification shall be in writing and served by personal service or mail. Provided, that written notice need not be given if applicant or his or her duly authorized representative is in attendance at the meeting or hearing and is advised of decision and of the right of appeal.))~~ (1) The board must immediately notify the applicant if the board:

(a) Denies disability leave or retirement; or

(b) Cancels a previously granted disability leave or retirement.

(2) The board must advise the applicant of his or her right to appeal the board's decision to the director of the department of retirement systems pursuant to RCW 41.26.200.

(3) Notification and advice must be in writing and served by personal service or mail unless the applicant or the applicant's authorized representative attends the meeting and is advised in person of the board's decision and the applicant's right to appeal.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-090 Reexamination ~~((and return to duty))~~ after retirement. ~~(1) ((In the event a member is placed on disability retirement, the board may determine whether or not the member is so disabled that no possibility exists for return to duty or that there is no possibility that rehabilitation could restore the member to fitness for duty. Further, the board may at any point subsequent to retirement make such a determination provided a current (within ninety days) medical examination by the board physician or a specialist of his/her selection indicates that the retiree is so disabled that no possibility for recovery exists. A copy of all such determinations shall be sent to the department of retirement systems. Unless the board has made such a finding, the board's representative shall order a reexamination at six-month intervals and advise the board of the results thereof with a copy to the department of retirement systems: *Provided*, That such reexamination need not be conducted on a member over 49.5 years of age. In the event the retired member is residing at a location more than 100 miles from his former place of employment, the member may be authorized to be examined by a physician in his immediate area, provided, however, such physician shall be first approved by the board and prior to such evaluation the examining physician shall be apprised of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report.~~

~~(2) In the event such evaluation discloses fitness to perform duties of the rank or position held by the member at the time of disability retirement, the member shall be entitled to a hearing before the board, and further consideration of the matter. Such notice and hearing shall comply with the requirements of chapter 34.04 RCW.~~

~~(3) The hearing provided by RCW 41.26.140(2) is to be held, unless the retiree waives such hearing, prior to actual cancellation of a disability retirement allowance.~~

~~(4) The retirement allowance of any member who fails to submit to medical examination as provided herein shall be discontinued and in the event such refusal continues for one year, his retirement allowance shall be cancelled. Failure of the member to affirmatively respond to the request for reexamination shall be deemed a continuing refusal.))~~ Every retiree under 49.5 years of age must be medically reexamined every six months by the board doctor or approved physician, except as provided in subsection (4) of this section.

(2) The retirement allowance of any retiree who fails to submit to a medical examination as required in subsection (1) of this section shall be discontinued until the retiree complies with the reexamination requirement. If the retiree continues for one year to refuse to undergo reexamination, the board shall cancel his or her retirement allowance.

(3) If the retiree resides more than one hundred miles from his or her former employer, the board may authorize the retiree to be examined by a physician in the retiree's local area. The board must approve the local area physician and provide him or her with information about the purpose of the examination and the issues to be addressed in the physician's report to the board.

(4) If the board doctor or approved physician finds that no possibility exists for the retiree's recovery and return to duty, the board may determine that subsequent medical examinations are not required. The determination may be made at the time of retirement or at any time thereafter, but must be based on a current (within ninety days) recommendation of the examining physician. The board must notify the department of retirement systems when it makes a determination of permanent disability. A copy of the physician's report must accompany the notice.

(5) If the examination shows that the retiree is fit to perform the duties of the rank or position held at retirement, the retiree shall be entitled to a hearing before the board. The notification and hearing shall comply with the requirements of the Administrative Procedure Act, chapter 34.05 RCW. Unless the retiree waives his or her right to the hearing, the board must hold the hearing before it can cancel the disability retirement allowance.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-100 Purpose—Age fifty and older. These rules are adopted ~~((pursuant to))~~ under RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and 41.26.135 and establish procedures to be followed by the applicant and the disability board. These rules apply only to a disability retiree ~~((over))~~ age fifty and older who seeks a determination that his/her disability has ceased.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-110 Application to disability board—Age fifty and older. (1) When a disability retiree over age fifty believes that his/her disability has ceased, he/she may make application to cancel the disability retirement allowance. Such application shall be made to the disability board that originally considered the application for disability retirement.

(2) The application must be in writing and contain the following information:

(a) The retiree's name, birthdate, Social Security number, mailing address, telephone number, former LEOFF employer, and the name and mailing address of the retiree's legal representative, if any;

(b) The nature of the disability and the date the disability ceased;

(c) The names, addresses and telephone numbers of all physicians and other health care practitioners who have been contacted by the retiree or his/her representative in the last year for medical care, consultation or evaluation;

(3) The application must be accompanied by the following documents:

(a) Copies of any written documents supporting the retiree's claim that his/her disability has ceased and that no other physical or mental disability now prevents the retiree from performing the ordinary duties of his/her position or rank;

(b) A copy of the local disability board order granting disability retirement if the original disability board order was summarily affirmed by the director or the LEOFF retirement board; or

(c) A copy of the director's order or the LEOFF retirement board's order if the director or the LEOFF retirement board entered the final order granting disability retirement.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-120 Burden of proof in disability board proceedings. The retiree has the burden of proof in the proceedings before the disability board.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-140 Examination by board physician.

(1) Before acting on an application, the disability board shall have the retiree examined by the board doctor as provided in WAC 415-105-030. If the board doctor has seen the retiree before in any capacity except evaluation on behalf of the disability board, the board doctor ~~((shall))~~ must refer the retiree to another physician who has not seen the retiree in any capacity except evaluation on behalf of the disability board.

(2) Before the retiree is examined, the disability board ~~((shall))~~ must furnish the board doctor or other physician with a current job description for the rank or position held by the member at the time he/she was granted disability retirement and a copy of these regulations.

(3) The board doctor or other physician ~~((shall))~~ examine the retiree to determine if he/she is able to perform with average efficiency the duties of the rank or position held by the retiree at the time of discontinuance of service and that he/she meets the requirements of WAC 415-105-130.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-150 Disability board order. ~~((Upon the basis of))~~ (1) The board must review the application ~~((and))~~, the medical evaluation by the board doctor, and any other relevant evidence~~((;))~~. The ~~((disability))~~ board ~~((shall))~~ must determine whether the ~~((disability))~~ retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency.

(2) If ~~((it is determined))~~ the board determines that the retiree's disability has ceased, ~~((the board))~~ it shall enter its written decision and order ~~((accompanied by))~~ including appropriate findings of fact and conclusions of law ~~((evidencing compliance with the applicable statutes and regulations)).~~

The disability board must ~~((make a finding which specifies the date the disability ceased))~~;

(a) Enter a decision which specifies the date the disability retirement allowance will cease;

(b) Immediately send a copy of the decision and order to the department of retirement systems.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-160 Purpose—Under age fifty. These rules are adopted ~~((pursuant to))~~ under RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and establish procedures to be followed by the applicant and the disability board in cases in which the applicant is under age fifty and believes that his/her disability has ceased.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-170 Application to the disability board—Under age fifty. A disability retiree under age fifty who believes that his/her disability has ceased may ~~((make application to the disability board which originally found the member to be disabled))~~ apply for a determination that the disability has ceased. ~~((Such))~~ The application must be:

(a) Made to the disability board which originally found the member to be disabled; and

(b) In writing; and

(c) Contain the information ~~((set forth))~~ stated in WAC 415-105-110(2).

Thereafter, the rules and procedures ~~((set forth))~~ stated in WAC 415-105-120 through 415-105-140 shall be in effect.

AMENDATORY SECTION (Amending Order 87-3, filed 3/11/87)

WAC 415-105-180 Disability board hearing and order. (1) ~~((Upon the basis of the application, the medical evaluation by the board doctor, and any other relevant evidence, the disability board shall determine whether the disability))~~ The board must review the application, the medical evaluation of the board doctor, and any other relevant evidence. The board must then determine whether the retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency. If the board determines that the retiree's disability has ceased, both the retiree and the former employer shall be entitled to a notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter ~~((34.04))~~ 34.05 RCW.

(2) After the hearing, the board ~~((shall))~~ must enter its written decision and order, ~~((accompanied by))~~ including appropriate findings of fact and conclusions of law~~((;)).~~ The board order must either ~~((denying))~~ deny the retiree's application or ~~((canceling))~~ cancel his/her disability retirement allowance and ~~((restoring))~~ restore him/her to duty pursuant to RCW 41.26.140(2).

(3) Any person aggrieved by a determination or order of a disability board that the applicant's disability has not ceased

may file an appeal with the director pursuant to RCW 41.26.140(6).

**WSR 99-16-079
PERMANENT RULES
DEPARTMENT OF LICENSING**

(Cemetery Board)

[Filed August 3, 1999, 2:27 p.m.]

Date of Adoption: July 29, 1999.

Purpose: To amend WAC 98-70-010 to bring Cemetery Board revenues into line with expenditures.

Citation of Existing Rules Affected by this Order: Amending WAC 98-70-010.

Statutory Authority for Adoption: RCW 68.05.205.

Other Authority: RCW 68.05.225 and 43.24.086.

Adopted under notice filed as WSR 99-13-137 on June 18, 1999.

Changes Other than Editing from Proposed to Adopted Version: Renewal fees for the exemption from prearrangement sales license and the cremated remains disposition permit or endorsement were corrected from \$28.00 each to \$27.99 each.

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.

July 29, 1999

Alan E. Rathbun

Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 98-19-053, filed 9/15/98, effective 10/16/98)

WAC 98-70-010 Fees. The following fees shall be charged by the department of licensing:

Title of Fee	Fee
Certificate of authority	
Application	((\$270.87)) <u>\$279.86</u>
Renewal	((4.06)) <u>4.19</u>

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Charge per each interment, entombment and inurnment during preceding calendar year	
Crematory license/endorsement	
Application	((108.35)) <u>111.95</u>
Renewal	
((Fifty-four)) <u>Fifty-five</u> dollars and ((seventeen)) <u>ninety-seven</u> cents plus ((fifty-four)) <u>fifty-six</u> cents per cremation performed during the preceding calendar year	
Prearrangement sales license	
Application	((108.35)) <u>111.95</u>
Renewal	((54.17)) <u>55.97</u>
Exemption from prearrangement sales license	
Application	((54.17)) <u>55.97</u>
Renewal	((27.09)) <u>27.99</u>
Cremated remains disposition permit or endorsement	
Application	((54.17)) <u>55.97</u>
Renewal	((27.09)) <u>27.99</u>

**WSR 99-16-083
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 3, 1999, 4:40 p.m., effective November 3, 1999]

Date of Adoption: August 3, 1999.

Purpose: Chapter 296-79 WAC, Pulp, paper and paperboard mills and converters.

Topic: Pulp, paper and paperboard mills and converters. Chapter 296-79 WAC, Pulp, paper and paperboard mills and converters, state-initiated amendments to chapter 296-79 WAC were proposed in response to an industry request. In 1994, workers in the pulp and paper industry formally asked L&I to consider updating and revising the worker safety and health rules that regulate the pulp and paper industry. The department convened a joint labor/management advisory committee to undertake the review of chapter 296-79 WAC. The rule provides safety and health protection for workers employed in pulp, paper, and paperboard mills and converters. The committee included representatives of the Association of Western Pulp and Paper Workers, the United Paper-

workers International Union, the Pacific Coast Association of Pulp and Paper Workers, and local union chapters as well as representatives of individual pulp and paper producing companies. The advisory committee produced a proposal which predominately deferred to the requirements of chapter 296-62 WAC, General occupational health standards and chapter 296-24 WAC, General safety and health standards. After reviewing the proposal, the department believed the requirements to be too restrictive within the pulp and paper mill environment and in some instances actually unworkable. After discussing these concerns with industry representatives, the department reconvened the advisory committee.

In July 1998, following a series of meetings involving industry, labor, management, and the department, another proposal was submitted. Under the new proposal the requirements were either wholly contained in chapter 296-79 WAC, a specific reference is made to the appropriate sections of other chapters, or rescinded altogether. Requirements related to the following were removed and an appropriate reference to the applicable safety and health standards was inserted.

Fire protection, ignition sources and means of egress	Chapter 296-24 WAC, Part G-1, G-2 and G-3
Floors, platforms, stairways, ladders and loading docks	Chapter 296-24 WAC, Part J
Scaffolds - construction, use and maintenance	Chapter 296-24 WAC, Part J-1 and Chapter 296-155 WAC, Part J-1
Confined spaces	Chapter 296-62 WAC, Part M
Storage of fuel, oil, flammables and chemicals	Chapter 296-24 WAC, Part E
Chlorine dioxide system	Chapter 296-62 WAC Part P and Chapter 296-67 WAC

This adoption includes new requirements for v procedures for bypassing interlocks. Most if not all have been bypassing interlocks and have written procedures, this puts the "common industry practice" into rule. Furthermore, requirements were added for designing control systems to ensure they fail to a safe state that would not endanger personnel and that they have an independent method to safely stop the process.

Initially the committee required the use of blank flanges behind all primary valve closures when reactivating hazardous material systems. The department, after coordinating with committee representatives, determined this was not always feasible and changed the requirement to a "performance based standard," which allows employers to determine the best means of compliance. The subsection was completely rewritten and reformatted without changing the requirements.

The department received public comment on the following sections and modified the proposed amendments to these sections as indicated below. All other sections proposed for amendment did not receive comment and are adopted as proposed.

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AMENDED SECTION WAC 296-79-020 General requirements.

- To reword subsection (4), "Training," in response to a public hearing comment.

AMENDED SECTION WAC 296-79-050 Personal protective clothing and equipment.

- To change the title to "Personal protective clothing and equipment" and deleting the subsection (1) title, as it is not necessary.

AMENDED SECTION WAC 296-79-110 Elevated runways and ramps used by vehicles.

- To insert the word "incline" within "WAC 296-79-110 (b)." It is changed to read "Runways and ramps must not have a maximum incline exceeding 20 degrees from horizontal if used for wheeled equipment."

AMENDED SECTION WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems, and hoses.

- To remove the subsection pertaining to "Test holes."
- To change in subsection (6)(b) the wording applicable to "legend boards" for clarity.

AMENDED SECTION WAC 296-79-150 Powered industrial trucks and other vehicles.

- To change the title from "Mobile equipment and lift trucks" to "Powered industrial trucks and other vehicles" in response to a hearing comment.

AMENDED SECTION WAC 296-79-220 Deactivating and lockout requirements.

- To add language to subsection (2) which states: "The employer must develop a specific written group lockout or tagout procedure and review it with the local plant labor/management safety committee before it can be utilized."
- To add a rewritten subsection (11) for clarity without changing any requirements.
- To add a "Note" that retains the recommendation for the use of bleeder valves behind primary valve closures on hazardous material systems where a blank flange is used to separate off portions of the system that is in operation.

AMENDED SECTION WAC 296-79-29001 Digester valves and piping.

- To move the "test holes" requirement to this subsection from WAC 296-79-140, as a result of a hearing comment.

AMENDED SECTION WAC 296-79-29029 Broke hole.

- To reword subsection (3) to read "...any employee pushing broke down the broke hole must wear a safety belt or harness attached to a lanyard."

AMENDED SECTION WAC 296-79-300 Machine room equipment and procedures.

- To add wording for the employer to ensure sufficient inspection and nondestructive testing of reel spool and calendar roll journals.
- To add the word "forming" with "fourdrinier."

Citation of Existing Rules Affected by this Order: Amending WAC 296-79-010 Scope and application, WAC 296-79-020 General requirements, WAC 296-79-030 Guards and guarding, WAC 296-79-040 Fire protection, ignition

sources and means of egress, WAC 296-79-050 Personal protective clothing and equipment, WAC 296-79-070 Illumination, WAC 296-79-080 Elevators, manlifts and other lifting devices, WAC 296-79-090 Electrical equipment and distribution, WAC 296-79-100 Floors, platforms, stairways, ladders, loading docks, WAC 296-79-110 Elevated runways and ramps used by vehicles, WAC 296-79-120 Scaffolds, construction, use and maintenance, WAC 296-79-130 Cross-overs, aisles, passages, WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems and hoses, WAC 296-79-150 Powered industrial trucks and other vehicles, WAC 296-79-160 Requirements for cranes and hoists, WAC 296-79-170 Requirements for crawler and truck cranes, WAC 296-79-180 Privately owned standard gauge railroad operations, WAC 296-79-190 Loading and unloading materials from railway cars or trucks, WAC 296-79-200 Bridge and dock plates, WAC 296-79-210 Conveyors, maintenance and inspection, WAC 296-79-220 Deactivating and lockout requirements, WAC 296-79-230 Confined spaces, WAC 296-79-240 Storage of fuel, oil, flammables and chemicals, WAC 296-79-250 Safety procedure for handling sulfur, WAC 296-79-260 Pulpwood storage and handling, WAC 296-79-270 Pulpwood preparation, WAC 296-79-27003 Log hauls, slips, and carriages, WAC 296-79-27005 Band saws, WAC 296-79-27007 Circular saws, speeds and repairs, WAC 296-79-27009 Slasher saws-tables, WAC 296-79-27011 Circular swing saws, WAC 296-79-27013 Drag saws—Fixed chain saws—Circular cutoff saws, WAC 296-79-27015 Construction and use of pulpwood splitters, WAC 296-79-280 Chip and hog fuel storage, WAC 296-79-290 Stock preparation and reprocessing, WAC 296-79-29001 Digester valves and piping, WAC 296-79-29003 Warning of digester being blown, WAC 296-79-29005 Unplugging quick lime stoppages, WAC 296-79-29007 Bleach plant, WAC 296-79-29009 Audible alarm in bleach plant, WAC 296-79-29011 Pocket grinder doors, WAC 296-79-29013 Pulping device procedures, WAC 296-79-29015 Off machine repulping devices, WAC 296-79-29017 Pulping device cleaning, inspection and repairing, WAC 296-79-29021 Shredders and blowers, WAC 296-79-29023 Clearing shredder jams, WAC 296-79-29027 Guillotine type roll splitters, WAC 296-79-29029 Broke hole, WAC 296-79-29031 Industrial kiln guns and ammunition, WAC 296-79-29033 Chlorine dioxide system, WAC 296-79-29035 Piling and unpling pulp, WAC 296-79-29037 Chocking roles, WAC 296-79-300 Machine room equipment and procedures, WAC 296-79-310 Converting operations (bag and container manufacturing, printing, coating, finishing, and related processes), WAC 296-79-31001 General requirements for converting operations (bag and container manufacturing, printing, coating, finishing and related processes), WAC 296-79-31003 Corrugator, WAC 296-79-31009 Die cutting and WAC 296-79-320 Sulfite recovery furnace area requirements; and repealing WAC 296-79-060 Protection from radiation, WAC 296-79-255 Safety procedures for handling liquid sulfur, WAC 296-79-27001 Barkers, chippers, and hog feed devices, WAC 296-79-29019 Guarding hand knives and sharpening steels, WAC 296-79-29025 Repairing shredders, WAC 296-79-31005 Adhesive system, WAC 296-79-31007 Printing and cutting,

WAC 296-79-31011 Power lifts on gluers, tapers and stitchers, and WAC 296-79-31013, Strapping banding operations.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 99-06-071 on March 2, 1999.

WAC 296-79-020 General requirements.

- The identified subsection (4), "Training" was rewritten and reformatted without changing requirements.

WAC 296-79-050 Personal protective clothing and equipment.

- To change the title to "Personal protective clothing and equipment" and deleting the subsection (1) title, as it is not necessary.

WAC 296-79-110 Elevated runways and ramps used by vehicles.

- To insert the word "incline" within "WAC 296-79-110(b)." It is changed to read "Runways and ramps must not have a maximum incline exceeding 20 degrees from horizontal if used for wheeled equipment."

WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems, and hoses.

- To change the wording applicable to "legend boards" for clarity to: "When legend systems are used, legend boards showing the color and..."
- The "test holes" requirement has been moved to the digester section (WAC 296-79-29001).

WAC 296-79-150 Powered industrial trucks and other vehicles.

- To change the title from "Mobile equipment and lift trucks" to "Powered industrial trucks and other vehicles" in response to a hearing comment.

WAC 296-79-220 Deactivating and lockout requirements.

- The language for subsection (2) has been reworded to read "Group lockout or tagout. Procedures must meet the minimum requirements of Chapter 296-24 WAC, Part A-4. The employer must develop a specific written group lockout or tagout procedure and review it with the local plant labor/management safety committee before it can be utilized."

- To improve clarity, the subsection (11) for "Deactivating piping systems" has been completely rewritten to remove the confusion concerning "definitions" without changing any requirements and the word "available" is replaced with the word "feasible."

- To improve clarity in subsection (11), inserted "*installing*," after "*procedure for*" so that this procedure will also be accomplished when the blank flange is "installed" not just when it is removed.

- To add a "Note" that retains the recommendation for the use of bleeder valves behind primary valve closures on hazardous material systems where a blank flange is used to separate off portions of the system that is in operation.

WAC 296-79-29001 Digester valves and piping.

- To move the "test holes" requirement to this subsection from WAC 296-79-140, as a result of a hearing comment.

WAC 296-79-29029 Broke hole.

- To reword subsection WAC 296-79-29029(3) to read "...any employee pushing broke down the broke hole must wear a safety belt or harness attached to a lanyard."

WAC 296-79-300 Machine room equipment and procedures.

- To add wording for the employer to ensure sufficient inspection and nondestructive testing of reel spool and calendar roll journals.

- To add the word "forming" with "fourdrinier."

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 58, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 58, Repealed 9.

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 58, Repealed 9.

Effective Date of Rule: November 3, 1999.

August 3, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-010 Scope and application. (1) This chapter applies to establishments, firms, persons and corporations (~~dealing with the manufacturing, processing, storing, finishing or converting of pulp, paper or paperboard and all buildings, machinery and equipment pertaining thereto~~) that manufacture, process, store, finish, or convert pulp, paper or paperboard and includes all buildings, machinery, and equipment.

(2) This chapter shall augment the Washington state general safety and health standards(~~(;)~~) (chapter 296-24 WAC) and general occupational health standards(~~(-electrical workers safety rules, and any other standards which are applicable to all industries governed by chapter 80, Laws of 1973 (chapter 49.17 RCW), Washington Industrial Safety and Health Act)~~) (chapter 296-62 WAC). In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the provisions of this chapter 296-79 WAC, shall (~~apply~~) prevail.

(3) (~~When the words "shall" or "must" are used in this chapter, the requirement is compulsory. The words "may" or "should," as used in this standard, identify recommendations or suggestions only.~~)

(4) The rules contained in this chapter are minimum requirements and the use of additional guards, or other means, methods or procedures may be needed (~~in order~~) to make the work or place of work safe.

NEW SECTION

WAC 296-79-011 Definitions. "Authorized" - One who is qualified by reason of training and to whom the responsibility to perform a specific assignment has been given by the employer.

"Guarded" - The means to remove the likelihood of approach or contact by persons or objects to a point of danger.

"Knowledgeable" - The demonstrated ability to communicate the safe work practices required to perform a job or task correctly.

"Qualified" - One who is familiar with the construction and operation of the equipment and the duties of the position they may be filling. This includes being aware of the hazards of the job and the means and procedures necessary to eliminate or control those hazards.

"Training" - The procedure that must establish and document the employee's competency in the work practices that they are required to perform.

"Shall" or "must" as used in this standard mean the requirement is compulsory.

"May" or "should" as used in this standard identify recommendations or suggestions only.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-79-020 General requirements. (1) House-keeping.

(a) Floors ~~((shall))~~ must be kept reasonably clear of spilled or leaking oil, grease, water, broke, etc., that may cause slipping, tripping or falling. Nonskid type surfacing ~~((shall))~~ must be installed in vehicular or pedestrian traffic areas ~~((in which))~~ where slipping hazards otherwise would exist.

In areas where it is not possible to keep the floor free of materials which cause a slipping hazard, mats, cleats, or other suitable materials which will effectively minimize or eliminate the hazard ~~((shall))~~ must be installed.

~~((2))~~ Storage of hoses, cords, slings or similar items or equipment ~~((shall))~~ must be stored in such a manner that they will not create a hazard.

~~((3))~~ (2) Storage and transportation of materials. Materials, objects or equipment ~~((shall))~~ must be stored or transported by ~~((use of means or))~~ methods which will prevent them from falling, tipping or rolling.

~~((4))~~ Compressed gas cylinders. Compressed gas cylinders shall be stored away from heat sources, combustible materials or other materials which may cause hazardous conditions. Storage facilities shall comply with the requirements of the general safety and health standards, chapter 296-24 WAC. Cylinders shall be secured in a manner which will prevent them from tipping or falling. Acetylene cylinders shall be stored, transported, or used while in the upright position only.

~~((5))~~ (3) Warning of ~~((obstructions))~~ open manholes or excavations. Open manholes or excavations ~~((shall))~~ must be:

• Roped off, barricaded, or adequately safeguarded ((by an approved method)) when located in or adjacent to walkways, aiseways, or roadways. ~~((During periods of darkness or reduced visibility, such areas shall be))~~

• Provided with warning lights or lanterns during periods of darkness or reduced visibility.

~~((6))~~ Employees to be instructed. Employees shall not be permitted to operate ~~((4))~~ Training. Employees must receive proper instruction and be familiar with safe operating procedures:

(a) Before they supervise the operation, or make adjustments to any machine or equipment ((until they have received proper instruction and are familiar with safe operating procedures)).

~~((7))~~ Training personnel to handle emergencies. In each area where hazardous substances may be encountered, personnel shall be trained ~~((b))~~ To be able to cope with emergencies arising from breaks, ruptures, or spills which would create a hazardous condition.

~~((8))~~ (c) For lifting and moving objects. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.

(d) On prompt reporting of any faulty equipment or hazardous condition to the person in charge.

(5) Working alone. When an employee is assigned to work alone in a remote or isolated area, ~~((a system shall))~~ procedures must be ~~((instituted whereby such))~~ developed to ensure:

• That the employee reports by use of radio or telephone to someone periodically; or

• At reasonable intervals a designated person ((shall)) must check on ((his safety at reasonable intervals:)) the employee; and

• All persons involved in working alone ~~((shall be))~~ are advised of the procedures to be followed.

~~((9))~~ Lifting or moving objects. Employees shall be instructed in proper lifting or moving techniques and methods. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.

(10) Reporting hazards. Any faulty equipment or hazardous condition shall be promptly reported to the person in charge.

~~((11))~~ (6) Exits from hazardous areas. Where physically and reasonably possible, there ~~((shall))~~ must be at least two unobstructed exits from any hazardous area. Such exits ~~((shall preferably))~~ should be on opposite walls.

~~((12))~~ (7) Safe work area. Sufficient clearance ~~((shall))~~ must be maintained between machines to allow employees a safe work area.

~~((13))~~ (8) Protection from overhead hazard. Warning ~~((signs shall))~~ signs/devices must be:

• Placed in conspicuous locations below areas where overhead work is being done and ((shall be))

• Removed promptly when work is completed and the overhead hazard no longer exists.

~~((14))~~ (9) Welding areas protected.

(a) Areas in which welding is being done ~~((shall))~~ must be screened or barricaded to protect persons from flash burns, when practical.

(b) If the welding process cannot be isolated, all persons who may be exposed to the hazard of arc flash ~~((shall))~~ must be properly protected.

~~((15))~~ (10) Testing safety devices. Brakes, back stops, anti-runaway devices, overload releases, emergency stops, and other safety devices ~~((shall))~~ must be inspected and tested frequently to ensure that all are operative and maintained in good repair.

~~((16))~~ (11) Starting and stopping devices.

• Electrically or manually operated power ~~((disconnecting))~~ starting or stopping devices ~~((shall))~~ must be provided within easy reach of the operator ~~((while in his))~~ from the normal operating position.

• If necessary for safety of the operation, the machine ~~((shall))~~ must be so equipped that retarding or braking action can be applied at the time of or after the source of power is deactivated.

~~((17) Use of compressed air for cleaning purposes:))~~

(12) Interlocks:

Interlocks that affect the safety of employees must not be bypassed except where the employer demonstrates that alternate procedures or devices provide a level of safety for employees equivalent to that provided by the safety interlock. Interlocks are considered to be bypassed anytime the designed control strategy is bypassed by means including, but not limited to, a temporary wiring change, physical interference or a temporary software change of "force."

Prior to bypassing a safety interlock the employer must:

• Develop a written procedure detailing how the bypass will be accomplished and the alternate means of protecting employees.

• Inform affected employees of all pertinent information including at a minimum the reason for the change, the date of the change, who is responsible for the change, and approximately how long the change will be in effect.

• Post appropriate warning of the change on the equipment or area.

(13) Designing control systems. Employers must ensure that all control systems are designed to:

• Ensure that the system does not create an unsafe state that endangers personnel.

• Ensure that when control systems fail, the equipment being controlled fails to a safe state.

• Have an independent method to safely stop the process or equipment, such as a hardwired emergency stop button or other controls that deenergize the system, or independent methods to force the system to a safe state.

(14) Compressed air.

(a) Compressed air ~~((shall))~~ must not be used ~~((for cleaning purposes if it may endanger other persons in the area or))~~ for cleaning clothing ~~((while it))~~ that is being worn, or if it will endanger persons in the area.

~~((18) Coupling high pressure air hoses:))~~ (b) Sections of high pressure air hoses ~~((shall))~~ must be properly coupled and have safety chains or equivalent safety device attached between the sections (30 psi or more is high pressure air).

~~((19))~~ (15) Punch bars. Open pipes ~~((shall))~~ must not be used as punch bars if the use would create a hazard.

~~((20))~~ (16) Saw table limit stop or extension. Employees ~~((shall))~~ must be protected from contact with the front edge of a circular saw by:

• A limit stop which will prevent the forward swing of the cutting edge from extending beyond the edge of the table or ~~((a table extension shall be installed))~~

• Installation of a table extension.

~~((21) Explosive))~~ (17) Powder-actuated tools.

~~((Explosive))~~ • Powder-actuated tool design, construction, operation and use shall comply with all requirements specified in "safety requirements for powder actuated fastening systems," ~~((adopted by the department of labor and industries))~~ (see chapter 296-24 WAC, Part H-1). ~~((In addition, after using such tools))~~

• A careful check ~~((shall))~~ must be made ~~((in order))~~ to ~~((ascertain))~~ ensure that no cartridges or charges are left where they could enter equipment or be accidentally discharged in any area where they could create a fire or explosion hazard.

~~((22) Approved life buoys. Where work is being performed on docks or adjacent to open water five feet or more in depth U.S. Coast Guard approved life buoys shall be provided. Such life buoys shall have sufficient line attached and be spaced at intervals not exceeding 200 feet.~~

~~((23))~~ (18) Ladders required on waterfront docks. Employers must ensure that either permanent ladders or portable ladders ~~((which))~~:

• Are readily available for emergency use ~~((shall be provided))~~ on all waterfront docks. ~~((Such ladders shall))~~

• Extend from the face of the dock to the water line at its lowest elevation. ~~((Spacing between ladder installations shall not))~~

• Are installed at intervals not to exceed 400 feet.

• Are noticeable by painting the dock area immediately adjacent to the ladder ~~((locations shall be painted))~~ with a bright color which contrasts with the surrounding area.

• Have been secured with a suitable method ~~((shall be used to secure the ladders))~~.

Note: When working on or around water also see chapter 296-24 WAC, Part A-2.

~~((24) Protection from hot pipes. All exposed hot pipes within seven feet of the floor or working platform, or within 15" measured horizontally from stairways, ramps or fixed ladders, shall be covered with an insulating material or be guarded in such a manner as to prevent contact.~~

~~((25))~~ (19) Prevent overhang while removing materials. Extreme care ~~((shall))~~ must be taken to prevent material from creating an overhang while removing the materials from piles or bins.

~~((26) Establishments subject to chapter 296-79 WAC shall comply with the following standards of the American National Standards Institute:~~

(a) ~~ANSI Z33.1-1961, Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying;~~

(b) ~~ANSI B56.1-1969, Safety Standard for Powered Industrial Trucks:))~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-030 Guards and guarding. For additional guarding requirements see chapter 296-24 WAC, Part C.

~~(1) ((General safety and health standards to prevail where applicable. Driving mechanisms, power transmission equipment or apparatus, prime movers, shear or pinch points or other similar hazardous areas of exposure shall be properly safeguarded with standard safeguards as required by the general safety and health standards.~~

~~(2))~~ Safeguarding specific areas, machines or conditions. ~~((To augment the general safeguarding requirements contained in the previous rule.))~~ Certain equipment, tools, machines, and areas present definite hazards and ~~((shall))~~ must be safeguarded by compliance with the following requirements:

~~(a) ((Conveyors. Hazardous areas of conveyors shall be adequately safeguarded or workers shall be protected from hazard by other effective means.~~

~~(b))~~ Broke shredders. Cutting heads ~~((shall))~~ must be completely enclosed except for opening at feed side sufficient only to permit entry of stock. The enclosure ~~((shall))~~ must be:

- Bolted or locked in place, and ~~((shall be))~~
- Of solid material or with mesh or other openings not exceeding 1/2 inch.

~~((c) Sharp edged slitter knives. Sharp edged slitter knives subject to accidental contact shall be effectively guarded. Carriers shall be provided and used when transporting or carrying sharp edged slitter knives.~~

~~(d) Wheels of traveling sections of conveyors. Traveling sections of conveyors and other equipment with wheels which run on rails or guides, other than railroad equipment, shall be provided with wheel sweep guards installed in front of the traveling wheels in all areas where persons may be exposed to contact. Sweep guards shall have not greater than 1/4 inch clearance above the rail or guide.~~

~~(e))~~ ~~(b)~~ Stitching or sewing machine. Carton or bag stitching machines ~~((shall))~~ must be properly safeguarded to prevent persons from coming in contact with the stitching head and other pinch or nip points.

~~((f))~~ ~~(c)~~ Beaters and pulpers. ~~((Where))~~

~~(i) A guardrail of standard height must be installed when the top edge of vessels or tubs is less than standard height guardrails above the floor or operator's platform, ((a guardrail of standard height shall be installed)).~~ If necessary for the protection of the person feeding equipment, an intermediate guardrail or other suitable protection shall be installed.

~~(ii) Beater rolls ((shall))~~ must be provided with covers.

~~((g))~~ ~~(d)~~ First dryer. A permanent guard or apron guard, or both, ~~((shall))~~ must be installed to protect workers from any exposed ingoing nip of the first dryer drum in each section if the area is accessible to workers while the dryer is in operation.

~~((h))~~ ~~(e)~~ Floor and drain openings. Floor and drain openings in walkways and general work areas ~~((shall))~~ must be covered with material or gratings with openings no larger than 2" in the narrow dimension.

~~((i))~~ ~~(f)~~ Mechanical devices to dump chip cars, trucks or trailers.

• When using mechanical equipment to elevate the front end of the chip containers for dumping into a hopper, the shear area between the floor and the elevated section ~~((shall))~~ must be safeguarded.

• The pit area ~~((shall))~~ must be adequately safeguarded or barricaded.

• Safeguards ~~((shall))~~ must be installed around the exposed sides of a chip hopper.

~~((3))~~ ~~(2)~~ Replacing guards. All permanent guards must be replaced or adequate temporary safeguards provided before a machine is put into operation.

~~((4))~~ ~~(3)~~ Protection from moving materials. When material, such as chunks, slivers, cants, or logs, could be thrown or flipped by a saw, barker, or other machines, adequate barricades, screens, netting, or other safeguards ~~((shall))~~ must be provided and maintained.

~~((5) Circular saws (not slasher saws). Saws shall be provided with standard guards, in accordance with American National Standard O1-1-1954 (reaffirmed 1961).~~

~~((6))~~ ~~(4)~~ Protection for areas where guards are impractical. ~~((Where))~~ When normal guarding is impractical ~~((the hazard shall be))~~:

• The hazard must be reduced to a minimum by use of safety chains, lifelines, signs or other reasonable means~~((:)),~~ and

• Areas which present a ~~((major physical))~~ hazard which cannot be reasonably safeguarded ~~((shall))~~ must be identified by use of paint or other materials.

~~((7) Transporting knives.))~~ ~~(5) Knives and scissors.~~

~~(a) Knives used for chip or hog fuel machines, or guillotine cutters, ((shall))~~ must be secured in properly constructed containers during transportation.

~~((8) Hand knife or scissors.))~~ ~~(b) Workers ((shall))~~ must be furnished properly designed and constructed sheaths for safely carrying knives and scissors used for cutting or trimming pulp and paper.

~~((9) Safe storage for knives and scissors.))~~ ~~(c) Tables where paper is being cut ((shall))~~ must be equipped with sheaths or shelves for safe storage of knives and scissors.

~~((10))~~ ~~(d) Sharp edged slitter knives subject to accidental contact must be effectively guarded. Carriers must be provided and used when transporting or carrying sharp edged slitter knives.~~

~~(e) Hand knives and sharpening steels used in paper preparation, must be provided with guards at the junction of the handle and the blade. Utility knives with blade exposure two and one-half inches or less are exempted from this requirement.~~

~~(6) Safeguard for foot operated treadle switch used to activate power driven equipment. Foot operated treadle switches used for activation of power driven equipment ((shall))~~ must be protected by a stirrup type guard or equivalent protection ~~((shall))~~ must be provided to prevent accidental activation.

~~((11))~~ ~~(7) Automatic pressure actuated stopping devices. Hand fed machines and other moving equipment which create shear or pinch points which cannot be reasonably guarded may be safeguarded by the installation of pres-~~

sure activated bars or sensing devices which, when contacted, will automatically stop the machine or equipment.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-040 Fire protection (~~and~~), ignition sources and means of egress. ~~((1) Portable fire extinguishers. Portable fire extinguishers shall be constructed, tested, maintained, and used in accordance with the recommendations specified by the National Fire Protection Association or other similar recognized agencies.~~

~~(2) Suitable fire extinguishing equipment. Fire extinguishing equipment suitable for use for the type or types of fire which could be expected in an area shall be provided.~~

~~(3) Vaporizing liquid type extinguishers. Vaporizing liquid type extinguishers shall not be used if known to create a condition which is hazardous to health.~~

~~(4) Proper type of fire extinguisher to be used. Each person who is expected or required to use fire extinguishing equipment shall be instructed as to the proper type or types of extinguishing equipment to be used for each class of fire.~~

~~(5) Fire drills, etc. Personnel shall be instructed on procedures to be followed in case of fire.~~

~~(6) Posting areas where fire or explosion hazards exist. Areas where a fire or explosion hazard exists shall be posted with NO SMOKING or other suitable signs which would indicate that such hazard exists.~~

~~(7) Sources of ignition prohibited in hazardous areas. Spark-producing tools, lights or other sources of ignition shall not be used in any area where the hazard of explosion exists.~~

~~(8) Welding and burning permits. A written welding or burning permit shall be secured from a delegated person when welding and burning is to be done in an area near flammable or combustible materials or in areas where a potentially explosive condition exists. Permits shall not be valid for more than 24 hours.~~

~~(9) Internal dust fires in or around gas hoods. A safe written procedure shall be developed by the company for control of dust fires in or around gas hoods. Personnel shall be properly instructed and trained in this procedure.) For fire protection, ignition source, and means of egress requirements see chapter 296-24 WAC, Part G-1, G-2 and G-3.~~

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-79-050 Personal protection clothing and equipment. ~~((1) Personal protective equipment and clothing. Personal protective clothing and equipment as required by the general safety and health standards and the general occupational health standards shall be furnished by the employer and worn or used by the employee when needed to eliminate or minimize the degree of hazard involved with any specific operation.~~

~~(a) Required clothing, caps, etc. Employees shall wear sufficient clothing to protect them from hazards to which they may be exposed while performing their duties. Consideration must be given to temperatures in certain areas in~~

~~which persons work. Employees whose hair is long enough to be caught in machinery or equipment around which they work shall wear caps, hair nets or other protection which will adequately confine the hair while performing their duties.) See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.~~

~~(1) Rings or other jewelry (~~which~~) that could create a hazard should not be worn by employees while in the performance of their work.~~

~~((b)) (2) Protective footwear.~~

~~• Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects (~~shall~~) must wear safety type footwear.~~

~~• Employers will supply shoe guards and toe protectors (~~will be supplied by management~~). (~~Management shall~~)~~

~~• Employers must also make safety shoes available for purchase by employees at not more than actual cost to (~~management~~) the employer.~~

~~(3) Calks or other suitable footwear (~~which~~) that will afford reasonable protection from slipping (~~shall~~) must be:~~

~~• Worn while working on logs. (~~Calk boots shall be~~)~~

~~• Made available at not more than actual cost to the employer.~~

~~((Note: See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.~~

~~(2) Working over or near water.~~

~~(a) Employees working over or near water who are exposed to the danger of drowning shall be provided with and shall wear U.S. Coast Guard approved personal flotation devices.~~

Note:

The following exceptions will apply:

(i) When water is known to be chest deep or less on the exposed worker(s);

(ii) When the employee is protected by standard guardrails;

(iii) When the employee is protected by a safety belt or lanyard; or

(iv) When the employee is within the confines of the cabin of a boat or other equivalent enclosure.

~~(b) Prior to and after each use, buoyant work devices shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.~~

~~(3) Protection from noise. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.~~

~~(4) Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.)~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-070 Illumination. ~~((1) Sufficient illumination required. All areas shall be sufficiently illuminated in order that persons in the area can safely perform their assigned duties. The recommended levels of illumination specified in the general occupational health standards shall be followed where applicable. When areas are not specifically referred to in the general occupational health standards and the adequacy of illumination for the area or task performed is~~

questionable, a determination of the amount of illumination needed shall be made by the industrial hygiene section of the division of industrial safety and health.

(2)) (1) Illumination required. Lighting that is adequately adjusted to provide a margin of safety for all work tasks must be provided and maintained.

(a) The minimum level of task lighting for all indoor activities must be an average of ten-foot candles measured thirty inches above the floor or at the task.

(b) The minimum level of task lighting for all outdoor activities must be an average of five-foot candles measured thirty inches above the working surface or at the task.

(2) If general lighting is not provided throughout the work area, the employer must provide illumination which is adequately adjusted to provide visibility of nearby objects that might be potential hazards or to see to operate emergency control or other equipment. The minimum level of nontask lighting for all indoor and outdoor activities must be an average of three-foot candles measured thirty inches above the floor or working surface.

Note: This section establishes minimal levels of illumination for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in practice for Industrial Lighting, ANSI/IES RP7-1979. The minimum levels specified in subsections (1) and (2) of this section represent averages with the lowest level in an area to be no less than fifty percent of the indicated value.

(3) Emergency or secondary lighting system required.

(a) There ~~((shall))~~ must be an emergency or secondary lighting system ~~((which))~~ that can be actuated immediately upon failure of the normal power supply system. The emergency or secondary lighting system ~~((shall))~~ must provide illumination in the following areas:

~~((+))~~ • Wherever it is necessary for workers to remain at their machine or station to shut down equipment in case of power failure.

~~((+))~~ • At stairways and passageways or aisleways used by workers as an emergency exit in case of power failure.

~~((+))~~ • In all plant first aid and/or medical facilities.)

(b) Emergency lighting facilities ~~((shall))~~ must be checked at least every 30 days for mechanical defects. Defective equipment ~~((shall))~~ must be given priority for repair schedule.

~~((3))~~ Extension cord type lights. All extension cord type lights shall be provided with proper guards.)

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-080 Elevators, manlifts and other lifting devices. (1) ~~((Elevators, manlifts, etc.))~~ All elevators, manlifts or other lifting devices ~~((shall))~~ must be installed and maintained in conformity with the requirements specified in the Washington state elevator laws and regulations adopted by the elevator section of the ~~((division of building and construction safety inspection,))~~ department of labor and industries.

(2) Inspection of elevators, etc., for acid towers.

(a) Outside elevators ~~((shall))~~ must be inspected daily during winter months when ice materially affects safety.

(b) Elevators, runways, stairs, etc., for acid towers ~~((shall))~~ must be inspected monthly for defects that may occur because of exposure to acid or corrosive gases.

(3) ~~((Gas masks))~~ Respirators on elevators. Elevators located in areas where exposure to potentially harmful concentrations of toxic substances may occur ~~((shall))~~ must be equipped with an adequate supply of ~~((gas masks))~~ respirators to protect the maximum number of passengers.

~~((4))~~ Posting elevators. Elevators shall be posted indicating the maximum number of persons allowed to ride.)

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-79-090 Electrical equipment and distribution. ~~((1) National electrical code to prevail.)~~ All electrical installations and electrical utilization equipment ~~((shall))~~ must comply with chapter 296-24 WAC, Part L.

~~((2) Authorized personnel to do electrical work. Only those persons who are qualified to do the work assigned and are authorized by the employer shall be allowed to perform electrical work on any electrical equipment or wiring installations.~~

~~((3) High voltage areas to be guarded. Motor rooms, switch panel rooms or other areas where persons may come in contact with high voltages shall be fenced off or be enclosed in a separate area. The gate, door or access to such area shall be posted with a notice stating that only authorized persons are allowed in the area.~~

~~((4) Control panels. Floor stand panels should be protected from being struck by moving equipment and handles and buttons shall be protected from accidental actuation.~~

~~((5) Switches or control devices. Switches, circuit breakers or other control devices shall be so located that they are readily accessible for activation or deactivation and shall be marked to indicate their function or machine which they control. The positions of ON and OFF shall be marked or indicated and provision shall be made for locking or tagging out the circuit.~~

~~((6) Starting requirements for electrically driven equipment after power failure. Electrically driven equipment shall be so designed that it will not automatically start upon restoration of power after a power failure if it will create a hazard to personnel.~~

~~((7))~~ (1) Operator controlled devices. Push buttons, selector switches, remote control switches, automatic circuit activating devices, and other control circuit type devices must be marked to indicate their function and the equipment they control.

(2) Posting equipment automatically activated or remotely controlled. If it will create a hazard to personnel, equipment which is automatically activated or remotely controlled ~~((shall))~~ must be posted, warning persons that machine may start automatically ~~((if it will create a hazard to personnel))~~.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-100 Floors, platforms, stairways, ladders, loading docks. ~~((1) Construction and maintenance. Floors, platforms, stairways, ladders, and loading docks shall be constructed, maintained and used in accordance with the requirements specified in the general safety and health standards and shall have nonskid type surfaces where needed to minimize the hazard of slipping.)) See chapter 296-24 WAC, Part J.~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-110 Elevated runways and ramps used by vehicles. (1) ~~((Elevated runway and ramp construction. Elevated runways or ramps shall be constructed to safely support four times the weight of any load to which it may be subjected.)) Runways and ramps ((shall)) must:~~

(a) Be ~~cleaned, grooved, rough surfaced, or covered with a material ((which)) that will minimize the danger of skidding. ((The))~~

(b) Not have a ~~maximum ((inclination of a ramp used for wheeled equipment shall not exceed))~~ incline exceeding 20° from horizontal if used for wheeled equipment.

(2) Guarding exposed sides.

• Elevated ramps or runways used for the travel of wheeled equipment ((shall)) must have exposed sides guarded with a substantial bull rail or shear rail of sufficient height to prevent wheeled equipment from going over the rail.

• If elevated ramps or runways are used by pedestrians, standard guardrails ((shall)) must be installed on runways wherever the height exceeds 4 feet above the adjacent area except where used for loading or unloading purposes.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-120 Scaffolds, construction, use and maintenance. ~~((Whenever work must be performed at a height which cannot be reached from the floor or permanent platform and where it would not be safe practice to use a ladder, a properly constructed scaffold shall be provided and used. All scaffolds shall have a factor of safety of four times any load to which they may be subjected and be adequately secured or stabilized to prevent tipping. Scaffolds shall be constructed in accordance with acceptable engineering practices and shall be maintained in a safe condition. Tools or materials which would create a tripping hazard or which may fall from the platform shall be secured or removed. Persons shall not ride on a roller scaffold while it is being moved.)) See General safety and health standards, chapter 296-24 WAC, Part J-1 or Safety standards for construction work, chapter 296-155 WAC, Part J-1.~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-130 Crossovers, aisles, passages. See chapter 296-24 WAC, Part D, for additional requirements for aisles and passages.

(1) ~~((Crossing conveyors. Where access is required, crossovers or underpasses with proper safeguards shall be provided over or under all conveyors.~~

(2)) Clearances to be marked. Low clearance areas under conveyors which could present a hazard to mobile equipment operations ((shall)) must be identified by a suitable means, such as signs, contrasting colors, or tell-tales.

~~((3) Aisles or passageways. Aisles or passageways should be at least three feet wider than the widest vehicle or load traveling the aisle or passageway. When this clearance cannot be maintained, adequate precautions shall be taken.~~

(4)) (2) Crossovers over obstructions in passageways. Crossovers ((shall)) must be provided where employees are required to cross over transmission drive lines or other permanent obstructions in passageways or walkways.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems, and hoses. (1) Definitions applicable to this section.

((i)) "Hazardous material system" - any system within the following classifications:

((ii)) • Flammable or explosive - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

((iii)) • Chemically active or toxic - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

((iv)) • Thermally hazardous - any system above 130°F which exposes persons to potential thermal burns;

((v)) • Pressurized - any gaseous system above 200 psig or liquid system above 500 psig.

((vi)) "Piping system" - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service ((shall)) must be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1-1995 through B31.8-1995. ~~((The referenced edition in effect at the time of installation shall be utilized.~~

Note: Both referenced standards have identical requirements.))

(3) Inspection and maintenance.

(a) ~~((Management shall))~~ The employer must develop a formal program of installation inspections and maintenance for all hazardous material piping systems. The program ((shall)) must be:

• Based on sound maintenance engineering principle, and ~~((shall))~~

• Demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites ~~((shall))~~ must be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual or nondestructive methods.

~~(((e)) All companies shall submit their formal program of initial and ongoing inspections to the department for approval within one year after the effective date of this requirement.~~

~~((d)) All existing hazardous material systems shall be inspected to the criteria of this section prior to two years after effective date, or in accordance with a schedule approved by the department.))~~

(4) Inspection records.

(a) Results of inspections and/or tests ~~((shall))~~ must be maintained as a record for each system. Portions of systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure, may be exempted from the inspection requirements only.

~~(((b)))~~ • Past records may be discarded provided the current inspection report and the immediately preceding two reports are maintained.

~~(((e)))~~ • When a system is replaced, a new record ~~((shall))~~ must be established and all past records may be discarded.

~~(((d)))~~ (b) Upon request the records for each system ~~((shall))~~ must be made available for review by the department ~~((upon request))~~ of labor and industries.

~~(((e)) Portions of systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure, may be exempted from the inspection requirements only.))~~

(5) Systems or sections of systems found to be below the minimum design criteria requirements for the current service ~~((shall))~~ must be repaired or replaced with component parts and methods which equal the requirements for new installations.

(6) Identification of piping systems.

(a) Pipes containing hazardous materials ~~((shall))~~ must be identified. It is recommended that USAS A13.1 "Scheme for Identification of Piping Systems" be followed.

~~(((b)))~~ Positive identification of a piping system content ~~((shall be))~~:

• Must have a lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system. ~~((Such identification shall))~~

• Must be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors as needed.

• May have arrows ~~((may be used))~~ to indicate the direction of flow. ~~((Where it is desirable or necessary to give))~~

• May provide necessary supplementary information such as hazard of use ~~((of the piping system content,))~~. This may be done by additional legend or by color applied to the

entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legend which may give both positive identification and supplementary information regarding hazards or use are:

Ammonia	Hazardous liquid or gas
Chlorine	Hazardous liquid or gas
Chlorine dioxide	Hazardous liquid or gas
Sulphur dioxide	Hazardous gas
Liquid caustic	Hazardous liquid
Liquid sulphur	Hazardous liquid
Sulphuric acid	Hazardous liquid
Sodium chlorate	When dry, danger of fire or explosion

Note: Manual L-1, published by Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

~~(((e)))~~ • When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION	PREDOMINANT COLOR
F--Fire-protection equipment	Red
D--Dangerous materials	Yellow (or orange)
S--Safe materials	Green (or the achromatic colors, white, black, gray or aluminum)

and, when required,

P--Protective materials Bright blue

~~(((d)))~~ (b) When legend systems are used, legend boards showing the color and identification scheme in use ~~((shall))~~ must be prominently displayed at each plant. They ~~((shall))~~ must be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

~~(((e)))~~ (c) All employees who work in the area of hazardous material piping systems ~~((shall))~~ must be given training in the color and identification scheme in use.

~~((7)) ((Test holes not to be covered. Test holes in blow lines of piping systems shall not be covered with insulation or other materials.~~

~~((8))~~ Steam hoses. Steam hoses ~~((shall))~~ must be specifically designed to safely carry steam at any pressures to which they may be subjected.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-150 ~~((Mobile equipment and lift trucks.))~~ Powered industrial trucks and other equipment.

PERMANENT

Additional requirements on mobile equipment and lift trucks are in chapter 296-24 WAC, Part D.

~~(1) ((All industrial powered trucks should be engineered, designed, constructed, maintained and used in accordance with the recommendations specified in USAS B56.1-1969 "Safety Code for Powered Industrial Trucks."))~~

~~(2) Operator training. Methods shall be devised by management to train personnel in the safe operation of powered industrial trucks and only trained and authorized operators shall be permitted to operate such vehicles.~~

~~(3) Special duties of operator. Special duties of the operator of a power-driven vehicle shall include the following:~~

~~(a) To test)) The operator of a power-driven vehicle must test the brakes, steering gear, lights, horns, warning devices, clutches, etc., before operating vehicle(;~~

~~(b) Not to move a vehicle while an unauthorized rider is on his vehicle;~~

~~(c) To slow down and sound horn upon approaching blind corners or other places where vision or clearance is limited;~~

~~(d) To comply with all speed and traffic regulations and other applicable rules;~~

~~(e) To have the vehicle he operates under control at all times so that he can safely stop the vehicle in case of emergency; and~~

~~(f) When driving a fork lift vehicle on a grade, the load shall be kept on the upgrade side.~~

~~(4) Operator to be in proper position).~~

~~(2) Control levers of lift trucks, front end loaders, or similar types of equipment ((shall)) must not be operated except when the operator is in ((his)) the proper operating position.~~

~~((a)) (3) No person ((shall)) may be permitted to ride on a powered hand truck unless it is so designed by the manufacturer. A limit switch ((shall)) must be on the operating handle—30 degrees each way from a 45-degree angle up and down.~~

~~((b) When a powered industrial truck is left unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels shall be blocked if the truck is parked on an incline.~~

~~(e) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle which remains in his view, or whenever the operator leaves the vehicle and it is not in his view.~~

~~(d) When the operator of an industrial truck is dismounted and within 25 feet of the truck still in his view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.~~

~~(5) Raised equipment to be blocked.)) (4) Employees ((shall)) must not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. ((When working under equipment suspended by use of jacks, safety stands or blocking shall also be used in conjunction with the jack.~~

~~(6) Precautions to be taken while inflating tire. Unmounted split rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split rim from striking the worker if it should dislodge while the tire is being inflated.~~

~~(7)) (5) Reporting suspected defects. If, in the opinion of the operator, a power-driven vehicle is unsafe, the operator ((shall)) must report the suspected defect immediately to the person in charge. Any defect ((which)) that would make the vehicle unsafe to operate under existing conditions ((shall)) will be cause to take the vehicle out of service and it ((shall)) must not be put back into use until it has been made safe.~~

~~((8) Safe speed. Vehicles shall not be driven faster than a safe speed which is compatible with existing conditions.~~

~~(9) Unobstructed view.)) (6) Vehicle operators ((shall)) must have a reasonably unobstructed view of the direction of travel, or, where this is not possible, the operator ((shall)) must be directed by a person or by a safe guidance means or device. Where practical, mirrors ((shall)) must be installed at blind corners or intersections ((which)) that will allow operators to observe oncoming traffic.~~

~~((It is recommended that)) (7) Vehicles ((operating)) in congested areas ((should be provided with an audible or visual alarm system)) must operate with a warning light.~~

~~((10) Passengers to ride properly.)) (8) Passengers ((shall)) must not be permitted to ride with legs or arms extending outside any vehicle nor ((shall)) must they be permitted to ride unless a passenger seat or other protective device is provided.~~

~~((11) Horns and lights.~~

~~(a) Each vehicle shall be provided with a horn.~~

~~(b) Any vehicle required to travel away from an illuminated area shall be equipped with a light or lights which adequately illuminate the direction of travel.~~

~~(12)) (9) Guard on operator's platform. Every power truck operated from an end platform or standing position ((shall)) must be:~~

~~• Equipped with a platform extending beyond the operator's position, and~~

~~• Strong enough to withstand a compression load equal to the weight of the loaded vehicle applied along the longitudinal axis of the truck with the outermost projection of the platform against the flat vertical surface.~~

~~((13) Brakes on power-driven vehicles. Vehicles shall be equipped with brakes and devices which will hold a parked vehicle with load on any grade on which it may be used. The brakes and parking devices shall be kept in proper operating condition at all times.~~

~~(14)) (10) Cleaning vehicles. All vehicles ((shall)) must be kept free of excessive accumulations of dust and grease that may present a hazard.~~

~~((15) Moving vehicles.)) (11) Vehicles ((shall)) must be controlled manually while being pushed or towed except when a tow bar is used. ((Special precautions shall be taken when pushing vehicles where view is obstructed.)) Pushing of vehicles or railroad cars with the forks or clamps of a lift truck is prohibited.~~

~~((16) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of vehicles is prohibited.~~

~~(17) Jumping on or off moving vehicles. Jumping on or off moving vehicles is prohibited.~~

~~(18) Traffic lanes, designation and systems. Regular traffic lanes should be established and clearly designated and followed whenever practical. A one-way traffic system should be employed if practical.~~

(19) Clear lanes. Traffic lanes being used by pedestrians or equipment shall be kept clear of dunnage, pallets, etc., and equipment not in use.

(20) Lifting capacity of vehicle to be observed. At no time shall a load in excess of the manufacturer's maximum lifting capacity rating be lifted, carried, or moved by a lift truck. Such lifting capacity can be altered with the approval of the equipment manufacturer.

(21) Posting rated capacity. The maximum rated lifting capacity of all lift trucks shall at all times be posted on the vehicle in such a manner that it is readily visible to the operator.

(22) Carrying loose material. Lift trucks shall not be used to carry loose loads of pipe, steel, iron, lumber, palletized material, rolls of paper, or barrels unless adequate clearance is provided and the loads are stabilized.

(23) Position of lift forks or clamps. (12) Aisles or passageways should be at least three feet wider than the widest vehicle or load traveling the aisle or passageway. When this clearance cannot be maintained, adequate precautions must be taken.

(13) The forks ((ø)), clamps, or attachments of lift trucks ((shaH)) must be kept as low as possible while the vehicle is moving. ((They shall be lowered to the floor when the vehicle is parked.

(24) Walking under loads prohibited. No person shall be allowed under the raised load of a lift truck.

(25) Hoisting of personnel on vehicle forks prohibited. Personnel shall not be hoisted by standing directly on the forks of vehicles.

(26) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are complied with:

(a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(d) An operator shall attend the lift equipment while workers are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) 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.

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(27) Overhead guards on lift trucks. All lift trucks shall be equipped with an overhead guard constructed and installed to conform to USAS B56.1-1969 "Safety Code for Powered Industrial Trucks." This guard may be removed only when it cannot be used due to the nature of the work being performed

in which case loads shall be maintained so as not to create a hazard to the operator.

(28) Protection from exhaust system. Any exhaust system which would be exposed to contact shall be properly insulated or isolated to prevent personnel from being burned.)) (14) The hoisting of personnel by lift trucks must meet the requirements in WAC 296-24-230.

(15) Exhaust systems on lift trucks and jitneys shall be constructed to discharge either within 20((") inches from the floor or 84((") inches or more above the floor. ((The exhausted gases shall be directed away from the operator and the equipment shall be designed in such a manner that the operator will not be exposed to the fumes.

(29) Emergency exit from mobile equipment.)) (16) Mobile equipment with an enclosed cab ((shaH)) must be provided with an escape hatch or other method of exit in case the regular exit cannot be used.

((30) Vehicle wheels chocked. When driving mobile equipment onto the bed of a vehicle, the wheels of the vehicle shall be chocked.

(31) Prevent trailer from tipping.)) (17) Suitable methods ((shaH)) must be used or devices installed which will prevent the trailer from tipping while being loaded or unloaded.

((32) Refueling. Gasoline or LPG engines shall be shut off during refueling.

(33) Close valve on LPG container.)) (18) Whenever vehicles using LP gas as a fuel are parked overnight or stored for extended periods of time indoors, with the fuel container in place, the service valve of the fuel container ((shaH)) must be closed.

((34) LP tanks. LP vehicle fuel tanks shall be installed and protected in a manner which will minimize the possibility of damage to the tank.

(35) Inspecting and testing of LPG containers. LPG containers shall be inspected and tested periodically.

(36) Spinners on steering wheels.)) (19) The use of spinners on steering wheels ((shaH)) must be prohibited unless an anti-kick device is installed or the equipment has a hydraulic steering system.

(20) Rolls transported with a grab or clamp attachment must be carried with the core in a vertical position.

(21) When traveling empty with a grab or clamp attachment, the jaws or blades of those attachments must remain within the running lines of the lift truck.

(22) When transporting two or more rolls with a roll grab attachment, the bottom roll will have at least sixty percent of the grab attachment on it.

(23) When transporting two or more rolls or bales with a grab or clamp attachment, there must be no rolls or bales unsecured if there is risk of part or all of the load shifting or falling.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-160 Requirements for cranes and hoists—See general safety and health standards ((to prevent)) (chapter 296-24 WAC, Part D). ((All applicable rules for design, construction, maintenance, operation and testing of cranes and hoists contained in the general safety and health

~~standards shall be complied with.)~~ Grounding - Where conditions such as corrosive atmospheres, dirt, paint, rust, or other insulating materials prevent reliable metal-to-metal contact for grounding (bridge, wheel and its respective tracks), a separate ground conductor must be provided.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-79-170 Requirements for crawler and truck cranes. (1) ~~(Rated capacity chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in his normal operating position.~~

(2)) Boom length indicated. The length ~~((shall))~~ must be plainly marked on each boom section of a mobile crane having a sectioned boom.

~~((3))~~ (2) Radius or boom angle indicator. A radius or boom angle indicator ~~((shall))~~ must be installed where it is readily visible to the operator's ~~((in his))~~ normal operating position on all cranes having a movable working boom.

~~((4))~~ (3) Safety device for light fixtures. Any light fixtures attached to crane boom or machinery house ~~((shall))~~ must have a safety strap or other device attached which will prevent the fixture from falling.

~~((5))~~ (4) Boom stops. Boom stops ~~((shall))~~ must be:
 • Installed to govern the upward travel of the boom to a safe limit. ~~((Boom stops shall be))~~
 • Of adequate strength to prevent the boom from traveling past the vertical position.

~~((6))~~ (5) Controls marked. Crane operating controls ~~((shall))~~ must be marked or an explanation of the controls' functions ~~((shall))~~ must be posted in full view of the operator.

~~((7))~~ (6) Locking hydraulic outriggers. Hydraulic outriggers ~~((shall))~~ must be:
 • Equipped with a pilot operated check valve or
 • Installed with a mechanical lock ~~((shall be installed))~~ which will prevent outriggers from retracting in case of failure of the hydraulic system.

~~((8))~~ (7) Top of boom painted. The top six feet of the boom or jib ~~((shall))~~ must be painted bright yellow or other bright contrasting color if the boom is yellow.

~~((Several makes of cranes are already "all yellow." Users say they want to retain the contrasting color theme to call attention to the boomtop.))~~

(9)) (8) Warning devices. All cranes ~~((shall))~~ must be equipped with a suitable warning device such as a horn or whistle.

~~((10))~~ (9) Hook safety device. All hooks ~~((shall))~~ must be equipped with a safety device or other effective means ~~((shall))~~ must be used to prevent accidental unhooking of the load.

~~((11))~~ (10) Counterweight limited. The amount of crane counterweight ~~((shall))~~ must not exceed the maximum amount specified by the crane manufacturer.

~~((12))~~ (11) Use proper size wire rope for sheaves. The size and diameter of sheaves and wire rope ~~((shall))~~ must be compatible and follow the recommendations by the manufac-

urer, published by the Wire Rope Institute or other acceptable engineering practices.

~~((13))~~ (12) Loading or unloading gear. Unloading gear such as grapples, tongs, and buckets, ~~((shall))~~ must not be left suspended when not in use or whenever the machine is unattended.

~~((a))~~ Where grapples, trip tongs or similar device is used for loading, the log holding device shall be lowered to the ground whenever the machine is unattended.

(14)) (13) No one under load. Personnel ~~((shall))~~ must not position themselves under crane loads and such loads ~~((shall))~~ must not be carried over workers.

~~((15))~~ (14) Operating clearance from stationary objects. Where the area is accessible to workers:

• A distance of 30 ~~((shall))~~ inches must be maintained between the outermost part of a revolving crane and any stationary object within the swing radius of the crane ~~((where the area is accessible to workers))~~ or

• The hazardous area must be temporarily guarded or barricaded.

~~((16))~~ Clearance requirements from unprotected electrical transmission and distribution lines:

(a) Except as provided in subdivision (b), all parts of cranes and loads being handled shall maintain the following specified clearances:

(i) For lines rated 50 kv or below, minimum clearance between the lines and any part of the crane or load shall be ten feet;

(ii) For lines rated over 50 kv minimum, clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kv over 50 kv, or twice the length of the line insulator but never less than 10 feet;

(iii) In transit with no load and boom lowered the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kv, and 10 feet for voltages over 50 kv up to and including 345 kv, and 16 feet for voltages up to and including 750 kv;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(b) Cranes may be operated within the clearances specified in subdivision (a) only when the following precautions are taken:

(i) Lines may be deenergized and visibly grounded at the point of work; or

(ii) Lines owned or under the control of the employer may be deenergized, grounded and locked out on the employer's premises; or

(iii) On N.E.C. approved installation of insulated aerial cable, insulating barriers, not a part of or an attachment to the equipment or machinery, may be erected to prevent physical contact with the line.

(17)) (15) See WAC 296-24-960 when working around energized lines.

(16) Operators ~~((shall))~~ must avoid contacting overhead obstructions which may damage the boom or adversely affect stability. In instances where the operator may have difficulty in observing clearances, a signal person ~~((shall))~~ must be stationed where they can observe clearances and signal the operator.

~~((18))~~ (17) Safe travel across thoroughfares or railroad tracks.

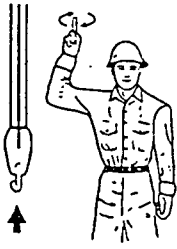
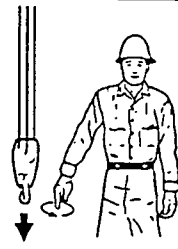
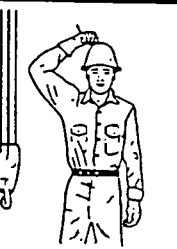
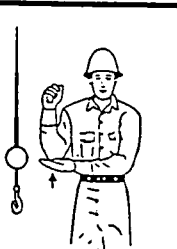
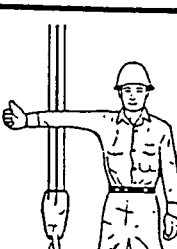
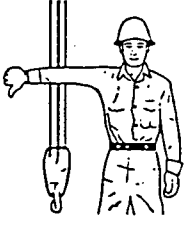

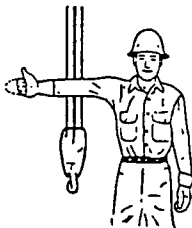
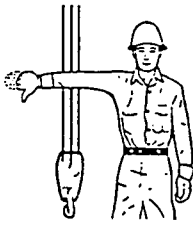
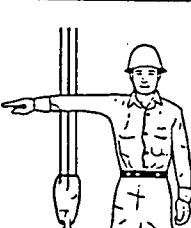
• When moving cranes, shovels or similar types of equipment across thoroughfares or railroad tracks ~~((with cranes, shovels or similar types of equipment, which by its design does not allow))~~ and the operator does not have a clear vision of approaching traffic, a flagperson ~~((shall))~~ must be used.

• The flag person must be stationed where ~~((he/she can control other traffic and signal))~~ the equipment operator can be signaled and other traffic can be controlled.

~~((19) One crew member to give signals-))~~ (18) Only a designated member of the crew ~~((shall))~~ may give signals to the crane operator ~~((except that))~~. Exception: Anyone may give an emergency stop signal.

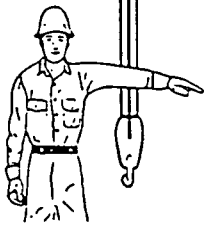
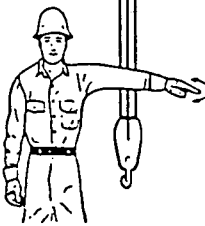
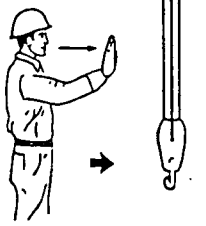
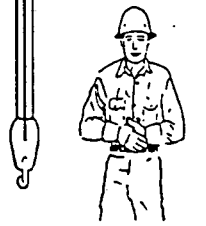
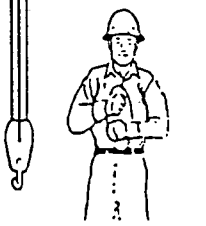
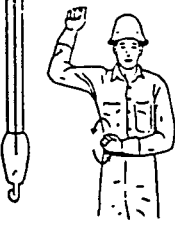
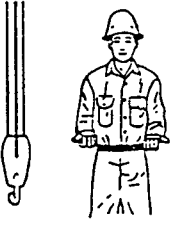
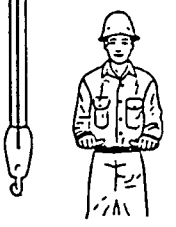
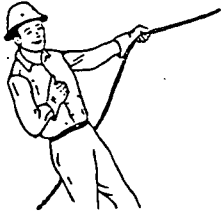
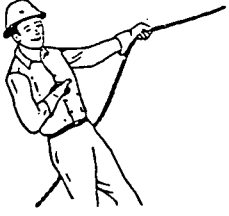
~~((20))~~ (19) Standard hand signals. When using visual signals ~~((are used))~~, standard hand signals~~((;))~~ as illustrated ~~((in the general safety and health standards, shall))~~, must be used for directing crane operators.

CRAWLER, LOCOMOTIVE, AND TRUCK CRANES STANDARD HAND SIGNALS FOR CRANES

 <p>HOIST. With forearm vertical, forefinger pointing up, move hand in small horizontal circle.</p>	 <p>LOWER. With arm extended downward, forefinger pointing down, move hand in small horizontal circles.</p>	 <p>USE MAIN HOIST. Tap fist on head; then use regular signals</p>	 <p>USE WHIPLINE. (Auxiliary Hoist). Tap elbow with one hand; then use regular signals.</p>	 <p>RAISE BOOM. Arm extended, fingers closed, thumb pointing upward.</p>
 <p>LOWER BOOM. Arm extended, fingers closed, thumb pointing downward.</p>	 <p>MOVE SLOWLY. Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist slowly shown as example.)</p>	 <p>RAISE THE BOOM AND LOWER THE LOAD. With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired.</p>	 <p>LOWER THE BOOM AND RAISE THE LOAD. With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.</p>	 <p>SWING. Arm extended, point with finger in direction of swing of boom.</p>

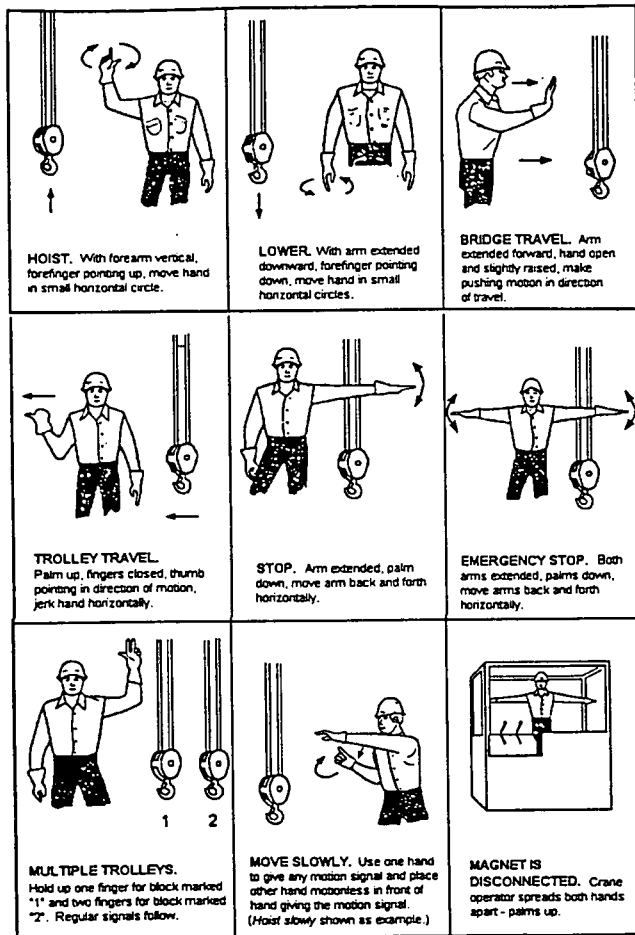
PERMANENT

CRAWLER, LOCOMOTIVE, AND TRUCK CRANES (Cont.)

 <p>STOP. Arm extended, palm down, hold position rigidly.</p>	 <p>EMERGENCY STOP. Arm extended, palm down, move hand rapidly right and left.</p>	 <p>TRAVEL. Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.</p>	 <p>DOG EVERYTHING. Clasp hands in front of body.</p>	 <p>TRAVEL (Both Tracks). Use both fists in front of body, making a circular motion about each other, indicating direction of travel; forward or backward. (For crawler cranes only.)</p>
 <p>TRAVEL (One Track). Lock the track on side indicated by raised fist. Travel opposite track in direction indicated by circular motion of other fist, rotated vertically in front of body. (For crawler cranes only.)</p>	 <p>EXTEND BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing outward.</p>	 <p>RETRACT BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing toward each other.</p>	 <p>EXTEND BOOM (Telescoping Boom). One Hand Signal. One fist in front of chest with thumb tapping chest.</p>	 <p>RETRACT BOOM (Telescoping Boom). One Hand Signal. One fist in front of chest, thumb pointing outward and heel of fist tapping chest.</p>

PERMANENT

STANDARD HAND SIGNALS FOR CONTROLLING OVERHEAD AND GANTRY CRANES



((21) Signals by use of radio frequencies. Class "D" citizen's band radio frequencies shall not be used for signaling crane operators.))

AMENDATORY SECTION (Amending Order 80-31, filed 1/8/81)

WAC 296-79-180 Privately owned standard gauge railroad operations. (1) Blue flag or light for railroad operations.

• A blue signal (blue flag or blue light for nonilluminated areas) ((shall)) must be displayed at one or both ends of an engine, car(s), or train, to indicate that workers are under or about the railway equipment.

• When such warning devices are displayed, the equipment ((shall)) must not be coupled to or moved.

• On a dead end spur, a blue signal may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

(2) Blue signals and derails.

• Work being carried on which subjects employees to the hazard of moving railroad equipment ((shall)) must be pro-

tected by blue signals and locked derails set a minimum of 50 feet from one or both ends of the worksite.

• Where the spur track switch is less than 50 feet from the work location, the switch padlocked in the open position will take the place of the derail and the blue signal ((shall)) must be placed at that point.

(3) Signals unobscured. Equipment which would obscure the blue signal ((shall)) must not be placed on the track.

(4) Signals displayed by each maintenance crew. Each maintenance crew ((shall)) must display and remove its own set of blue signals.

(5) Warning device.

• A flashing warning light or other device ((shall)) must be installed near any opening which leads to a passageway crossing railroad tracks adjacent to the building.

• Such light or device ((shall)) must be activated prior to any switching or movement of railroad equipment to warn workers of the dangerous condition in the area.

(6) Cars to be immobilized. Spotted cars ((shall)) must either have brakes set, wheels blocked, or ((shall)) must be coupled to other immobilized cars to prevent each car from rolling.

(7) Crawling under or between coupled cars prohibited. Workers ((shall)) must not crawl under or pass between coupled railroad cars to cross tracks.

(8) Warning at road crossing. An audible whistle, horn or bell ((shall)) must be sounded by the locomotive engineer to give adequate warning prior to switching across any road crossing.

(9) Flying switches. When switching railroad equipment in congested areas or across roadways or walkways "flying switches" ((shall)) must be prohibited.

(10) Car opening devices. All box car doors and associated mechanisms ((shall)) must be carefully inspected before workers attempt to open or close them. If the door is not free and cannot be opened safely by hand, equipment ((shall)) must be provided, where necessary, and a safe method ((shall)) must be used to open or close the door.

(11) Clearance from railroad tracks. Materials ((shall)) must not be stacked or piled closer than 8 1/2' from the center line of a standard gauge railroad track.

(12) Operating under limited visibility conditions.

((a)) Unless trains are operated in a manner to allow the operator to see a safe stopping distance in the direction of travel, a flagperson(s) ((shall)) must be positioned in such a manner to safely direct movement of the train.

((b)) Flagperson ((shall)) must:

• Remain within sight of the operator, or ((shall))

• Be equipped to maintain visual or voice communication with the operator as conditions dictate.

(13) A flagperson ((shall)) must direct the movement of trains being moved across main roads or thoroughfares which do not have adequate traffic warning lights, bells or barricades.

PERMANENT

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-190 Loading and unloading materials from railway cars or trucks. (1) Safe access to top of railroad cars or trucks. Platforms with ladders or stairways ~~((shall))~~ must be installed or made available when needed so that workers may safely gain access to and perform work on the top of railroad cars or trucks when ladders are not installed on such equipment.

(2) Nets not to cover ladders. Rolled chip nets ~~((shall))~~ must not be positioned where they cover the ladders on railroad cars or trucks.

(3) Tipple type unloading device. When a tipple type unloading device is used for removing chips from cars, the cars ~~((shall))~~ must be properly secured in place and all employees ~~((shall))~~ must be in the clear before dumping operation is started.

(4) Handling pulp chips and hog fuel from trucks and trailers.

(a) Elevating platform-type or cable-lift type unloading devices ~~((shall))~~ must have adequate back bumper stops.

(b) Side rails or other positive means to prevent the trailer from falling ~~((shall))~~ must be used while unloading single trailer units.

(c) The truck or tractor ~~((shall))~~ must be secured when elevating platform lifts are used to elevate both the tractor and trailer or single unit trucks.

(d) All personnel ~~((shall))~~ must be clear of all hoisting or elevating mechanisms before dumping commences.

(e) No person ~~((shall remain))~~ is allowed in any truck while the truck is being elevated.

(5) Taking chip samples. A safe area and suitable device ~~((shall))~~ must be provided for the chip tester to use while taking chip samples.

(6) Derail required ~~((while unloading))~~ for hazardous materials. To protect tank cars from being moved while loading or unloading hazardous materials by use of pipes or hoses, a derail and blue flag ~~((shall))~~ must be set between the spotted tank cars and any moving railroad equipment.

(7) Moving cars by tugger or powered drums. When rail cars are moved by a tugger or powered drums with cables, a means should be provided or the area barricaded in such a manner that the moving cables do not endanger the workers.

(8) Handling pulpwood from flatcars and all other railroad cars.

(a) Railroad flatcars for the conveyance of pulpwood loaded parallel to the length of the car ~~((shall))~~ must be equipped with safety-stake pockets.

(b) Where pulpwood is loaded crosswise on a flatcar sufficient stakes of sizes not smaller than 4 by 4 inches ~~((shall))~~ must be used to prevent the load from shifting.

(c) Cutting stakes on log bundles. When it is necessary to cut stakes~~(:)~~:

- Those on the unloading side should be partially cut through first, and then the binder wires cut on the opposite side.

- Wire cutters equipped with long extension handles ~~((shall))~~ must be used.

- No person ~~((shall be))~~ is permitted along the dumping side of the car after the stakes have been cut.

(d) Cutting bands on log bundles. When cutting bands on bundled logs, workers ~~((shall))~~ must:

- Position themselves in a safe location~~(:)~~;

- Not use double bitted axes ~~((shall not be used))~~ for cutting bands~~(:)~~;

- Use caution ~~((shall be used))~~ to prevent being struck by ends of bands being cut and~~(:)~~;

- If needed, wear personal protective equipment ~~((shall be worn))~~.

(e) Flatcars and all other cars ~~((shall))~~ must be:

- Chocked during unloading~~((Where equipment is not provided with hand brakes,))~~ and,

- Rail clamping chocks ~~((shall))~~ must be used when equipment is not provided with hand brakes.

(9) Handling pulpwood from trucks.

(a) Cutting of stakes and binder wires ~~((shall))~~ must be done in accordance with (8)(c) of this section.

(b) Binders or stakes ~~((shall))~~ must not be loosened or removed:

- Until the logs are secured and held by equipment which will prevent them from rolling off the truck, or

- Barricades ~~((shall be provided which))~~ will prevent logs from striking the person removing the binders or stakes.

(c) Where binder chains and crane slings are used~~(:)~~:

- The crane slings ~~((shall))~~ must be attached and taut before the binder chains are released~~(:)~~ and,

- The hooker ~~((shall))~~ must see that the helper is clear before signaling for the movement of the load.

(d) ~~((Driver to leave truck cab while unloading,))~~ The truck driver ~~((shall))~~ must:

- Leave the truck cab and ~~((be))~~ remain in the clear, preferably in a designated area, and ~~((shall))~~

- Be in clear view of the unloading equipment operator while the unloader is approaching the loaded truck.

~~((e) Driver to remain outside cab during unloading. The truck driver shall remain outside the cab and clear of the load while logs are being unloaded except that) •~~ After a complete load is lifted as a unit and held stationary ~~((he)),~~ the truck driver may enter the cab and drive forward from under the suspended load.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-200 Bridge and dock plates. Properly constructed bridge or dock plates ~~((shall))~~ must be furnished and used to bridge the area between a dock and truck or railroad car. The following requirements ~~((shall))~~ must be complied with for construction and use of such bridge or dock plates:

(1) Strength. The plate ~~((shall))~~ must be capable of supporting three times the maximum load to which it will be subjected.

(2) Stops ~~((required))~~. The plates ~~((shall))~~ must be provided with positive stops to prevent the plates from shifting or moving.

(3) Plates ~~((to bear solidly))~~.

• The plates ((~~shall~~)) must bear solidly on the dock and on the floor of the car or truck.

• Plates with excessive teeter or rock ((~~shall~~)) must be repaired or replaced.

(4) Upturn or lip on plates. The sides of bridge or dock plates ((~~shall~~)) must have an upturn or lip of at least 4(⁽²⁾) inches covering the area between the edge of the loading dock and edge of car or truck floor whenever this distance exceeds 18(⁽²⁾) inches to prevent wheeled equipment from running off the sides.

(5) Bearing surface. Bridge or dock plates ((~~shall~~)) must have at least 6(⁽²⁾) inches bearing surface on the loading dock.

(6) Suitable fittings to be used. Bridge or dock plates intended to be moved by mechanized equipment ((~~shall~~)) must be designed for this purpose or appropriate fittings or attachments ((~~shall~~)) must be used.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-210 ((~~Belt, chain and roller type~~)) For conveyors, maintenance and inspection. ((~~(1) Protection from falling material. Whenever conveyors pass adjacent to or over working areas or passageways used by personnel, protective guards shall be installed. These guards shall be designed to catch and hold any load or materials which may fall off or become dislodged and injure a worker.~~

~~(2) Walking on rolls prohibited. Employees shall not be allowed to walk on the rolls of roller type conveyors except for emergency.~~

~~(3) Guarding shaftway and material entrances of elevator type conveyors. Guards, screens or barricades of sufficient strength and size to prevent material from falling shall be installed on all sides of the shaftway of elevator type conveyors except at openings where material is loaded or unloaded. Automatic shaftway gates or suitable barriers shall be installed at each floor level where material is loaded or unloaded from the platform.~~

~~(4) Emergency conveyor stops. Conveyors shall be provided with an emergency stopping device which can be reached from the conveyor. Such device shall be located near the material entrance to each barker, chipper, saw, or similar type of equipment except where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance and is located where he cannot possibly fall onto the conveyor.~~

~~(5) Safe access to conveyors. Where conveyors are in excess of 7' in height, means shall be provided to safely permit essential inspection and maintenance operations.~~

~~(6) Adjustment. All take up devices provided for the purpose of adjusting for stretch in the belt, chain or cable should be checked at intervals for proper functioning and adjustment.~~

~~(7) Worn parts. Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.~~

~~(8) Replacement of parts. Replacement parts shall be equal to or exceed the manufacturer's specifications.) See chapter 296-24 WAC, Part D.~~

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-79-220 Deactivating and lockout requirements. (1) ~~((Tagout or other alternative security procedures shall be phased out by (one after effective date). In the one year interim, all requirements and procedures of this section shall apply except:~~

~~(a) Physical restraint devices other than padlocks may be used.~~

~~(b) Whenever devices other than identified padlocks are used, a warning information tag shall be required.~~

~~(c) Whenever the operating control cannot be physically blocked by the restraining device, a warning information tag shall be required.~~

~~(2)) Control requirement. Whenever the unexpected startup of machinery, the energizing of electrical circuits, the flow of material in piping systems or the removal of guards would endanger workers, such exposure ((~~shall~~)) must be prevented by deactivating and locking out the controls as required by ((~~this section~~)) chapter 296-24 WAC, Part A-4.~~

EXCEPTION: In instances where any machine must be in motion for proper adjustment, for removal or replacement of materials from the machine, for machine clothing changes or for roping up, the following precautions ((~~shall~~)) must be observed:

~~((a))~~ • The machine ((~~shall~~)) must be operated at ((~~slow~~)) thread or jog speed;

~~((b))~~ • Extension tools which minimize personnel exposure ((~~shall~~)) must be used where possible;

~~((c))~~ • The operating controls ((~~shall~~)) must at all times be under the control of a qualified operator or craftsman;

~~((d))~~ • All personnel ((~~shall~~)) must remain in view of the operator or other means of communication shall be established ((~~whenever possible~~));

~~((e))~~ • All personnel must be beyond the reach of other machine section(s) or element(s) which offer potential exposure. In any instance where such potential exposure exists, such other section(s) or element(s) ((~~shall~~)) must be separately locked out.

~~((3) Equipment requirements:~~

~~(a) The employer shall provide and each employee shall use as many padlocks, tags, chains, or devices as required to implement these requirements.~~

~~(b) Provisions shall be made whereby the source of power or exposure can be locked out in accordance with the requirements of this section.~~

~~(c) On electrically powered equipment, "stop/start" control switches shall not be used as lockout switches. Lockout switches must be circuit disconnects and must adequately separate the power source from the prime mover so that accidental startup of the equipment being locked out is precluded.~~

~~(4) Training requirements:~~

~~(a) Each person who will be given authority to implement these requirements shall first be thoroughly trained in the requirements and procedures.~~

~~(b) Before being given authority to deactivate and lock-out a particular system or piece of equipment, authorized personnel shall be made fully aware of all power sources and/or material entry sources which may offer exposure.~~

~~(e) On complex systems or equipment which contain multiple lockout points not at the immediate work location, a complete checklist of all lockout points necessary for isolation is recommended to help eliminate the chance of human error.~~

~~(5) Control procedure.~~

~~(a) Each person who would be exposed to the hazard shall apply a personal padlock on the control mechanism. Padlocks shall be applied in such a manner as to physically block the control from being moved into the operating position. Each lock shall be personally identified or an information tag identifying the owner shall be attached to the lock.~~

~~(b) Padlocks used in lockout procedures may only be removed by the person identified on the lock, except, when it is positively determined that the owner/user of the lock has left the premises without removing a lock, the job supervisor may remove the lock in accordance with a specific procedure formulated by the local plant labor/management safety committee or approved by the department.~~

~~(6) Testing after lockout or tagout. After tagging or locking out equipment, a test shall be conducted to ascertain that the equipment has been made inoperative or the flow of material has been positively stopped. Precautions shall be taken to ascertain that persons will not be subjected to hazard while conducting test if power source or flow of material is not shut off.~~

~~(7) Alternate lockout procedure. Before an alternate procedure can be utilized, a specific written procedure shall be reviewed by the local plant labor/management safety committee and approved by the department of labor and industries.~~

~~(8)) (2) Group lockout or tagout devices. Procedures must meet the minimum requirements of chapter 296-24 WAC, Part A-4. The employer must develop a specific written group lockout or tagout procedure and review it with the local plant labor/management safety committee before it can be utilized.~~

~~(3) Temporary or alternate power ((to be avoided)).~~

~~• Whenever possible, temporary or alternate sources of power to the equipment being worked on ((shall)) must be avoided.~~

~~• If the use of such power is necessary, all affected employees ((shall)) must be informed and the source of temporary or alternate power ((shall)) must be identified.~~

~~((9) Where tags are required to implement these lockout and control procedures, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it will be subjected to.~~

~~(10) Provisional exception. Electrical lighting and instrument circuits of 240 volts or less on single phase systems or 277 volts on three phase systems may be exempted from the lockout requirements of (5)(a) of this section provided that:~~

~~(a) An information tag meeting the requirements of subsection (9) of this section is used in lieu of a padlock;~~

~~(b) The information tag shall be placed on the switch or switch cover handle in such a manner as to easily identify the deactivated switchgear.~~

~~(11)) (4) Deactivating piping systems.~~

~~(a) ((Hazardous material systems are defined as:)) Non-hazardous systems must be deactivated by at least locking out either the pump or a single valve.~~

~~(b) Lockout of the following hazardous material piping systems must isolate to the worksite and must provide protection against backflow where such potential exists:~~

~~• Gaseous systems that are operated at more than 200 psig;~~

~~• Systems containing any liquid at more than 500 psig;~~

~~• Systems containing any material at more than 130°F;~~

~~• Any cryogenic system.~~

~~• Systems containing material which is chemically hazardous as defined by NFPA 704 ((M)) 1996 Class 3 and 4;~~

~~• Systems containing material classified as flammable or explosive as defined in NFPA Class I.~~

~~((b)) Lockout of piping systems shall provide isolation to the worksite, including backflow where such potential exists and the system is classified as a hazardous material system. The required method shall be applied based on the content of the system as specified below:~~

~~(i) Nonhazardous systems shall be deactivated by locking out either the pump or a single valve.~~

~~(ii) Hazardous material)) Such systems ((shall)) must be deactivated by one of the following ((methods)):~~

~~((A)) • Locking out both the pump and one valve between the pump and the worksite;~~

~~((B)) • Locking out two valves between the hazard source and the worksite;~~

~~((C)) • Installing and locking out a blank flange between the hazard source and worksite. When a blank flange (blind) is used to separate off portions of hazardous material systems from a portion which is in operation, the employer must develop and implement a procedure for installation and removal of the blank flange that will ensure all hazards have been eliminated;~~

~~((D)) • Line breaking between the hazard and the worksite;~~

~~• On hazardous chemical systems where the methods ((A), (B) or (C)) already listed are not ((available)) feasible, or ((where methods (A), (B) or (C))) by themselves create a hazard, single valve closure isolation may be used provided that potentially exposed employees are adequately protected by other means such as personal protective equipment.~~

~~((E)) • On all steam systems where the methods ((A), (B) or (C)) already listed are not ((available)) feasible, single valve closure isolation may be used provided that the system is equipped with valves meeting all requirements of ANSI B16.5-1996 and ANSI B16.34-1996. Where single valve isolation is used, the steamline must also be equipped with a bleed valve downstream from the valve closure to prove isolation of the worksite.~~

~~((12) Reactivating separated hazardous material systems. When a blank flange (blind) is used to separate off portions of hazardous material systems from a portion which is in operation, removal of the blind offers potential exposure to employees. The removal procedure shall be protected by:~~

~~(a) Two separate valve closures between the blank flange and the potential exposure; or~~

~~(b) A single valve closure with a bleeder valve or weep drain between the blank flange and the valve closure. Employees shall closely check for evidence of escapement from the bleeder valve or weep plug before starting to remove the blank flange.~~

~~(c) Where subdivisions (a) or (b) are not possible or, in themselves create a hazard, potentially exposed employees must be adequately protected by personal protective equipment before removing the blank flange.~~

~~(d))~~

Note: Bleeder valves are recommended behind all primary valve closures on hazardous material systems. Consideration should be given to the nature of the material in the system when installing bleeder valves. To assist in preventing plugging, bleeder valves should generally be installed in the top one-third of the pipe. Short exhaust pipes should be installed on bleeder valves to direct the flow of possible escapement away from the position where an employee would normally be when using the bleeder valve.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-230 ((Vessel or)) Confined ((area requirements)) spaces. (1) ((Management's responsibility for planning. Management shall be responsible for developing a written procedure to be followed for safe entry of employees into confined areas, tanks, vessels, or sewers and for maintaining a safe condition while work is being performed therein. Such procedure shall include the following minimum requirements:

(a) All vessels, sewers or confined areas must be properly ventilated at all times. Such areas shall be tested and/or evaluated by a person thoroughly trained and instructed in the use of instruments required, or qualified to make evaluations of conditions which may be encountered, before employees enter and at reasonable intervals as work progresses. Special consideration shall be given to the possibility that the area may be deficient of oxygen or may contain dangerous concentrations of gases or toxic substances.

(b) Each vessel, tank or confined area shall be cleaned and/or purged as thoroughly as practical prior to entry.

(e)) Entry into confined spaces must be in accordance with chapter 296-62 WAC, Part M.

(2) All equipment necessary to perform the work, including safety equipment, must be at the ((job site)) confined space and ((shall)) must be inspected or tested to assure that it functions properly.

((d) All electrical circuits, valves, ducts, pipes, and other equipment shall be locked out, tagged out, or blanked as required in accordance with the applicable rules contained in WAC 296-79-220 of this chapter.

(c) Prior to and while welding or burning is being done in areas where a fire or explosion hazard may exist, the applicable rules contained in WAC 296-79-040 of this chapter, shall be complied with.

(f) For evaluating conditions concerning health, fire or explosion hazards, requirements outlined in the general occupational health standards, chapter 296-62 WAC, shall be followed.

~~(2) Designated person in charge. Management shall designate an individual who shall be responsible for the safety of the employees and institute such means, methods, and practices as to render the work and place of work safe. The designated person shall ascertain that the required written procedures are followed.~~

~~(3) Employees to be thoroughly instructed in procedure. All employees involved in the entry of vessels or confined areas shall be thoroughly instructed in safe procedures to be followed.~~

~~(4) Protective equipment required. Any employee entering a vessel or enclosed area shall use any protective equipment or clothing needed to afford him proper protection. Each person shall wear equipment capable of providing safe respirable air if the area may be deficient of oxygen or shall wear proper respiratory protective equipment if the atmosphere may contain a hazardous concentration of contaminants. In addition, while entering or working in an atmosphere immediately hazardous to health, employees shall wear a safety harness with lifeline attached and continue to wear such equipment so long as the hazard exists.~~

~~(5) Attendant required. An attendant shall remain outside at the opening of the confined area to render assistance necessary to persons inside. The attendant shall be provided with life support equipment necessary for his protection if an emergency arises which would require him to enter the area.~~

~~(6) Life support equipment required. Life support)) (3) Protective equipment ((which)) that will afford proper protection to the employee from any condition which may arise ((shall)) based on the hazard assessment, must be available either at the entrance or within the ((vessel or)) confined ((area or at the entrance thereto)) space.~~

~~((7) Mechanical device required when entry from the top. Where employees must enter a vessel or confined area from the top, and where it would be impossible to manually rescue or remove overcome persons in the area, a mechanical device shall be provided with which the attendant can lift employees out.~~

~~(8) Electrical shock protection.)) (4) Electrical circuits leading into ((vessels or)) confined ((areas)) spaces where electrical conductive hazards exist ((shall)) must be protected by a ground fault interrupter or the voltage ((shall)) must not exceed 24 volts.~~

~~((9) Battery operated flashlights or lanterns.)) (5) Battery operated flashlights or lantern ((shall)) must be readily available for use by persons working in areas where escape would be difficult if normal lighting system should fail. Only explosion-proof type lights ((shall)) may be taken into any atmosphere which may contain an explosive concentration.~~

~~((10) Use of materials which may create hazardous atmosphere. Tests shall be conducted at reasonable intervals when using materials for cleaning, coating or other purposes which may cause the atmosphere to become hazardous.))~~

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-240 Storage of fuel, oil, flammables and chemicals. (((1) Handling and labeling of flammable and hazardous materials. Containers of toxic, flammable or irri-

tating substances shall be properly labeled and stored as specified in "precautionary labeling of hazardous substances used in places of employment," as adopted by the department of labor and industries.

(2) ~~To be stored away from sources of ignition. Fuels, oils, flammable chemicals or other flammable materials shall be stored in a room or area away from sources of ignition.~~

(3) ~~Provide for safe handling. Provisions shall be made for handling drums safely and means shall be afforded to position drums on their sides when material must be discharged from a valve or spigot placed in the top of the drum.~~

(4) ~~Bonding (grounding) required. When dispensing material which may be ignited by static electricity, a method shall be provided to properly bond (ground) the drum and container into which material is being dispensed.~~

(5) ~~Storage of drums. Drums shall be stored in a manner which will prevent them from falling or rolling.~~

(6) ~~Bagged or drummed chemicals. Bagged or drummed chemicals shall be handled properly to prevent spillage or damage to the containers. Chemicals shall be stored in such a manner that they will not decompose, contaminate, or react with other chemicals which could present a hazard. The manufacturer's safe practices recommendations or those published by the Manufacturing Chemists Association should be followed.~~

(7) ~~Storing liquid chlorine tanks. Sufficient and adequate ventilation shall be provided when liquid chlorine tanks are stored in a room. At least two exits, remote from each other, shall be provided for all rooms in which chlorine is stored.~~

(8) ~~Hoops for acid storage tanks. Hoops of tanks shall be made of rods rather than flat strips and shall be safely maintained by scheduled inspections.~~

(9) ~~Turpentine systems and storage tanks. Nonsparking tools and ground hose shall be used when pumping out the tank. The tank shall be surrounded by a berm or moat. Drainage or diking of tanks shall comply with the general safety and health standards, WAC 296-24-33005-)) See chapter 296-24 WAC, Part E.~~

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-79-250 Safety procedure for handling ((dry)) sulfur. (1) Sulfur burners. Sulfur-burner houses ((shall)) must:

- Be safely and adequately ventilated, and
- Every precaution ((shall be)) taken to guard against dust, explosion hazards and fires, in accordance with American National Standards ((Z9.2-1960 and Z12.12-1968)) Z9.2-1979 (R1991).

(2) Handling/storage of dry sulfur.

(a) Nonsparking tools and equipment ((shall)) must be used in handling dry sulfur.

(b) Sulfur storage bins ((shall)) must be kept free of sulfur dust accumulation, and buildings should be designed with explosion relief, in accordance with the latest revision of American National Standard ((Z9.2-1960)) Z9.2-1979 (R1991).

(c) ((Electrical equipment shall be of the explosion-proof type, according to the safety standard for installing electric

wires and equipment, chapter 296-24 WAC Part L, general safety and health standards.

(d)) Sulfur-melting equipment ((shall)) must not be located in the burner room.

(3) Handling/storage of liquid sulfur.

(a) Each facility utilizing liquid sulfur must:

- Carefully examine its own handling system and
- Formulate a written procedure for maintenance, receiving, storing and using this product.

(b) A minimum of two trained employees must be assigned when a tank car is first opened in preparation for venting and unloading.

(c) Approved respiratory protective equipment for H2S exposure, chemical splash goggles and gloves must be worn when performing this work.

(d) Spark producing or electric operated tools must not be used to unplug railroad car vents.

(e) Where venting can cause harmful exposure to other unprotected workers in the area:

- A venting system must be installed which adequately contains any gas escapement from a tank car while venting.
- The vented gas must be carried to a safe location for discharge or circulated through a scrubbing system.
- The venting system must be connected before valves which would allow escapement are opened.

(f) Smoking, open burning or welding must be prohibited while unloading is in process or danger of gas escapement exists.

(4) Acid plant - Protection for employees.

(a) Where lime slaking takes place, employees must be provided with rubber boots, rubber gloves, protective aprons, and eye protection. A deluge shower and eyewash must be provided to flush the skin and eyes to counteract lime and acid burns.

(b) Hoops for acid storage tanks must be:

- (i) Made of round rods rather than flat strips, and
- (ii) Regularly inspected and safety maintained.

(c) Sulphur burner ignitors must have a means to automatically shut off the fuel to the ignitor when the flame has been extinguished.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-260 Pulpwood storage and handling.

(1) ((Proper)) Piling of logs.

• Logs ((shall)) must be piled or removed in an orderly manner.

• The piles ((shall)) must be stable and individual logs properly placed to prevent them from rolling or falling.

• The ends ((shall)) must not project into walkways, roadways or areas reserved for other purposes and

• Sufficient clearance ((shall)) must be maintained for safe travel of all vehicles and loads.

(2) ((Prohibited use of wire rope doglines.)) Wire rope doglines used for towing or rafting ((shall)) must not be used when:

((a)) • They acquire jagers to the extent that they present a hazard to the employees handling them; or

~~((b))~~ • When they are weakened to the extent that they are hazardous.

(3) ~~((Boom stick to support weight.))~~ Boom sticks ~~((shall))~~ must be capable of safely supporting the weight imposed upon them.

(4) ~~((Stiff boom construction.))~~ Stiff booms ~~((shall))~~ must be:

- Made by fastening not less than two boom sticks together. ~~((The width of the stiff boom shall be))~~

- Not less than 36(^(")) inches in width measured from outside to outside of the outer logs. ~~((The boom sticks shall be))~~

- Fastened together with not less than 4(^(")) inch by 6(^(")) inch cross ties or cable lashing properly recessed into notches in the boom sticks and secured.

(5) ~~((Pike poles.))~~ Pike poles ~~((shall))~~ must be kept in good repair. Conductive pike poles ~~((shall))~~ must not be used when it is possible that they may come in contact with electrical conductors.

(6) ~~((Logs not to be lifted over employees.))~~ Logs ~~((shall))~~ must not be lifted over employees and employees ~~((shall))~~ must stay clear of the hazardous area near where logs are being lifted or swung.

(7) ~~((Log storing or sorting in water.))~~ Storing or sorting on water or any boom work other than boom boat operations, ~~((shall))~~ must require a minimum of two persons.

(8) ~~((Overhead protection on mobile equipment.))~~ All mobile equipment used to handle logs, blocks or cants ~~((shall))~~ must be provided with adequate overhead protection.

(9) ~~((Arrangement of unloading lines.))~~ Unloading lines ~~((shall))~~ must be so arranged that it is not necessary for the worker to attach them on the pond or dump side of the load.

(10) ~~((Unauthorized traffic prohibited.))~~ Unauthorized vehicles and unauthorized foot traffic ~~((shall))~~ must not be allowed in any active sorting, storing, loading, or unloading areas.

(11) ~~((Safe movement of equipment.))~~ Log unloaders ~~((shall))~~ must not be moved about the premises with loads raised higher than absolutely necessary.

(12) ~~((High visibility jackets or vests required.))~~ Jackets or vests of fluorescent or other high visibility material ~~((shall))~~ must be worn by persons working on dry land log storage.

(13) ~~((Dumps to be cleaned.))~~ All log dumps ~~((shall))~~ must be periodically cleared of bark and other debris.

(14) ~~((Hand tools.))~~ Handles of wood hooks ~~((shall))~~ must be locked to the shank to prevent them from rotating.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-270 Pulpwood preparation~~((—Scope and application))~~. ~~((All sections of this chapter which include WAC 296-79-270 in the section number apply to pulpwood preparation.))~~ (1) Barker feeding devices must be designed in such a manner that the operator will not be required to hold or make any physical contact with any log or bolt during the barking operations.

(2) A dog or locking device in addition to the motor switch, clutch, belt shifter or other power disconnecting device must be installed on all intermittent barking drums to prevent the drum from moving while it is being filled or emptied.

(3) Hydraulic barkers.

(a) The inlet and outlet areas of hydraulic barkers must be equipped with baffles or devices that will reasonably prevent material from flying out while the machine is in operation.

(b) The operator must be protected by at least five-ply laminated glass or material of equivalent strength.

(4) The high pressure hoses of hydraulic barkers must be secured in such a manner that the hose connection ends will be restrained if a hose connection fails.

(5) The feed operator's station must not be in direct line with the chipper blades. Suitable safeguards must be installed to prevent chips or chunks from being thrown out and striking the person feeding the machine.

(6) When the operator cannot readily observe the material being fed into the chipper, a mirror or other device must be installed in such a position that the ingoing material can be monitored.

(7) Metal bars or other nonchippable devices must not be used to clear jams or plug-up at the feed entrance to a chipper or hog while the machine is running.

(8) Water wheel speed governor.

- Water wheels, when directly connected to marker disks or grinders, must be provided with speed governors, if operated with gate wide open.

- Water wheels directly connected to pulp grinders must be provided with speed governors limiting the peripheral speed of the grinder to that recommended by the manufacturer.

(9) Knot cleaners of the woodpecker type.

- The operators of knot cleaners of the woodpecker type must wear eye protection equipment.

- Such knot cleaners should be enclosed to protect passersby from flying chips.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27003 Log hauls, slips, and carriages.

(1) Controls ~~((shall))~~ must be:

- Arranged to operate from a position where the operator will at all times be in the clear of logs, machinery, lines, and rigging. ~~((Controls shall be))~~

- Marked to indicate their function.

(2) ~~((A guard shall be provided to prevent logs from rolling off the log deck into the well.))~~ Log decks must be provided with effective means to prevent logs from accidentally rolling down the deck and onto the carriage or its runway.

(3) When needed for protection of personnel, an automatic stop or interlocking device ~~((shall))~~ must be installed on log hauls or slips. These devices are not a substitute for lockout.

(4) A barricade or other positive stop of adequate strength ~~((shall))~~ must be provided to protect the sawyer from rolling logs.

(5) Canting gear or other equipment ~~((shall))~~ must not ~~((be allowed to))~~ hang over the log deck in such a manner as to endanger employees.

(6) ~~((Canting gear controls shall be marked to indicate their function.))~~

~~((7))~~ The sawyer shall be primarily responsible for the safety of the carriage crew and offbearers~~((He shall))~~ and must exercise due care in the operation of the carriage and log turning devices.

~~((8))~~ ~~((7))~~ Feed works and log turning control levers ~~((shall))~~ must be so arranged that they may be secured when not in use and ~~((shall))~~ must be adequately guarded against accidental activation.

~~((9))~~ ~~((8))~~ A control device ~~((shall))~~ must be provided so that the sawyer may stop the head rig section of the mill without leaving ~~((his))~~ the stand.

~~((10))~~ ~~((9))~~ An effective method of disengaging the head rig saws from the power unit ~~((shall))~~ must be installed on all head rigs where the power unit is not directly controlled by the sawyer. ~~((The saws shall be disengaged from the source of power and locked or tagged out before repairs or changes are made.))~~

~~((11))~~ ~~((10))~~ The sawyer ~~((shall))~~ must be safeguarded either by ~~((his))~~ location or by use of substantial screens or approved safety glass.

~~((12))~~ ~~((11))~~ Carriages upon which ~~((persons))~~ employees are required to work ~~((shall))~~ must be solidly decked over and the employees properly protected.

~~((13))~~ ~~((12))~~ The feed control lever of friction or belt-driven carriage feed works ~~((shall))~~ must be designed to operate away from the saws or carriage track.

~~((14))~~ ~~((13))~~ A substantial stop or bumper ~~((shall))~~ must be installed at each end of the carriage run.

~~((15))~~ ~~((14))~~ Substantial sweeps ~~((shall))~~ must be installed in front of each carriage wheel. Such sweeps ~~((shall))~~ must extend to within 1/4 inch of the rails.

~~((16))~~ ~~((15))~~ Where power-operated log turners are used, carriage knees ~~((shall))~~ must be provided with goosenecks or other substantial means of protecting the carriage crew.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27005 Band saws. (1) Band saws ~~((shall))~~ must be given a thorough daily inspection and any deficiency reported and corrected.

(2) Any band saw found to have developed a crack greater than one-tenth the width of the saw ~~((shall))~~ must be:

- Removed from service until the width of the saw is reduced to eliminate the crack,

- The cracked section is removed, or
- The development of the crack is arrested by welding.

(3) Band saws ~~((shall))~~ must not be continued in use on the head rig for which they have been designed after they have been reduced 40% in width.

(4) Band saw guides ~~((shall))~~ must be maintained in good condition and proper alignment at all times.

(5) All head band saw wheels ~~((shall))~~ must have a minimum rim thickness of 5/8(⁽²⁾) inches, except for a distance not to exceed one inch from the front edge of the wheel.

(6) Band saws ~~((shall))~~ must not be run at a speed in excess of the manufacturer's recommendations.

(7) A band wheel that has developed a crack in the rim ~~((shall))~~ must be immediately removed from service. If a crack has developed in a spoke, the wheel ~~((shall))~~ must be removed from service until properly repaired.

(8) All band wheel guards ~~((shall))~~ must be constructed of not lighter than ten U.S. Gauge metal, or not less than two-inch wood material or equivalent, attached to substantial frames. Necessary ventilating ports, not larger than two by four inches, and suitable doors or gates for the lubrication and repair of the saw will be permitted.

(9) Every band mill ~~((shall))~~ must be equipped with a saw catcher, rest or guard of substantial construction.

(10) Each gang ripper of band or straight saw type ~~((shall))~~ must have the cutting edges of the saw guarded by a hood or screen substantially secured to the framework of the machine.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27007 Circular saws speeds and repairs. (1) Circular saws ~~((shall))~~ must not be operated at speeds in excess of those specified by the manufacturers.

(2) Circular saws ~~((shall))~~ must be inspected for cracks each time the teeth are filed or set. They ~~((shall))~~ must be discontinued from use until properly repaired when found to have developed a crack exceeding the safe limits specified by the manufacturer.

(3) Damaged saws ~~((shall))~~ must be repaired only by persons experienced and knowledgeable in this type of work or by a manufacturers representative.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27009 Slasher saws-tables. (1) Slasher saws ~~((shall))~~ must be guarded in accordance with WAC 296-79-030~~((4))~~ ~~((3))~~ of this chapter.

(2) Saws ~~((shall))~~ must be stopped and locked or tagged out whenever it is necessary for any person to be on the slasher table.

(3) Saws below table where not protected by the frame of the machine, the underside of the slasher saws ~~((shall))~~ must be adequately guarded.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27011 Circular swing saws. (1) Each circular swing saw ~~((shall))~~ must be provided with a hood guard that completely encloses the upper half of the saw.

(2) Each swing saw ~~((shall))~~ must be equipped with a positive stop at the extent of the swing necessary to cut the material.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27013 Drag saws—Fixed chain saws—Circular cut-off saws. (1) Saws ~~((shall))~~ must be so arranged that they will not project into any passageway when in an idle or working position. When existing conditions do not leave clear passage the saws ~~((shall))~~ must be fenced off in order to make it impossible for anyone to walk into them.

(2) Log decks ~~((shall))~~ must be equipped with a device to hold the material stable when being cut.

(3) Drag saws and fixed chain saws ~~((shall))~~ must be equipped with a device that will safely lock them in an "up" position.

(4) All persons ~~((shall))~~ must be in the clear before starting operations ~~((of a drag chain or swing saw)).~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-27015 Construction and use of pulpwood splitters. (1) The activating control unit for a splitter ~~((shall))~~ must be of the clutch or positive acting type and ~~((shall))~~ must be so arranged and designed that it will not repeat without additional activation before starting a second cycle.

(2) The base or rest upon which the wood seats while being split ~~((shall))~~ must have a corrugated surface or other means shall be provided which will prevent the wood block or log from shifting as the pressure is applied.

(3) The splitter base or rest and wood to be split ~~((shall))~~ must be free of ice, snow, and chips.

(4) The splitter machine operator ~~((shall))~~ must have a clear, unobstructed view of the work area adjacent to the splitting operation when other workers must be in such area while blocks are being split.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-280 Chip and hog fuel storage. (1) Entry into bins and silos.

(a) ~~((No worker shall be permitted to enter a bin unless provided with a safety belt, with line attached, and an attendant stationed at the bin to summon assistance.~~

~~((b) Before))~~ Entry into chip bins and silos, ~~((all applicable rules under vessel))~~ must be in compliance with the requirements of confined space entry, WAC 296-79-230, of this chapter, ((shall be complied with)).

~~((e))~~ (b) Chip and sawdust bins. Steam or compressed air lances, or other ~~((facilities, shall))~~ safe methods, must be used for breaking ~~((down the arches caused by jamming in chip lifts))~~ bridges and hangups.

~~((d))~~ (c) Employees ~~((shall))~~ must be prohibited from working under or on top overhangs or bridges. Extreme care ~~((shall))~~ must be taken to prevent chips or hog fuel from creating an overhang or bridging.

~~((e))~~ (d) Hog fuel bins ~~((shall))~~ must be provided with an approved railed platform or walkways near the top or other

approved means ~~((shall))~~ must be provided for use of employees engaged in dislodging hog fuel.

(2) Exterior chip and hog fuel storage.

(a) When mobile equipment is used on top of hog fuel or chip piles, a roll-over protection system ~~((shall))~~ must be installed on the equipment.

(b) If the cab is of the enclosed type, windshield wipers ~~((shall))~~ must be installed.

(c) If used during hours of darkness the area ~~((shall))~~ must be adequately illuminated or the equipment ~~((shall))~~ must have adequate lights to provide the operator sufficient illumination to safely perform the work.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-290 Stock preparation and reprocessing(~~—Scope and application~~). ~~((All sections of this chapter which include WAC 296-79-290 in the section number apply to stock preparation and reprocessing.))~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29001 Digester valves and piping. (1) The blow valve of a digester ~~((shall))~~ must be arranged so as to be operated from another room, remote from safety valves.

~~((1) Digester piping shall meet the criteria of the boiler and pressure vessel standards.))~~

(2) Heavy duty pipe, valves, and fittings ~~((shall))~~ must be used between the digester and blow pit, blow tanks and dump tanks. These valves, fittings, and pipes ~~((shall))~~ must be inspected at least semiannually to determine the degree of deterioration and should be replaced when necessary.

(3) Digester blow valves or controls ~~((shall))~~ must be pinned or locked in closed position throughout the entire cooking period.

(4) Test holes in blow lines of piping systems must not be covered with insulation or other materials.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-79-29003 Warning of digester being blown. (1) Procedures must be developed to ensure that digester operators are aware of personnel entering hazardous areas.

• Audible warning signals and red warning lights ~~((shall))~~ must be installed in areas which may be hazardous to personnel while digesters are being blown.

• Such devices ~~((shall))~~ must be activated prior to blowing a digester and the warning lights ~~((shall))~~ must remain lighted as long as the hazard exists.

~~((1))~~ (2) Blowing digester. Blow-off valves ~~((shall))~~ must be opened slowly.

~~((2))~~ (3) After the digester has started to be blown, the blow-off valve ~~((shall))~~ must be left open, and the hand plate ~~((shall))~~ must not be removed until the person responsible signals the blow-pit person that the blow is completed. Whenever it becomes necessary to remove the hand plate to

clear stock, operators ~~((shall))~~ must wear eye protection equipment and protective clothing to guard against burns from hot stock.

~~((3)) In addition to the vessel entry procedure of WAC 296-79-230, of this chapter, the blow-pit door or hatch shall be locked open whenever a person is in the blow-pit.)~~

(4) Blow-pit hoops ~~((shall))~~ must be maintained in a safe condition.

(5) Where the processes of the sulfate and soda operations are similar to those of the sulfite processes, the standard of WAC 296-79-29001 and 296-79-29003, of this chapter, ~~((shall apply))~~ applies to both processes.

~~(6) ((At least one unobstructed exit at each end of the room shall be provided on each floor of a digester building.~~

~~(7))~~ Means ~~((shall))~~ must be provided ~~((whereby))~~ so the digester cook ~~((shall))~~ can signal the ~~((man))~~ employee in the chip bin before starting to load the digester.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29005 Unplugging quick lime stop-pages. Water ~~((shall))~~ must not be used to unplug quick lime stops or plugs in pipes or confined spaces.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29007 Bleach plant. (1) Work areas used for preparation and processing of bleaching mixtures ~~((shall))~~ must be equipped with properly designed exhaust ventilation systems capable of clearing the area of toxic gases. See chapter 296-62 WAC, Part H and Part L.

(2) Bleaching containers, such as cells, towers, etc., except the Bellmer type, ~~((shall))~~ must be completely covered on the top, with the exception of one small opening large enough to allow filling but too small to admit a person. ~~((This opening should be covered by a door and guarded with standard guardrail and toeboards. Platforms leading from one engine to another shall have standard guardrails in accordance with the general safety and health standards, WAC 296-24-75007.))~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29009 Audible alarm in bleach plant. An audible alarm system ~~((shall))~~ must be installed and it ~~((shall))~~ must be activated whenever a serious leak or break develops in the bleach plant area which creates a health or fire hazard.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29011 Pocket grinder doors. Doors of pocket grinders ~~((shall))~~ must be so designed and arranged as to keep them from closing accidentally.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29013 Pulping device procedures. Each company ~~((shall))~~ must develop a safe procedure which shall be followed for feeding, clearing jams, or removing foreign objects from any pulping device. These procedures ~~((shall))~~ must comply with applicable provisions of this standard.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29015 Off machine repulping devices.

(1) When fed manually from the floor above, conveniently located emergency stop devices ~~((shall))~~ must be provided at the top level.

(2) When fed from floor above~~((;))~~:

- The chute opening, if less than standard guardrail height from the feed platform or floor, ~~((shall))~~ must be provided with a complete guardrail or other enclosure to standard guardrail height.

- Openings for manual feeding ~~((shall))~~ must be sufficient only for entry of stock and ~~((shall))~~ must be provided with at least two permanently secured crossrails, in accordance with, the general safety and health standards, WAC 296-24-75003.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29017 Pulping device cleaning, inspection and repairing. When cleaning, inspecting or performing other work that requires that persons enter pulping devices, all control devices ~~((shall))~~ must be locked or tagged out in accordance with the requirements of this standard.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29021 Shredders and blowers. (1) On manually fed broke ~~((shredders [shredders]))~~ shredders, the feed table ~~((shall))~~ must be of ~~((such))~~ a height and distance from the knives as to prevent the operator from reaching or falling into the knives or the operator ~~((shall))~~ must be safeguarded by other acceptable means.

~~((H))~~ (2) A smooth-pivoted idler roll resting on the stock or feed table ~~((shall))~~ must be provided in front of feed rolls except when arrangements prevent the operator from standing closer than 36 inches to any part of the feed rolls.

~~((Z))~~ (3) Any manually fed cutter, shredder, or duster ~~((shall))~~ must be provided with an idler roll as specified in ~~((H))~~ (2) of this section or the operator shall use special hand-feeding tools.

~~((3)) Hoods of cutters, shredders, and dusters shall have exhaust ventilation, in accordance with American National Standard Z9.2-1960 and chapter 296-62 WAC, general occupational health standards.)~~

(4) Blowers used for transporting ~~((rags shall))~~ materials must be provided with feed hoppers having outer edges located not less than 48 inches from the fan.

(5) The ~~((arrangement of the))~~ blower discharge outlets and work areas ~~((shall))~~ must be ~~((such as))~~ arranged to prevent material from falling on workers.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29023 Clearing shredder jams. To clear jams or blockage to the machine, the operator ~~((shall))~~ must use objects which will not create a hazard. The use of metal bars for such purposes is prohibited.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-29027 Guillotine type roll splitters. (1) The engaging control for activating the guillotine blade ~~((shall))~~ must be a "deadman type" switch that demands continuous operator activation and must be:

- A positive two-hand operating control, or
- Located far enough from the cutting location so that the operator cannot reach the blade during the cutting process (~~((In either control method, "deadman type" switch gear which demands continuous operator activation shall be installed and used))~~).

(2) Personnel ~~((shall))~~ must not position any part of the body under the blade.

(3) Rolls ~~((shall))~~ must be in the horizontal position while being split.

(4) Rolls ~~((shall))~~ must be centered directly below the blade.

AMENDATORY SECTION (Amending Order 80-31, filed 1/8/81)

WAC 296-79-29029 Broke hole. (1) An alarm bell or flashing light ~~((shall))~~ must be actuated or other suitable warning ~~((shall))~~ must be given before dropping material through a broke hole when persons working below may be endangered.

(2) Broke holes ~~((shall))~~ must be guarded to the fullest extent possible consistent with operational necessities. The degree of guarding provided by standard height and strength guardrails will be considered as a minimum acceptable level of protection.

(3) When repulping devices or feed conveyor systems for repulping devices are located beneath broke holes, special precautions ~~((shall))~~ must be used.

• The broke hole opening ~~((shall))~~ must be reduced to the smallest practical dimension.

• If ~~((such))~~ the broke hole opening ~~((must be))~~ is large enough to permit a worker to fall through and ~~((the opening))~~ is not guarded at least to the equivalent degree of protection provided by standard guardrails, any employee pushing broke down the broke hole ~~((shall))~~ must wear a safety belt or harness attached to a ~~((safety belt line))~~ lanyard, and

• The ~~((safety belt line shall))~~ lanyard must be fastened in such a manner that it is impossible for the person to fall into the repulping device.

(4) Guarding to the equivalent degree of protection provided by standard guardrails and meeting the requirements of subsections (2) and (3), may be achieved by the use of guard bars separated no more than 15-1/2 inches in a vertical plane and 12 inches in a horizontal plane, or any other location within that segment.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29031 Industrial kiln guns and ammunition. ~~((Management shall develop))~~ The employer must ensure that there are written instructions, including safety procedures, for storing and operating industrial kiln guns and ammunition. All personnel working with this equipment ~~((shall))~~ must be instructed in these procedures and ~~((shall))~~ must follow them.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29033 Chlorine dioxide system. See chapter 296-62 WAC, Part P and chapter 296-67 WAC, process safety management. (1) Sodium chlorate.

(a) Personnel handling and working with sodium chlorate ~~((shall))~~ must be thoroughly instructed in precautions to be used in handling and special work habits. ~~((Refer to Manufacturing Chemists Association Chemical Data Sheet No. SD-42 (Sodium Chlorate))~~.

~~((b) Personnel exposed to direct contact with sodium chlorate shall wear neoprene or other special protective clothing and special footwear.~~

~~((e))~~ (b) Facilities for storage and handling of sodium chlorate ~~((shall))~~ must be constructed so as to eliminate possible contact of dry or evaporated sodium chlorate with wood or other material which could cause a fire or explosion. ~~((Refer to Manufacturing Chemists Association Chemical Data Sheet No. SD-42 (Sodium Chlorate))~~.

~~((d))~~ (c) Sodium chlorate facilities should be constructed with a minimum of packing glands, stuffing boxes, etc. ~~((Refer to Manufacturing Chemists Association Chemical Data Sheet No. SD-42 (Sodium Chlorate))~~.

(2) Chlorine dioxide.

~~((a))~~ Chlorine dioxide generating and storage facilities ~~((shall))~~ must be placed in areas which are adequately ventilated and are easily kept clean of wood, paper, pulp, etc., to avoid contamination which might cause a reaction. This can be accomplished by placing these facilities in a separate room or in a designated outside space.

~~((b))~~ Only authorized personnel shall be allowed in close proximity to the chlorine dioxide generating equipment. The generating area shall have signs warning of the hazard and restricting entrance to authorized personnel only.

~~((e))~~ When reasonably possible, the sample station should be located on the outside of the generating room. Goggles must be worn when taking samples.

~~((d))~~ Two alternate direction exits shall be provided from the generator working areas.)

(3) General.

~~(a) ((Safety showers and/or jump tanks and eye wash facilities shall be provided for persons working around sodium chlorate and the other hazardous chemicals involved in this process.~~

~~(b) Water hoses for flushing spills shall be adequate in size and located where needed.~~

~~(c) All equipment involved in this process where pressure may be generated shall be provided with adequate pressure relief.~~

~~(d) Welding or burning shall not be performed on the generator system while it is operating. Immediately before maintenance can be performed on the inside of any of this equipment, it shall be thoroughly flushed with water and purged of hazardous gases.~~

~~(e) Respiratory protective equipment approved for use in chlorine and chlorine dioxide exposures shall be provided at appropriate locations.~~

~~(f)) Facilities handling sodium chlorate and chlorine dioxide ~~((shall))~~ must be declared "no smoking" areas and ~~((shall))~~ must have signs posted accordingly.~~

~~((g)) (b) Management shall be responsible for developing written instructions including safety procedures for operating and maintaining the generator and associated equipment. All personnel working on this equipment ~~((shall))~~ must be thoroughly trained in these procedures and ~~((shall))~~ must follow them. A periodic review of these procedures is recommended.~~

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-29035 Piling and unpiling pulp. (1) Piles of wet lap pulp (unless palletized) ~~((shall))~~ must be stepped back one-half the width of the sheet for each 8 feet of pile height. Sheets of pulp ~~((shall))~~ must be interlapped to make the pile secure. Pulp ~~((shall))~~ must not be piled over pipelines to jeopardize pipes, or so as to cause overloading of floors, or to within 18 inches below sprinkler heads.

(2) Piles of pulp ~~((shall))~~ must not be undermined when being unpiled.

(3) Floor capacities ~~((shall))~~ must be clearly marked on all floors.

(4) When sprinklers are used for fire protection in the storage area, baled paper and rags ~~((shall))~~ must be stored in stable piles which do not extend into the area necessary for the proper function of sprinkler systems~~((, where sprinklers are used for fire protection in the storage area)).~~

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29037 Chocking rolls. ~~((1) Where pulp or paper rolls are of uniform size, cribbing should be constructed to keep rolls from moving.~~

~~(2) Where rolls are stacked and not nested two or more high, chocks shall be installed between each roll on the floor and at every row. The face of each chock should be formed on a radius to conform to the average roll size in use, and the chock shall prevent roll movement.~~

~~(3) When rolls are decked two or more high, the bottom rolls shall be chocked on each side to prevent shifting in either direction.~~

~~(4) A supply of portable roll chocks should be available to be used where there are gaps in the bottom row of rolls. These should be as light as possible while still providing maximum blocking effect.)~~ Rolls must be secured by chocks or other means to prevent movement when stored horizontally.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-79-300 Machine room equipment and procedures. (1) ~~((Lock out and tag out procedures to be followed. Lock out and tag out requirements and procedures contained in these standards shall be complied with.~~

~~(2) Emergency stopping controls.)~~ Pulp and paper machines ~~((shall))~~ must be equipped with emergency stopping control(s) which can be actuated quickly from all normal operating stations. If useful for the safety of personnel, the stopping control(s) ~~((shall))~~ must be interlocked with adequate retarding or braking action to stop the machine as quickly as is practical. The devices must consist of push buttons for electric motive power (or electrically operated engine stops), pull cords connected directly to the prime mover, control clutches, or other devices.

~~((3) Walkways.)~~ (2) Steps and footwalks along the fourdrinier/forming and press section ~~((shall))~~ must have nonslip surfacing and be complete with standard handrails, when practical.

~~((4) Machine lubrication.)~~ (3) If a machine must be lubricated while in operation an automatic lubricating device ~~((shall))~~ must be provided or oil cups and grease fittings ~~((shall))~~ must be provided which can be serviced safely without exposing the worker to any hazards.

~~((5) Weights on levers.)~~ (4) All levers carrying weights ~~((shall))~~ must be so constructed that weights will not slip or fall off.

~~((6))~~ (5) Guarding inrunning nip points.

(a) The drums on pulp and paper machine winders ~~((shall))~~ must

(i) These drums must be provided with suitable guards to prevent a person from being caught between the roll and the front drum on the winder when the pinch point is on the operator's side. ~~((Any))~~

(ii) Such guards ~~((shall))~~ must be interlocked with the drive mechanism to prevent the winder from running while the guard is not in place. Except that the winder may be wired to allow it to run at ~~((a slow))~~ thread or jog speed only for adjustment and start-up purposes while the guard is not in position.

(iii) A zero speed switch or locking device ~~((shall))~~ must be installed to prevent the guard from being removed while the roll is turning above thread or jog speed.

~~((Paper machine winders when used to produce rolls of 15 inches or less in diameter may be exempted from this subsection but must comply with the provisions of (6)(b).))~~

(b) Rewinders.

~~((i))~~ When rewinding large rolls and the nip point is adjacent to the normal work area~~(-))~~.

• The nip point ~~((shall))~~ must be protected by a barrier guard~~(-))~~ and

• Such guard ~~((shall))~~ must be interlocked with the drive mechanism to prevent operating the machine above thread or jog speed without the guard in place~~(-))~~ and

• A zero speed switch ~~((shall))~~ must be installed to prevent the guard from being raised while the roll is turning.

~~((ii) On small rolls 15 inches or less in diameter where barrier guards are impractical they shall not be required if the nip point is separated from the employees by at least 18" while operating at more than jog speed. When the rewinder is running at more than jog speed no worker shall place any part of their body closer than 18" from the nip.))~~

(c) Inrunning nips where paper is not being fed into a calender ~~((should be protected by barriers))~~ must be guarded.

~~((7) Audible alarm in dryer section.))~~ (6) An audible alarm ~~((shall))~~ must be sounded prior to starting up any section of a pulp or paper machine. Sufficient time ~~((shall))~~ must be allowed between activation of the alarm system and start-up of the equipment to allow any persons to clear the hazardous area.

~~((8) Starting up dryer section. In))~~ (7) When starting up a dryer section, steam to heat the drums ~~((shall))~~ must be introduced slowly and while the drums are revolving.

~~((9) Starting paper into nip.))~~ (8) A safe method must be used when starting paper into the nip of drum type reels or calender stacks ~~((a safe method shall be used)).~~ This may be accomplished by the use of feeder belts, carrier ropes, air carriage or other device or instrument.

• A rope carrying system should be used wherever possible at points of transfer~~(-))~~ or

• Sheaves should be spaced so that they do not create a nip point with each other and the sheave and its support should be capable of withstanding the speed and breaking strength of the rope for which they are intended.

~~((10) Feeding stack with hand held device.))~~ (9) Employees ~~((shall))~~ must not feed a stack with any hand held device which is capable of going through the nip.

~~((11) Broken carrier rope.))~~ (10) Employees ~~((shall))~~ must not attempt to remove a broken carrier rope from a dryer while the section is running at operating speed.

~~((12) Removing a wrap.))~~ (11) Employees ~~((shall))~~ must stop the dryer to remove a wrap except in cases where it can be safely removed by using air or other safe means.

~~((13) Deposits on rolls.))~~ (12) To remove deposits from rolls, a specially designed scraper or tool shall be used. Scraping of rolls ~~((shall))~~ must be performed on the outgoing nip side.

~~((14) Cleaning))~~ (13) Doctor blades.

(a) Cleaning. Employees ~~((shall))~~ must not place their hands between the sharp edge of an unloaded doctor blade and the roll while cleaning the doctor blade.

~~((15) Sharp edges of doctor blades to be covered.))~~ (b) Doctor blades ~~((shall))~~ must have the sharp edges properly guarded during transportation and storage.

~~((16) Handling doctor blades.))~~ (c) Special protective gloves ~~((shall))~~ must be provided and ~~((shall))~~ must be worn

by employees when filing or handling sharp edged doctor blades.

~~((17) Steps, platforms or walkways for calender stacks. When steps, platforms, or walkways are necessary to perform work on calender stacks they shall have nonskid type surfaces. Guardrails shall be installed where possible.))~~

~~((18) Lifting))~~ (14) Handling reels.

(a) Reels ~~((shall))~~ must stop rotating before being lifted away from reel frame.

~~((b) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.))~~ Crane hooks must not be used to stop a turning reel.

~~((c))~~ (b) Exposed rotating reel shafts with square block ends ~~((shall))~~ must be guarded.

~~((19) Reels to be properly seated.))~~ (c) The crane operator ~~((shall))~~ must ascertain that reels are properly seated at winder stand or at reel arms before they disengage the hooks.

~~((20) Space between reels.))~~ (d) On ~~((stack))~~ stored reels, a clearance of at least 8 inches between the reels of paper ~~((shall))~~ must be maintained.

~~((21) Set screws. Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar that an operator's hand may come in contact with shall be beveled to remove all sharp corners.))~~

~~((22) Properly set up core cutting device. The worker shall make certain that any core cutting device is properly set up and guard is in proper position before using the machine.))~~

~~((23) Winder shaft.))~~ (15) All winder shafts ~~((should))~~ must be equipped with a winder collar guide. The winder ~~((should))~~ must have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housing. If winder shafts are too heavy for manual handling, mechanical equipment ~~((shall))~~ must be used.

~~((24) Barrier guards for shaftless winders.))~~ (16) Shaftless winders ~~((shall))~~ must be provided with a barrier guard of sufficient strength and size to confine the rolls in the event they become dislodged while running.

~~((25) Grounding.))~~ (17) All calender stacks and spreader bars ~~((shall))~~ must be grounded according to chapter 296-24 WAC, Part L as protection against shock induced by static electricity.

~~((26) Sole plates. All exposed sole plates between dryers, calenders, reels and rewinders shall have a nonskid type surface.))~~

~~((27))~~ (18) Nonskid type surface required.

(a) All exposed sole plates between dryers, calenders, reels, and rewinders must have a nonskid type surface.

(b) A nonskid type surface ~~((shall))~~ must be provided in the work areas around the winders or rewinders. ~~((Areas in front of the winder shall be kept clear of oil, broke, and other debris that may cause workers to slip, trip, or fall.))~~

~~((28) Roll lowering table.))~~ (19) If a powered roll ejector is used it should be interlocked to prevent accidental actuation until the receiving platform or roll lowering table is in position to receive the roll.

~~((29) Lowerator.))~~ (20) Employees ~~((shall))~~ must keep clear of hazardous areas around the lowerator, especially all lowerator openings in a floor and where roll is being discharged.

~~((30) Rider rolls.))~~ (21) Provision ~~((shall))~~ must be made to hold the rider roll when in a raised position unless counterbalancing eliminates the hazard.

~~((31) Gas hood entry procedures. Whenever an employee is inside a gas hood they shall be accompanied by another worker or a person shall be stationed near the entrance.~~

~~(32))~~ (22) Drain openings in pits. Flush floor drain openings larger than 3(^(")) inches in diameter in the bottom of pits ~~((shall))~~ must be guarded to prevent workers from stepping through, while working in this area.

(23) Employees must not enter into or climb on any paper machine roll that is subject to free turning unless a positive locking device has been installed to prevent the roll from turning.

(24) The employer must ensure sufficient inspection and nondestructive examination of reel spool and calender roll journals. The type and frequency of testing must be adequate to detect indications of failure. Any reel spool or calender roll journal found to have an indication of failure must be removed from service. Nondestructive examination personnel must be qualified in accordance with SNT-TC 1A.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-310 Converting operations (bag and container manufacturing, printing, coating, finishing and related processes)~~((—Scope and application)). ((All sections of this chapter which include WAC 296-79-310 in the section number apply to converting operations (bag and container manufacturing, printing, coating, finishing and related processes).))~~

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-31001 General requirements for converting operations (bag and container manufacturing, printing, coating, finishing and related processes). (1) ~~((Applicable rules of this standard to prevail. Rules contained in this standard shall prevail where applicable to converting operations.~~

~~(2) Use of both hands required to activate guillotine trimmers.))~~ Guillotine-type trimmers ~~((shall))~~ must be designed in a manner which will require the operator to use both hands simultaneously to activate the cutting blade. If machine helpers are employed in the control function of the cutter, separate two-hand controls ~~((shall))~~ must be provided for the control function performed by the helper.

~~((3) Nonrepeat device required for guillotine trimmers.))~~ (2) Guillotine-type trimmers ~~((shall))~~ must be designed in a manner that the trimming blade will not repeat unless manually reactivated.

~~((4))~~ (3) Sorting and counting tables~~((—Tables shall))~~ must be smooth and free from splinters, with edges and corners rounded.

~~((a))~~ Paddles ~~((shall))~~ must be smooth and free from splinters.

~~((5) Mirrors should))~~ (4) Devices (i.e., mirrors) must be installed to assist the converting machine operator in viewing blind work stations where a hazard exists.

~~((6))~~ (5) Mechanical lifting devices ~~((shall))~~ must be provided for placing and removing rolls from rewinders. Rolls ~~((shall))~~ must not be left suspended overhead while the controls are unattended.

~~((7) Rolls handled by cranes or hoists shall not be handled over the heads of workers.~~

(8)) (6) When using a crane or hoist to place rolls into a backstand and the operator cannot see both ends of the backstand, assistance will be provided or appropriate devices will be installed to eliminate the hazards involved. The operator ~~((shall))~~ must ascertain that rolls are properly seated at winder stand or at roll arms before ~~((he disengages))~~ disengaging the hooks.

~~((9))~~ (7) Slitters, slotters, and scorers not in use ~~((shall))~~ must be properly stored ~~((as not to create))~~ so a hazard is not created.

~~((10))~~ (8) All power closing sections ~~((shall))~~ must be equipped with an audible warning system which will be activated when closing the sections.

~~((11))~~ (9) Roll-type embosser. The nipping point located on the operator's side ~~((shall))~~ must be guarded by either automatic or manually operated barrier guards interlocked with the drive.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-31003 Corrugator. (1) Every recessed floor conveyor system ~~((shall))~~ must be identified by standard color coding, and so designed and installed to minimize tripping hazards.

(2) All areas subject to wet processes ~~((shall))~~ must be provided with drains.

~~((a))~~ Drain trenches ~~((shall))~~ must be provided with gratings flush with the adjoining floor.

~~((b))~~ Use of curbing in work areas should be avoided in new installations. If the use of curbing cannot be avoided, the design ~~((shall))~~ must be such that the curbs do not constitute a tripping hazard in normal working areas. When curbing exists and constitutes a hazard, it ~~((shall))~~ must be color coded.

(3) Rails of rail mounted devices such as roll stands ~~((shall))~~ must be flush with the adjacent floor, and so installed to provide a minimum of 18(^(")) inches clearance between the equipment and walls or other fixed objects.

(4) All corrugating and pressure rolls ~~((shall))~~ must be equipped with appropriately designed and installed threading guides so as to prevent contact with the infeed nip of the various rolls by the operator.

(5) A minimum of 4(^(")) inches clearance ~~((shall))~~ or effective nip guarding must be maintained between heated drums, idler rolls, and cross shafting on all preheaters and preconditioners.

(6) Lower elevating conveyor belt rolls on the single facer bridge ~~((shall))~~ must have a minimum nip clearance of 4(^(")) inches or effective nip guarding.

- (7) Web shears at the discharge end of the double facer ~~((shall))~~ must be equipped with barrier type guards.
- (8) Slitter stations not in use ~~((shall))~~ must be disconnected from the power source by positive means.
- (9) Elevating type conveyors ~~((shall))~~ must have the floor area color-coded.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-31009 Die cutting. ~~((+))~~ Bobst type die cutters.

~~((a) The space where the sheet enters the die shall be guarded to prohibit entry of the operator's hand. If this guard is hinged or otherwise moveable it shall be interlocked to prevent the equipment from moving unless the guard is in the proper position.~~

~~((b))~~ A minimum of 4~~((" shall))~~ inches must be provided between the end of the slat and the guide bar.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-320 Sulfite recovery furnace area requirements. (1) ~~((Warning system-))~~ The employer must have a program to train all personnel associated with recovery boiler operations in safe operating procedures and emergency shutdown procedures.

(2) An audible warning system ~~((shall))~~ must be installed in kraft and soda base sulfite recovery furnace areas and ~~((shall))~~ must be actuated whenever an emergency exists.

~~((2) Personnel to be instructed in emergency procedures. All personnel working in recovery furnace areas shall be instructed on procedures to be followed when emergency warning systems are actuated-))~~

(3) All personnel who enter the recovery furnace area must understand the emergency evacuation procedure.

(4) Warning system maintenance. Emergency warning systems in the recovery furnace areas ~~((shall))~~ must be kept in proper working condition and ~~((shall))~~ must be tested or checked weekly.

~~((4) Personnel to stand to side while opening firebox door-))~~ (5) Personnel ~~((shall))~~ must stand to the side while opening a furnace or boiler firebox door.

~~((5) Smelt tanks. Smelt dissolving tanks shall be covered and the cover kept closed, except when samples are being taken-))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-79-060 Protection from radiation.
- WAC 296-79-255 Safety procedure for handling liquid sulfur.
- WAC 296-79-27001 Barkers, chippers, and hog feed devices.

- WAC 296-79-29019 Guarding hand knives and sharpening steels.
- WAC 296-79-29025 Repairing shredders.
- WAC 296-79-31005 Adhesive system.
- WAC 296-79-31007 Printing and cutting.
- WAC 296-79-31011 Power lifts on gluers, tapers and stitchers.
- WAC 296-79-31013 Strapping-banding operations.

**WSR 99-16-085
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 3, 1999, 4:47 p.m., effective November 1, 1999]

Date of Adoption: August 3, 1999.

Purpose: Chapter 296-50 WAC, Safety standards for manufacture of explosives.

Topic: There are currently no explosive manufacturers in the state of Washington with which to regulate. The necessary requirements to ensure the safety, health and welfare of explosive manufacturing are located within chapters 296-24, 296-52, and 296-67 WAC. There is no equivalent federal (OSHA) regulation to chapter 296-50 WAC. In addition, no public comments have been received opposing the repeal of this rule. As a result, the rule is repealed in its entirety.

Citation of Existing Rules Affected by this Order: Repealing [see repealer section below].

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Adopted under preproposal statement of inquiry filed as WSR 99-12-090 on June 1, 1999.

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 23.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 23.

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 23.

Effective Date of Rule: November 1, 1999.

August 3, 1999
Gary Moore
Director

PERMANENT

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-50-010	Foreword.
WAC 296-50-020	Introductory.
WAC 296-50-030	Management's responsibility.
WAC 296-50-040	Employee's responsibility.
WAC 296-50-050	Minimum requirements for first aid.
WAC 296-50-060	First-aid kit.
WAC 296-50-070	First-aid room.
WAC 296-50-080	General regulations.
WAC 296-50-090	Dope house.
WAC 296-50-100	Dynamite mixing house.
WAC 296-50-110	Dynamite pack machine house.
WAC 296-50-120	Gelatin mixing house.
WAC 296-50-130	Gelatin cartridge machine house.
WAC 296-50-140	Handpack house.
WAC 296-50-150	Waste opening house.
WAC 296-50-160	Box packing house.
WAC 296-50-170	Powder repair shop.
WAC 296-50-180	Batch nitrator.
WAC 296-50-190	Separator and prewash operation.
WAC 296-50-200	N.G. neutralizing house and store house.
WAC 296-50-210	Acid operations.
WAC 296-50-220	Spare parts houses.
WAC 296-50-230	Nitrocotton screening and drying houses.

WSR 99-16-086
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed August 4, 1999, 9:12 a.m.]

Date of Adoption: August 4, 1999.

Purpose: Repeals chapters that have been replaced by chapter 16-19 WAC. This new rule updates, clarifies and condenses the requirements covered by the former rules and makes them redundant.

Citation of Existing Rules Affected by this Order: Repealing all sections of chapters 16-20, 16-21, 16-22, and 16-23 WAC.

Statutory Authority for Adoption: RCW 16.49.680.

Adopted under preproposal statement of inquiry filed as WSR 99-12-122 on June 2, 1999.

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 15, Amended 0, Repealed 92.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 0, Repealed 92.

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 15, Amended 0, Repealed 92.

Effective Date of Rule: Thirty-one days after filing.

August 4, 1999

Jim Jesernig

Director

WSR 99-16-119
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed August 4, 1999, 11:40 a.m.]

Date of Adoption: August 4, 1999.

Purpose: The agency is proposing to revise WAC 314-60-040 to reflect a change in the physical location of the board's regular meetings, and to change the board's Internet address.

Citation of Existing Rules Affected by this Order: Amending WAC 314-60-040.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.12 [66.08.012].

Adopted under notice filed as WSR 99-12-084 on June 1, 1999.

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 Mak-

ing: 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.

August 4, 1999

Eugene Prince

Chairman

AMENDATORY SECTION (Amending WSR 98-14-003, filed 6/18/98, effective 7/19/98)

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. Regular meetings of the board will be on Wednesday at 9:00 a.m. Meetings of the board may be held on Monday, Tuesday, Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled. Unless notice is otherwise given, meetings of the board will be held at its offices (~~on the Fifth Floor, Capital Plaza Building, 4025 East Union Avenue~~) in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington. For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its regular Wednesday meetings, however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to RCW 42.30, meeting notices will be published on the Internet at (~~www.wa.gov/liq~~) www.liq.wa.gov and information about meeting times and agendas will be available in the board office during regular office hours.

WSR 99-16-012
EMERGENCY RULES
SECRETARY OF STATE

[Filed July 22, 1999, 4:11 p.m., effective July 25, 1999]

Date of Adoption: July 20, 1999.

Purpose: Amending chapter 383-06 WAC to revise references that no longer apply due to new legislation and to correct inaccurate information.

Citation of Existing Rules Affected by this Order: Amending chapter 383-06 WAC.

Statutory Authority for Adoption: Chapter 50, Laws of 1999, chapter 41.60 RCW.

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: Due to new legislation becoming effective July 25, 1999, the Productivity Board needs to submit emergency rules in order to be in compliance with the new laws.

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 7, 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 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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: July 25, 1999.

July 20, 1999

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-010 Purpose. The purpose of this chapter is to provide guidelines for the employee suggestion program(s) developed (~~and administered~~) by the productivity board under the authority of chapter 41.60 RCW.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-020 Definitions. As used in these rules, these definitions refer only to the employee suggestion program(s) unless the context requires otherwise:

(1) "Board" means the productivity board.

(2) "Program" means the employee suggestion program(s) developed by the board under RCW 41.60.020.

(3) "The act" referred to in these rules is chapter 41.60 RCW.

(4) "Employee" is any person subject to chapter 41.06 or 28B.16 RCW.

(5) "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to state efficiency, service, safety, economy or employee well-being.

(6) "Agency" includes every subdivision of government which is eligible to participate under chapter 41.60 RCW, including institutions of higher education and merit system agencies.

(7) "Multi-agency suggestion" meets the criteria for a suggestion, as defined in WAC 383-06-100, and requires evaluation by two or more agencies.

(8) "Award" means monetary or noncash recognition.

(9) Agency "directors" include the chief executive, whether appointed or elected, of each state agency or institution of higher education.

(10) (~~("Administrator")~~) "Program manager" is the executive manager of the employee suggestion board and serves as staff to the productivity board.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-040 Duties of the program (~~(administrator)~~) manager. The program (~~(administrator)~~) manager shall be responsible and accountable to the board for the administration of the program, and shall:

(1) Attend all meetings of the board and ensure an official record of its actions.

(2) Propose policies, rules, and regulations appropriate for the administration of the program.

(3) Report to agencies about implemented suggestions, indicating those requiring a post audit.

(4) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved agencies.

(5) Interact with agency coordinators regarding program promotion and participation.

(6) Perform other duties as required by the board.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-070 Procedures for processing multi-agency suggestions. Multiple-agency suggestions require evaluation by two or more agencies. The program (~~(administrator)~~) manager will nominate to the board any suggestion which meets the criteria enumerated in WAC 383-06-020(7), following processing according to procedures developed in accordance to WAC 383-06-100. The (~~(administrator)~~) manager will coordinate investigation of the suggestion through the multi-agency evaluation processing. Such coordination may entail:

(1) Obtaining all pertinent information concerning the merits of the suggestion from representative agencies; and

(2) Making a formal report to the productivity board about the suggestion.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-090 Suggestion format. (1) Suggestions shall be submitted:

In a legible manner on the special forms to be provided by agency coordinators or the productivity board office.

(2) To the program (~~(administrator)~~) manager at the address indicated on the form: P.O. Box ~~(+789)~~ 40244, Mailstop: ~~(FE-11)~~ 40244, Olympia, WA 98504-0244.

(3) Submitted suggestions shall contain:

(a) A specific statement of what is suggested and how it can be accomplished;

(b) A brief statement describing the present methods, practices or problem;

(c) A statement of the savings, improved services, or benefits which will accrue from adoption of the suggestion.

(4) Suggestions must also include the suggester's signature, title of position, department and division, mailing address and Social Security number. Providing a Social Security number is optional and is used for payment purposes.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-100 Suggestion acceptability. Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of state government.

(1) This may include, but is not limited to:

- (a) Savings in time or money;
- (b) Elimination of waste or duplication;
- (c) Improved service or product;
- (d) Energy conservation [conservation];
- (e) Improved working conditions.

(2) Suggestions shall be considered in the order of the date by which they are officially received by the program (~~(administrator)~~) manager.

(3) Suggestions may be unacceptable when a remedy exists through other established administrative procedures, such as:

- (a) The need for routine maintenance of buildings or grounds;
- (b) Personalized complaint affecting suggester only;
- (c) Recommendation for a study, review, survey, design, audit, research, development, investigation, etc., without stating what the expected outcome should be or what solution might result from it;
- (d) Proposing items in state stock be issued and used for their intended purpose;
- (e) Changing salary, position or classification;
- (f) Enforcement of laws, policies, procedures, regulations, rules, etc.

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 Order 85-1, filed 1/30/86)

WAC 383-06-120 Payment of cash awards. (1) Cash awards for suggestions generating net savings, revenue, or both to the state shall be based on the payment award scale that is ten percent of the net savings and/or revenue for the first year of implementation.

(2) No cash awards shall be for less than twenty-five dollars or for more than the maximum amount permitted by RCW 41.60.041.

~~((2))~~ (3) Awards for suggestions which will result in demonstrable savings of money shall be determined by the board after consideration of the savings to be effected.

~~((3))~~ (4) Suggestions which will result in intangible improvements, such as benefits in safety, health, welfare, morale, etc., ~~(may)~~ shall be granted cash awards in amounts to be determined by the board in accordance with the intangible award matrix. The board shall set guidelines, insofar as possible, to make such awards commensurate with the benefits anticipated from the suggestion.

~~((4))~~ (5) The board may direct incremental payment of any award.

~~((5))~~ (6) The acceptance of cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the state by the employee or the employees heirs or assignees.

~~((6))~~ (7) When a suggestion is submitted by more than one employee, any resulting award will be shared by the cosuggesters listed on the suggestion form.

~~((7))~~ (8) Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

WSR 99-16-013

EMERGENCY RULES

SECRETARY OF STATE

[Filed July 22, 1999, 4:12 p.m., effective July 25, 1999]

Date of Adoption: July 20, 1999.

Purpose: Amending chapter 383-07 WAC to revise references that no longer apply due to new legislation and to correct inaccurate information.

Citation of Existing Rules Affected by this Order: Amending chapter 383-07 WAC.

Statutory Authority for Adoption: Chapter 50, Laws of 1999, chapter 41.60 RCW.

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: Due to new legislation becoming effective July 25, 1999, the Productivity Board needs to submit emergency rules in order to be in compliance with the new laws.

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 10, 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 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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: July 25, 1999.

July 20, 1999

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-020 Definitions. As used in this chapter, these definitions refer only to the teamwork incentive program unless the context requires otherwise:

(1) "Board" means productivity board.

(2) (~~("Executive director")~~) "Program manager" is the (~~(administrator)~~) manager of the programs and staff to the productivity board.

(3) "Program" means teamwork incentive program developed by the productivity board under chapter 41.60 RCW, and is frequently abbreviated as TIP.

(4) "Program (~~(manager)~~) coordinator" refers to the person hired by the (~~(executive director)~~) program manager to (~~(administer)~~) coordinate the program known as TIP.

(5) "The act" referred to in this chapter is chapter 41.60 RCW.

(6) "Agency" includes every subdivision of state government eligible to participate under chapter 41.60 RCW, including all merit system agencies and institutions of higher education.

(7) "Team" means a subdivision with a common mission within or between agencies. A team may also be referred to as a "unit" or a "group."

(8) "Director" means the appointed or elected chief executive of the agency.

(9) "Supervisor" means the person responsible for unit operations in accordance with WAC 356-05-400 or 251-01-395. (Merit system rules and higher education personnel board rules defining supervisor.)

(10) "Steering committee" means a representative group of individuals responsible for planning and implementation of TIP within an agency.

(11) "Liaison" means the individual who is the key contact from an agency to the productivity board. The TIP liaison is a member of the steering committee in agencies using them.

(12) "Award" means the percentage of savings (~~(allowed by chapter 41.60 RCW)~~) in accordance with WAC 383-07-120.

(13) "Cost savings" refers to cost efficiencies which occurred as a result of productivity improvements. Cost savings may be reflected in budget reductions and/or cost containment. Gains to state funds may be reflected in higher receipts or revenue recoveries as a result of improved methods used by the team.

(14) "Outcome" refers to the accomplishments or results achieved by the unit.

(15) "Project year" means the twelve-month period during which performance and fiscal measures are monitored.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-030 Functions of the board. The responsibilities of the board shall include:

(1) Promotion and marketing of the program to agency directors and the legislature;

(2) Establishment of policies under which the program shall be promoted and administered, including guidelines cited in WAC 383-07-045, 383-07-050, and 383-07-060 concerning the responsibilities of agency management, TIP liaisons and agency employees;

(3) Adoption of rules and regulations necessary for the administration of this act;

(4) Final determination in approving team participation in the teamwork program;

(5) Final approval of any amount awarded to an eligible team(;

~~(6) Submission of reports required by chapter 41.60 RCW).~~

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-040 Duties of the program manager. The program manager shall (~~(report to the executive director and)~~) be responsible and accountable to the board for the administration of the program, and shall:

(1) Attend meetings of the board and ensure a record of its actions regarding the program is maintained.

(2) Propose policies, rules, and regulations appropriate for the administration of the program.

(3) Establish and maintain records and procedures necessary for the administration and maintenance of the program.

(4) Interact with agency managers regarding team participation and facilitate understanding and involvement in the program.

(5) Review applications and reports submitted by teams to ensure compliance with (~~(chapter 41.60 RCW)~~) WAC 383-07-070, 383-07-080 and 383-07-100 and to recommend necessary changes.

(6) Interface with agency TIP liaisons and/or other agency personnel about the program.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-050 Responsibilities of the TIP liaison.

The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall:

(1) Coordinate the TIP program within the agency as a key member of the agency's TIP steering committee or as an individual liaison between the agency and the board.

(2) Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by ~~((RCW 41.60.100,))~~ WAC 383-07-070 and 383-07-080. Ensure an executive summary for board meeting packets is prepared and submitted with the TIP application.

(3) Monitor on-going TIP activities within the agency, reviewing all quarterly reports for completeness and accuracy and transmit reports to the program manager in a timely manner.

(4) Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

(5) Promote and market the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program. Coordinate recognition of groups completing the year-long project.

(6) Ensure that award authorizations are processed, and that payments are made to individuals in a timely manner.

(7) Identify and encourage use of internal resources, such as training staff and management analysts, to assist units participating in TIP.

(8) Identify and encourage use of other resources inside and outside state government ~~((, such as the state energy office, the career executive program, and other knowledgeable experts)).~~

(9) Coordinate with agency management and the board recognition of groups completing the year-long project.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-070 Application procedures. Units interested in being considered for participation in the teamwork incentive program shall complete a TIP application form.

(1) Application forms shall be available from the productivity board office or the TIP liaison within the agency.

(2) Applications which are approved by the agency shall be submitted by the TIP liaison to the program manager.

(3) Applications should be submitted prior to the beginning of the project year and must be received by the board staff by the 10th of the month preceding board action to approve a team's participation in the teamwork incentive program.

(4) Applications presented to the board for action shall contain authorizing signatures and outcome and fiscal information.

(5) ~~((In accordance with RCW 41.60.110(1)(b),))~~ Teams completing a TIP project year may reapply by the submission of an abbreviated application, including authorizing signatures, timeframes and either a confirmation of the previous results and/or revised performance measures as the baseline to be used.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-080 Application format. For applications to be considered by the board, units interested in participating in the teamwork incentive program must meet these eligibility criteria:

(1) An identification of the baseline ~~((as specified in RCW 41.60.110(1),))~~ against which savings shall be evaluated at the end of the project year, including the following:

(a) A general description of the team and its mission;

(b) Performance measures which quantify the workflow and outcome measures of the team;

(c) Fiscal information pertinent to outcomes;

(d) A list of participating personnel and their Social Security numbers (Social Security numbers are optional and are used for payment purposes), with special notation of those working less than full time; and

(e) A statement of how the team expects to achieve gains.

(2) Signatures of agency management authorizing the team's participation in the TIP project, including:

(a) The head of the agency in which the team is located or his or her designee;

(b) The supervisor/manager of the participating unit;

(c) The appropriate fiscal/budget officer of the agency; and

(d) Other signatures specified by the agency, such as the personnel manager and division directors.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-090 Approval or denial of the application. Upon receipt of the official application, the program ~~((manager))~~ coordinator shall:

(1) Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

(2) Schedule the application for board action at the next appropriate meeting.

(3) Prepare an executive summary about the team, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

(4) Make a recommendation to board members concerning the application, based on whether or not the application is reasonable and practical and includes program indicators which lend themselves to a judgment of success or failure.

(5) The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, prac-

tical and includes program indicators which lend themselves to a judgment of success or failure.

(6) Communicate with the TIP liaison and interested others about dates for the anticipated board action on the application, the quarterly reports and the anticipated final review and approval of any team award.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-100 Reports to the productivity board.

Each team accepted to participate in the program shall submit regular progress reports to the board through the agency's TIP liaison.

(1) Quarterly reports shall be submitted to the board in accordance with a schedule arranged by the program (~~manager~~) coordinator and shall contain, as a minimum, the following information:

(a) An update on team accomplishments relative to TIP performance measures;

(b) An update on personnel changes; and

(c) An indication of quality of outcomes.

(2) Final reports shall be submitted to the board within three months following the TIP completion date and shall include, as a minimum, the following information:

(a) Annual accomplishments relative to TIP performance measures as compared to TIP baseline measures, expressed in both quantitative and qualitative terms, including the total net savings, the team award and the amount of a full award share;

(b) A list of personnel eligible to receive full award shares;

(c) A list of personnel eligible to receive partial award shares, based on the fraction of the year each has worked for the unit;

(d) A statement of quality of services written by agency management; and

(e) Specific information requested by the program manager on behalf of the board.

(3) In their final report, the team shall submit documentation which quantifies performance measures, fiscal measures, and outcome measures for the TIP project year. Acceptable documentation may include, but is not limited to:

(a) Fiscal documents, such as budgets and accounting reports;

(b) Agency management reports quantifying outcomes;

(c) Reports from other agencies, such as the state energy office or federal agencies;

(d) Reports made to other agencies or governmental units;

(e) Personnel reports quantifying overtime hours;

(f) Other reports relevant to TIP performance outcomes and operational costs.

(4) The program manager may extend due dates for reports.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-120 Distribution of awards. Awards shall be distributed to employees and supervisors of the unit identified as team members in the final report as follows:

(1) If the board determines in its judgment that a team qualifies for an award, the board shall authorize payment of the award to the team (~~(a percentage of net savings as specified in RCW 41.60.120)~~) based on the payment award scale that is up to twenty-five percent of net savings.

(2) The team award shall be divided and distributed in equal shares to members of the team, except those who have worked within the team for less than twelve months of the TIP-year or less than full time during the twelve months of the project shall receive a pro rata share based upon the fraction of the TIP-year worked.

(3) No individual share of the team award shall exceed (~~(the maximum suggestion award allowed in RCW 41.60.041(2))~~) ten thousand dollars per person.

(4) Funds for paying awards shall be drawn from the agency in which the team is located. Awards for generating increased revenue to a state fund or account may be paid from the benefitted fund or account. In the case of general fund revenue, the award shall be drawn from the general fund in accordance with productivity board policy.

(5) Teams not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

AMENDATORY SECTION (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

WAC 383-07-130 Award authorization and payment procedures. Following approval of a teamwork incentive award by the productivity board, the (~~executive director~~) program manager shall submit a notice to the agency authorizing payment of awards in accordance with RCW 41.60.120 and WAC 383-07-120.

(1) The award authorization notice shall include:

(a) The total amount of savings;

(b) The unit award based upon the percentage (~~(specified by RCW 41.60.120)~~) in accordance with WAC 383-07-120(1); and

(c) A list of employees and the amount of each individual's award share.

(2) The award authorization notice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the team supervisor.

(3) The award authorization notice shall be sent as soon as possible following board action.

(4) The agency shall arrange for payment of awards in a timely manner.

WSR 99-16-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-104—Filed July 23, 1999, 4:13 p.m.]

Date of Adoption: July 23, 1999.

Purpose: Commercial fishing rules.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule implements the provisions of chapter 103, Laws of 1999, and provides for delivery of salmon taken south of Cape Falcon, Oregon. 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 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: Immediately.

July 23, 1999

J. P. Koenings

Director

NEW SECTION

WAC 220-24-04000A Delivery of salmon taken south of Cape Falcon, Oregon into the ports of the state. It is unlawful for a commercial salmon fisher who does not have a salmon delivery license to land salmon taken in offshore waters south of Cape Falcon, Oregon into a Washington state port, except as provided for in this section. The salmon may be landed from a fishing vessel if all of the following conditions are met:

(1) The person operating the vessel is a Washington resident who holds a valid Oregon or California salmon troll license.

(2) The salmon were taken lawfully during an Oregon or California salmon season.

(3) The person filed written notification with the department at least 10 working days prior to the landing of the salmon. Notice must be submitted on forms provided by the Department, shall contain the vessel name and official number, vessel operator/license holder, anticipated fishing dates, anticipated port of landing and any other information deemed necessary by the Department, and must be mailed or deliv-

ered to the following address, Washington State Department of Fish and Wildlife, 48A Devonshire Road, Montesano, WA 98563..

(4) There are no salmon or other food fish aboard that were taken north of Cape Falcon at the time of the landing.

(5) The person can document that the fishing vessel operated south of Cape Falcon. For purposes of this subsection, documentation includes but is not limited to dated Oregon or California receipts for the purchase of fuel or other fishing supplies for the vessel, or fish tickets from the sale of salmon in Oregon or California.

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 99-16-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-103—Filed July 23, 1999, 4:17 p.m.]

Date of Adoption: July 22, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-016, 220-47-302, 220-47-307, 220-47-311, 220-47-325, 220-47-401, 220-47-410, 220-47-411, 220-47-412, and 220-47-430.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These regulations, recommended by the North of Falcon subgroup of the Pacific Fishery Management Council, have already been adopted through the expedited rule-making process. However, those rules adopted through that process will not become effective until later August and it will mean the loss of significant commercial harvest opportunities on healthy runs of sockeye, chinook, and pink salmon, unless emergency action is taken.

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 10, 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: Immediately.

July 22, 1999
J. P. Koenings
Director

NEW SECTION

WAC 220-20-01600A Sale of commercial caught salmon. Notwithstanding the provisions of WAC 220-20-016, it is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 75.28 RCW to retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. The possession limit is equal to one daily limit. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

NEW SECTION

WAC 220-47-30200A Puget Sound—Lawful gear—Gill net. Notwithstanding the provisions of WAC 220-47-302, the requirement for gill nets used in Puget Sound to be marked with floats or corks of contrasting color attached at 50-foot intervals along the corkline is rescinded.

NEW SECTION

WAC 220-47-30700C Closed areas—Puget Sound salmon. Notwithstanding the provisions of WAC 220-47-307, effective immediately through August 31, 1999, it is unlawful to fish for salmon for commercial purposes with any type of gear in waters of Puget Sound Salmon Management and Catch Reporting Area 8A southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

NEW SECTION

WAC 220-47-31100B Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice.

(1) It is unlawful to retain the following salmon species in the designated Puget Sound areas if taken with purse seine gear:

- a) chinook salmon in all areas of Puget Sound
- b) coho salmon in SMCRA Areas 7 and 7A
- c) chum salmon in SMCRA Areas 7 and 7A.

(2) Purse seines may fish in SMCRA Area 8A from 5:00 a.m. until 9:00 p.m. on Tuesday August 24 and from 5:00 a.m. until 9:00 p.m. on Monday August 30.

NEW SECTION

WAC 220-47-32500A Purse seine—Release of incidentally caught fish. Notwithstanding the provisions of WAC 220-47-325, during fishing openings in Puget Sound Salmon Management and Catch Reporting Areas 7 or 7A, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the

seine net are removed from the seine net using a brailer or hand-held dip net meeting the specifications in this section prior to the net being removed from the water.

(1) The brailer shall be constructed in the following manner and the with the following specifications:

(a) The brailer and bag shall consist of a bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft, knotless construction and the mesh size may not exceed 2.25 inches (57 mm) measured along two contiguous sides of a single mesh.

(2) Hand-held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

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.

NEW SECTION

WAC 220-47-40100B Reef net open periods. Notwithstanding the provisions of WAC 22-47-401, it is unlawful to retain chinook, coho, and chum salmon taken with reef net gear.

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.

NEW SECTION

WAC 220-47-41000A Gill net—Daily hours. Notwithstanding the provisions of WAC 220-47-410, it is unlawful to take or fish for salmon in Puget Sound Salmon Management and Catch Reporting Areas 7 or 7A with gill net gear from 12:00 midnight to 1 1/2 hours after sunrise.

NEW SECTION

WAC 220-47-41100A Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in accordance with the following open periods and area restrictions:

Areas 7B and 7C - Gill nets may fish from 7:00 p.m. Monday August 16 to 9:00 a.m. Tuesday August 17, and from 7:00 p.m. Monday August 23 to 9:00 a.m. Tuesday August 24, and from 7:00 p.m. Tuesday August 24 to 9:00 a.m. Wednesday August 25, and from 7:00 p.m. Monday August 30 to 9:00 a.m. Tuesday August 31, and from 7:00 p.m. Tuesday August 31 to 9:00 a.m. Wednesday September 1.

Area 8 - Gill nets may fish from 6:00 a.m. until 11:00 p.m. on Tuesday August 24 and from 6:00 a.m. until 11:00 p.m. on Monday August 30.

Area 8A - Gill nets may fish from 6:00 a.m. until 11:00 p.m. on Monday August 23 and from 6:00 a.m. until 11:00 p.m. on Tuesday August 31

Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J,

and 13K. all freshwater areas and exclusion zones provided for in WAC 220-47-307 - Closed.

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.

NEW SECTION

WAC 220-47-41200A Drift gill net and skiff gill net—Mesh sizes. Notwithstanding the provisions of WAC 20-47-412, it is unlawful to fish for or possess salmon taken with gill net gear from the following areas using mesh other than the mesh and depth of net restrictions as listed below:

Areas 7 and 7A - 5-inch minimum and 5 1/2-inch maximum mesh

Areas 7B and 7C - 7-inch minimum mesh

Area 8 - 5-inch minimum mesh, 5 1/2-inch maximum mesh, and 60 mesh maximum depth

Area 8A - 5-inch minimum and 5 1/2-inch maximum mesh

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.

NEW SECTION

WAC 220-47-43000A Puget Sound commercial salmon—Log book required. It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRA 7 and 7A, or while in possession of fish caught in these areas. The fisher must submit the log book for inspection immediately upon request of authorized department representatives.

(2) In each purse seine log book, the fisher must record the vessel name and license number. For each day fished, the fisher must record the date. Immediately following each retrieval of the net, the fisher must record the Puget Sound Commercial Salmon Log Book Location Code, the time of retrieval, and the number of chinook, coho, and chum salmon in the net upon retrieval.

(3) In each gill net log book, the fisher must record the vessel name and license number. For each day fished, the fisher must record the date. Immediately following each retrieval of the net, the vessel operator must record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set, and the number of chinook, coho, and chum salmon in the net upon retrieval.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point, on the east, to Savage Point, on Tumbo Island in British Columbia, on the west.

(b) Location Code 2: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point, on the east, to Savage Point on Tumbo Island in British Columbia, on the west.

(c) Location Code 3: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421 [38th ed., Oct. 31/92]) and southerly of a line projected from Cadboro Point, on Vancouver Island, 60 degrees true to landfall on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421 [38th ed., Oct. 31/92]).

(f) Location Code 6: Those waters of Puget Sound Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point, on Vancouver Island, 60 degrees true to landfall on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line.

(5) In each reef net log book the fisher must record the fisher's name and license number and the location of the fishing site. For each day fished the fisher must record the date and total number of chinook, coho, and chum salmon caught.

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.

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 99-16-018

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed July 26, 1999, 8:16 a.m.]

Date of Adoption: July 26, 1999.

Purpose: Chapter 270 of the 1999 legislative session, implementation of the requirements of HB 2201.

Statutory Authority for Adoption: RCW 46.16.160, 82.38.100.

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: Implementation of requirements of HB 2201. A surcharge of five dollars is imposed on

the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weight stations, weigh-in-motion programs, and the commercial vehicle information systems and network programs. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief program.

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 1, 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: Immediately.

July 26, 1999
Fred Stephens
Director

NEW SECTION

WAC 308-97-011 Definitions. Motor carrier is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

- (1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;
- (2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or
- (3) Carries sixteen or more passengers, including the driver.

WSR 99-16-019
EMERGENCY RULES
DEPARTMENT OF LICENSING

[Filed July 26, 1999, 8:19 a.m.]

Date of Adoption: July 26, 1999.

Purpose: Chapter 136 of the 1999 legislative session, implementation of the requirements of SSB 6009.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-306 Definitions—Disabled person special parking privileges, 308-96A-311 General provisions, 308-96A-313 Permanent disabled person parking placard/photo ID—Individual, 308-96A-314 Disabled person special license plates—Individual, and 308-96A-316 Permanent placard and disabled person special license plates for organizations.

Statutory Authority for Adoption: RCW 46.16.381.

Other Authority: RCW 46.01.110, 46.16.276.

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: Implementation of requirements of SSB 6009, remove the requirement for photo identification.

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 5, 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 5, 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 5, Repealed 0.

Effective Date of Rule: Immediately.

July 26, 1999
Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-306 Definitions—Disabled person special parking privileges. For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

(1) "Licensed physician" means, for the purpose of determining the disability that limits the ability to walk and meets the criteria set forth in RCW 46.16.381(1), a health care provider licensed by the department of health to provide health care whose scope of practice includes those areas covered in the statute. Licensed physician includes chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard(~~(, photo ID)~~) or special license plate(s) and identification card.

(4) "~~((Photo ID))~~ Identification card" means the special identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) "Expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the month and year of issuance of a permanent placard, as specified by the department on the placard.

(8) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(9) "Signature" means any memorandum, mark, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

(10) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-311 General provisions. (1) How do I qualify for a disabled person parking privilege?

In order to qualify for a disabled person parking privilege, a licensed physician must certify that you have a disability that limits or impairs the ability to walk and that you meet one of the requirements listed in RCW 46.16.381 (1)(a) through (g).

(2) What types of placards are issued?

The types of placards you may receive are:

(a) Temporary; or

(b) Permanent.

(3) How do I apply for a disabled person's parking privilege?

To apply for the disabled person's parking privilege, a licensed physician must complete and certify his or her portion of the application. Then, you must complete and sign your portion of the application and submit it to the department as provided in WAC 308-96A-312 (temporary placard), WAC 308-96A-313 (permanent placard) or WAC 308-96A-314 (special license plates).

(4) Who may sign the application for the disabled person that is unable to sign or is a minor? When the disabled person is unable to sign or is a minor the application may be signed by an authorized representative of the disabled person. The application shall then be accompanied by a copy of one of the following:

(a) A power of attorney;

(b) A Washington state court order or certification from the clerk of court confirming the court's action; or

(c) An affidavit explaining why the applicant is unable to sign for themselves and explaining the authorized representative's association to the disabled person.

(5) When is the disabled person's parking privilege no longer valid?

The disabled person's parking privilege is no longer valid:

(a) Upon expiration of the privilege;

(b) Upon death of the disabled person;

(c) If the disability no longer exists; or

(d) If the privilege was issued in error.

(6) Why is the identification card issued? The identification card is issued to assist law enforcement in determining that the person who is using the disabled person parking placard or special disabled parking license plate is the person to whom the privilege was issued.

(7) Must I present the identification card upon request of law enforcement? Yes. Your identification card must be shown upon request of any law enforcement officer, parking enforcement officer or volunteer appointed for purposes of issuing notices of parking infractions.

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-312 Temporary disabled person parking placard and identification card. (1) Where and how may I obtain a temporary disabled person parking placard and identification card?

You may obtain a temporary disabled person parking placard (~~(by mail or)~~) and identification card at any Washington vehicle licensing office (~~(or driver licensing licensing services office)~~). You must submit a completed and signed application certified by a licensed physician.

(2) How long (does) is the temporary disabled person parking placard (last) and identification card valid?

The temporary disabled person parking placard (~~(may last)~~) and identification card is valid for up to six months from the date of issuance by the department.

(3) Can my temporary disabled person parking placard and identification card be extended?

No. If your condition continues beyond the expiration date, you may obtain a new temporary disabled person parking placard and identification card by submitting a completed and signed new application certified by a licensed physician.

(4) What happens if the temporary disabled person parking placard or identification card is lost, mutilated, destroyed, or stolen?

If you wish to replace your temporary disabled person parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new temporary disabled person parking placard or identification card will be issued indicating the original expiration date.

(5) When is the temporary disabled person parking placard and identification card no longer valid?

The placard is no longer valid:

(a) Upon expiration of the privilege;

(b) Upon death of the disabled person;

(c) If the disability no longer exists;

(d) If a replacement placard and identification card has been issued; or

(e) If the privilege was issued in error.

(6) **What should I do when my temporary placard ((is) and identification card are no longer valid? When your temporary placard and identification card are no longer valid, they should be destroyed.**

((You should destroy it.

(7) If I qualify for a temporary disabled person parking privilege, how is the privilege identified?

You may receive one temporary placard.))

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-313 Permanent disabled person parking placard((photo ID)) and identification card—Individual. (1) **Where may I obtain a permanent disabled person parking placard(s) and ((photo ID)) identification card?**

You may obtain the permanent disabled person parking placards and ((photo ID)) identification card ((only from drivers licensing licensing services offices)) at any Washington vehicle licensing office.

(2) **((Why is the photo ID issued?**

The photo ID is issued to assist law enforcement in determining that the person who is using the disabled person parking placard is the person to whom the placard was issued.

(3) **Must I present the photo ID upon request of law enforcement?**

Yes.

(4) **What do I need to receive the photo ID card?**

You need:

(a) Completed application; and

(b) Proof of identity which includes the following:

(i) Washington drivers license;

(ii) Washington identification card;

(iii) Other valid identification document specified by RCW 46.20.035;

(iv) Affidavit of parent, guardian, or person with power of attorney; or

(v) Affidavit of individual applying for disabled person parking permit.

(5) When does the permanent disabled person parking placard(s) expire?

The permanent disabled person parking placard(s) is issued for not less than five years from the month and year of issuance, and expires on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003. The department may issue a placard for a period of longer than five years from the month and year of issuance, but for no more than six years, as may be necessary to stagger the permanent placard renewal workload.

(6) How do I replace a permanent disabled person parking placard that has become lost, mutilated, destroyed, or stolen?

If you wish to replace your permanent disabled person parking placard, complete and sign a statement explaining what happened to the placard and return your existing photo ID card. A new permanent disabled person parking placard

and photo ID will be issued indicating the original expiration date.

(7) How do I replace my photo ID that has become lost, mutilated, destroyed or stolen?

In order to replace your photo ID, you must appear in person at a driver licensing licensing services office. You shall complete and sign a statement explaining what happened to the photo ID, and present proof of identity as provided in subsection (4) of this section. A new photo ID will be issued indicating the previously issued placard number(s).

(8) How do I renew my permanent disabled person parking placard(s)?

The department will mail you a renewal notice thirty days prior to expiration. The permanent parking placard is renewed by submitting a completed renewal notice or new application with existing photo ID card or proof of identity as provided in subsection (4) of this section at a driver licensing licensing services office. You will receive new permanent disabled person parking placards and a new photo ID.

(9)) When does the permanent disabled person parking placard(s) expire? The permanent disabled person parking placard(s) is issued for not less than five years from the month and year of issuance, and expires on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003.

(3) What happens if the permanent disabled person parking placard or identification card is lost, mutilated, destroyed, or stolen? If you wish to replace your permanent disabled person parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new permanent disabled person parking placard or a identification card will be issued indicating the original expiration date.

(4) How do I renew my permanent disabled person parking placard(s)? The department will mail you a renewal notice to qualifying individuals prior to expiration. The permanent parking placard is renewed by submitting a completed renewal notice or new application with existing identification card at any Washington vehicle licensing office. You will receive new permanent disabled person parking placards and a new identification card.

(5) When are the permanent disabled person parking placard(s) no longer valid?

The permanent disabled person parking placard is no longer valid:

(a) Upon expiration of the permanent placard;

(b) Upon death of the disabled person;

(c) If the disability no longer exists;

(d) If the privilege was issued in error; or

(e) If a replacement permanent parking placard has been issued.

((+0)) (6) If I qualify for a permanent disabled person parking privilege, how is the privilege identified?

((You may receive)) Your privileges are identified by:

(a) One placard;

(b) One set of special license plates;

(c) One placard and one set of special license plates; or

(d) Two placards.

~~((+))~~ (7) **How do I obtain a second permanent disabled person parking placard?**

If you have only one disabled person parking placard, you may obtain a second placard upon written request.

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-314 Disabled person special license plates—Individual. (1) **Where can I obtain a disabled person special license plate and identification card?**

Disabled person special license plates and identification card are available at Washington vehicle licensing offices only.

(2) **How do I obtain disabled person special license plates?**

In order to receive disabled person special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) You must submit a completed application certified by a licensed physician or have a disabled person privilege established with the department.

(3) **When do the disabled person special license plates and identification card expire?**

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

~~(4) ((May I have a disabled person placard when I have the disabled person special license plate?~~

Yes, you may have one disabled person placard in addition to your disabled person special license plates.

~~(5))~~ (5) **When are the disabled person special license plates no longer valid?**

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the disabled person;
- (d) If the disability no longer exists; or
- (e) The disabled person special license plates have been cancelled by department administrative action; or
- (f) If the privilege was issued in error.

~~((6))~~ (5) **How do I replace a disabled person's special license plates if they become lost, mutilated, destroyed, or stolen?**

You shall complete and sign a statement explaining what happened to the disabled person's special license plates. New special disabled person's license plates will be issued indicating the original expiration date. This voids the previously issued plates.

AMENDATORY SECTION (Amending WSR 98-22-032, filed 10/29/98, effective 10/29/98)

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) **When can a qualifying organization ((exercise the privilege)) use**

disabled person special license plates or special disabled person parking placards?

~~((Only))~~ Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) **How does an organization qualify for disabled person's special license plates and permanent disabled person's parking placards?**

The organization must meet the criteria in RCW 46.16.381(3).

(3) **How does a qualifying organization apply for disabled person's special license plates and permanent disabled person's parking placards?**

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) **Where does a qualifying organization obtain disabled person's parking placard(s) or disabled person's special license plates?**

A qualifying organization may obtain permanent disabled person's parking placard(s) ~~((only from driver licensing services offices. Disabled person's special license plates may be applied for at any))~~ and disabled persons special license plates at any Washington vehicle licensing office.

(5) **Is a qualifying organization issued ((a photo ID)) an identification card?**

No. ~~((A photo ID may))~~ An identification card shall not be issued for an organization.

(6) **When does the permanent disabled person's parking placard(s) issued to a qualifying organization expire?**

The permanent disabled person's parking placard(s) expires five years from the date of issuance to the department.

(7) **When do the disabled person special license plates issued to a qualifying organization ((expire)) no longer valid?**

The disabled person special license plates ~~((reflect the expiration date of the vehicle registration and must be renewed annually))~~ are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) If the vehicle is no longer being used for the purpose of transporting disabled persons;
- (d) The disabled person special license plates have been cancelled by department administrative action;
- (e) The organization no longer qualifies;
- (f) The organization's business license is cancelled or expires; or
- (g) If the privilege was issued in error.

(8) **How does a qualifying organization replace permanent disabled person's parking placards or disabled person's special license plates if they become lost, mutilated, destroyed, or stolen?**

The organization shall complete and sign a statement explaining what happened to the placards or disabled person's special license plates. New permanent disabled person's

parking placards or disabled person's special license plates will be issued indicating the (~~(original)~~) current expiration date. This voids the previously issued permanent placards or plates.

(9) How does a qualifying organization renew their permanent disabled person's parking placard?

The department will send a disabled person's parking renewal notice to the qualifying organization (~~(thirty days prior to expiration)~~) before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice to the department. A new application may be submitted in lieu of the renewal notice. Upon receipt of the properly completed and signed renewal notice or application the department will issue new placards.

(10) When are (~~(the placard and disabled person special license plates)~~) disabled person parking placards, issued to qualifying organizations, no longer valid?

(~~(Placard(s) and disabled person special license plates)~~) Disabled persons parking placards are no longer valid when:

- (a) The organization no longer qualifies;
- (b) The organization's business license is canceled or expires;
- (c) The placard or disabled person special license plates were issued in error; or
- (d) A replacement has been issued.

WSR 99-16-025
EMERGENCY RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed July 26, 1999, 11:16 a.m.]

Date of Adoption: July 26, 1999.

Purpose: The Department of Community, Trade and Economic Development (CTED) must establish and emergency rule to allocate funds made available through the state budget for the state plan for homeless families with children. A portion, \$2.5 million of CEAP funds were transferred from DSHS to CTED for homelessness prevention.

Statutory Authority for Adoption: RCW 43.330.040 and 43.63A.650.

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state budget transferred \$2.5 million in funds for the consolidated emergency assistance program (CEAP) from DSHS to CTED for homelessness prevention. DSHS kept a portion of the funds and established an emergency rule. CTED has no rule for operating CEAP and must establish an emergency rule so that these funds critical to avoiding family homelessness can be used while CTED undertakes the rule-making process.

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 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.

July 26, 1999

Julie Baker

Program Manager

NEW SECTION

WAC 365-120-070 Consolidated emergency assistance program The Department shall operate the portion of the Consolidated Emergency Assistance Program (CEAP) transferred by budget authority from DSHS according to the conditions and procedures for state funding of local emergency shelter programs in WAC 365-010, 020, 030, 040, 050, and 060

WSR 99-16-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-105—Filed July 27, 1999, 10:18 a.m., effective July 28, 1999, 6:00 p.m.]

Date of Adoption: July 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Z; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational harvest share of spot and nonspot shrimp has been exceeded in the areas closed under this rule. 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

WSR 99-16-032

EMERGENCY RULES

DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-106—Filed July 27, 1999, 3:41 p.m.]

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: July 28, 1999, 6:00 p.m.

July 27, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-32500B Personal use Puget Sound shrimp fishery - Exceptions to permanent rules for areas outside Hood Canal Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310, it is unlawful to fish for shrimp taken for personal use from the following waters of Puget Sound except as provided for in this section:

(1) Effective immediately until further notice it is lawful to harvest shrimp in Marine Areas 8-1, 8-2, 10, and the portion of Marine Area 9 south and east of a line from Foul-weather Bluff to Double Bluff except that:

(a) It is unlawful to set or pull shrimp gear in waters greater than 150 feet.

(b) Spot shrimp must be returned immediately to the water unharmed.

(2) Effective immediately until further notice, fishing is allowed for all species of shrimp in Shrimp District 3 except that:

(a) Spot shrimp may be retained on Saturdays and Sundays only as part of the 10 pound daily bag limit. Spot shrimp caught on all other days must be returned immediately to the water unharmed.

(b) There is no minimum size for spot shrimp in Shrimp District 3.

(3) Effective immediately until further notice, is unlawful to harvest or possess all species of shrimp in Shrimp District 1.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. July 28, 1999:

WAC 220-56-32500Z Personal use Puget Sound shrimp fishery—Exceptions to permanent rules for areas outside Hood Canal. (99-66)

Date of Adoption: July 27, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-08000X; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary to comply with the recently negotiated state/tribal Puget Sound shrimp harvest management plan and meet treaty sharing requirements. 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.

July 27, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-88A-08000Y Emerging commercial fishery—Puget Sound shrimp beam trawl fishery—Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective immediately until further notice:

(1) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

(a) Crustacean management area 1 - Open immediately until further notice.

(b) Crustacean management area 3 - Open immediately until further notice, except those waters of Marine Fish-Shellfish Management and Catch reporting Area 23A west of a line projected true north from the lighthouse at Dungeness spit are closed until further notice.

(2) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

- (a) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.
- (b) Closed in waters shallower than 20 fathoms.
- (3) It is unlawful to trawl for shrimp from one hour after official sunset to one hour before official sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-08000X Emerging commercial fishery—Puget Sound shrimp beam trawl fishery—Restrictions to avoid gear conflicts. (99-56)

WSR 99-16-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-107—Filed July 30, 1999, 3:35 p.m., effective August 4, 1999, 7:00 p.m.]

Date of Adoption: July 30, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000S; and amending WAC 220-33-010.

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: Harvestable numbers of sturgeon remain on the non-Indian commercial allocation for 1999 for the twelve hour fishery from Zone 1 to Longview Bridge. The season provides the commercial industry access to a portion of their sturgeon allocation during a time when salmon and steelhead are not present in large numbers, and provides maximum economic benefits. This season is consistent with the precepts of the Olympia Accord agreement between the states of Washington and Oregon concerning Columbia River sturgeon management downstream of Bonneville Dam. This rule is consistent with actions of the Columbia River Compact on July 26, 1999. This season is consistent with the Columbia River Compact agreed total allowable catch of 50,000 white sturgeon in the region below Bonneville Dam.

Harvestable numbers of salmon from net pen releases are available for the select area fisheries at Tongue Point/South Channel, Blind Slough/Knapka Slough, and Deep River. These select areas are part of an on-going BPA funded pro-

gram to design fisheries in areas outside of the mainstem Columbia River, and the purpose of the program is to provide fisheries. Rule is consistent with actions of the Columbia River Compact of July 26, 1999. There is insufficient time to promulgate permanent regulations.

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: August 4, 1999, 7:00 p.m.

July 30, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000S Columbia River season below Bonneville Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A, 1B, and 1C upstream to the Longview Bridge

a) SEASON: 7:00 p.m. Wednesday, August 4, 1999 to 7:00 a.m. Thursday, August 5, 1999

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh. The lead or weight on the leadline cannot exceed two pounds in any one fathom, with measurement taken along the corkline of the net.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) OTHER: White sturgeon less than 48 inches or greater than 60 inches, or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be immediately returned to the water.

It is unlawful to gaff sturgeon.

It is unlawful to sell unprocessed eggs from lower Columbia River sturgeon.

e) SANCTUARIES: Grays Bay, Elokomin, Big Creek.

2) OPEN AREA: Tongue Point/South Channel

Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois

Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. In addition, South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All open waters are under concurrent jurisdiction.

a) SEASON:

7:00 p.m. to 7:00 a.m.; Monday and Tuesday nights; Sept. 7 - 15, 1999 Tongue Point only

7:00 p.m. to 7:00 a.m.; Monday and Tuesday nights; Sept 20 - 29, 1999 Tongue Point/South Channel

6:00 p.m. - 8:00 a.m.; Monday, Tuesday and Wednesday nights; Oct 4 - 28, 1999 Tongue Point/South Channel

b) GEAR:

8-inch maximum mesh restriction. Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin. In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

c) ALLOWABLE SALE: Salmon and sturgeon.

3) OPEN AREA: Blind Slough/Knappa Slough

Blind Slough is open from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. State waters extend upstream of the railroad bridge and require an Oregon license. In addition, Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure at the mouth of Big Creek defined by markers of about a 100' radius.

a) SEASON:

7:00 p.m. - 7:00 a.m.; Wednesday and Thursday nights; Sept. 9 - 17, 1999 Blind Slough only

7:00 p.m. - 7:00 a.m.; Wednesday and Thursday nights; Sept 22 - Oct 1, 1999 Blind Slough/Knappa Slough

6:00 p.m. - 8:00 a.m.; Monday, Tuesday and Wednesday nights; Oct 4 - 28, 1999 Blind Slough/Knappa Slough

b) GEAR: Nets restricted to 100 fathoms in length with no weight restriction on leadline. 8-inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon.

4) OPEN AREA: Deep River

Deep River is open to fishing down river from the town of Deep River to the mouth (a marker at Miller Point to a marker on the opposite bank). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON:

7:00 p.m. - 7:00 a.m.; Wednesday and Thursday nights; Sept. 9 - Oct 1, 1999

6:00 p.m. - 8:00 a.m.; Monday, Tuesday and Wednesday nights; Oct 4 - 28, 1999

b) GEAR: Nets restricted to 100 fathoms in length with no weight restriction on leadline. 8-inch maximum mesh size restriction.

c) ALLOWABLE SALE: Salmon and sturgeon.

5) OTHER RULES FOR TONGUE POINT/SOUTH CHANNEL, BLIND SLOUGH/KNAPPA SLOUGH, DEEP RIVER:

Transportation or possession of fish outside of the fishing area when the main stem is closed is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the self-issued permit is to be retained by the fisher while the original must be deposited in a locked box located in or adjacent to the fishing area.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 28, 1999:

WAC 220-33-01000S

Columbia River season
below Bonneville.

WSR 99-16-053**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 99-109—Filed July 30, 1999, 3:38 p.m.]

Date of Adoption: July 29, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000I and 220-24-02000J; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: A harvestable quota of chinook and coho salmon are available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law. 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.

July 29, 1999
Jeff P. Koenings
Director
by Larry Peck

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1999:

WAC 220-24-02000J Commercial salmon troll.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 99-16-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-108—Filed July 30, 1999, 4:34 p.m.]

Date of Adoption: July 30, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-195.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule implements the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council, and is interim until the permanent rules take effect.

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 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.

July 30, 1999
J. P. Koenings
Director

NEW SECTION

WAC 220-24-02000J Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective immediately through 11:59 p.m. September 30, 1999, it is lawful to fish for and possess salmon in those waters of Washington Catch Reporting Areas 2, 3 and that portion of area 4 which is west of 125°05'00" W Longitude and South of 48°10'00"N from Leadbetter Point north to Cape Flattery (48°23'00" N).

(2) Open Saturdays through Tuesdays and closed Wednesdays through Fridays.

(3) Gear is restricted to all legal troll gear with single point, single shank barbless hooks only. For purposes of this section, "legal troll gear" has the same meaning as "troll fishing gear" in the *Federal Register* [64 FR 24078, May 5, 1999]

(4) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(5) No chinook salmon smaller than 28 inches in total length or coho salmon smaller than 16 inches in length may be taken or retained in the fishery provided for herein, except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

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.

[REPEALER]

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000I Commercial salmon troll. (99-94)

NEW SECTION

WAC 220-56-19500D Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 220-56-195:

Columbia River Mouth Control Zone 1 - Is an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty

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at 46°14'00" N/124°03'07" W to its intersection with the north Jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy 10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05") and then along the south jetty to the point of intersection with the Buoy #10 line.

WSR 99-16-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-110—Filed July 30, 1999, 4:39 p.m.]

Date of Adoption: July 30, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-11500B; and amending WAC 220-56-115, 220-56-124, 220-56-191, 220-56-195, 220-57-380, 220-57-405, and 220-57-430.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: All sections being adopted in this emergency order have been recommended by the North of Falcon subgroup of the Pacific Fishery Management Council and agreed to at 1999 North of Falcon meetings. These regulations have been promulgated as permanent rules, but will not take effect until late August. These emergency rules are necessary until permanent rules take effect for the conservation needs of Puget Sound salmon stocks.

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 7, 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.

July 30, 1999

J. P. Koenings

Director

NEW SECTION

WAC 220-56-11500C Angling gear. Notwithstanding the provisions of WAC 220-56-115, effective August 1, 1999 until further notice, in the following Catch Record Card Areas or designated portions during the following periods it is unlawful to use a downrigger, to use more than two ounces of weight attached to a line, or to use a lure or diver weighing more than two ounces:

(a) Area 9 - August 1 through August 31.

(b) Area 10 - August 1 through August 31.

(c) Area 12 north of Ayock Point - August 1 through August 31.

NEW SECTION

WAC 220-56-12400F Hoodsport hatchery. Notwithstanding the provisions of WAC 220-56-124, waters defined in WAC 220-56-124 are open with a special daily limit of four salmon, not more than two may be chinook salmon, and chum salmon must be released immediately.

NEW SECTION

WAC 220-56-19100J Puget Sound salmon seasons. Notwithstanding the provisions of WAC 220-56-191, effective August 1, 1999 until further notice, it is unlawful to fish for salmon for personal use from Catch Record Card Areas 5 through 13 except as provided in this section:

(a) Catch Record Card Areas 5 and 6 - open effective August 1 until further notice with a special daily limit of two salmon, except chinook and chum salmon must be released immediately.

(b) Catch Record Card Area 7 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one of which may be a chinook salmon.

(c) Catch Record Card Area 8-2 - open effective August 1 until further notice:

(i) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at old Bower's Resort site on the south and fishing marker 1.4 miles northwest of Hermosa Point - open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday. Special daily limit of two salmon, not more than one may be a chinook salmon.

(ii) All other waters of Area 8-2 - special daily limit of two salmon, except chinook salmon must be released immediately.

(d) Catch Record Card Area 9 - open effective August 1 until further notice with a special daily limit of two salmon, except chinook salmon and chum salmon must be released immediately.

(i) Notwithstanding the provisions of this subsection, while angling from the Edmonds Fishing Pier, special daily limit of two salmon, not more than one may be a chinook salmon, and the two-ounce weight restriction does not apply.

(e) Catch Record Card Area 10 - open effective August 1 until further notice:

(i) Waters of the Richmond Beach and North Beach areas east of a line from Point Wells to Meadow Point are closed to salmon angling.

(ii) Waters of Shilshole Bay east of a line from Meadow Point to West Point are closed to salmon angling.

(iii) Waters of Elliott Bay east of a line from West Point to Alki Point are closed to salmon angling except while angling from the Elliott Bay Fishing Pier at Terminal 86 and from the Seacrest Pier. While angling from these two piers: special daily limit of two salmon, not more than one may be a chinook, and the two-ounce weight restriction does not apply.

(iv) Waters of Sinclair Inlet south of a line drawn due east from Illahee State Park to Bainbridge Island and west of a line drawn due south from Point White and southerly of the Manette Bridge - special daily limit of two salmon, not more than one may be a chinook salmon, and the two-ounce weight restriction does not apply.

(v) Other waters of Area 10 - special daily limit of two salmon, except chinook salmon must be released immediately.

(f) Catch Record Card Area 11 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one may be a chinook salmon, and pink salmon must be released immediately.

(i) Notwithstanding the provision of this section, while angling from the Dash Point Dock and Point Defiance Boat-house Dock, special daily limit of two salmon, not more than one may be a chinook salmon.

(g) Catch Record Card Area 12 - open effective August 1 until further notice:

(i) Waters south of Ayock Point - special daily limit of two salmon, not more than one may be a chinook salmon, and chum and pink salmon must be released immediately.

(ii) Waters north of Ayock Point - special daily limit of four salmon, except chinook, chum, and pink salmon must be released immediately.

(h) Catch Record Card Area 13 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one may be a chinook salmon, and wild coho must be released immediately.

(i) Minimum size for chinook salmon is 22 inches, but there is no minimum size limit for other salmon.

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.

NEW SECTION

WAC 220-56-19500E Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 220-56-195:

(i) Effective August 1 through August 31, waters of Catch Record Card Areas 5 and 6 within 3/4 mile of the shore of the mainland and within 3/4 mile of shore of Whidbey Island are closed to salmon angling when angling from boats.

(ii) Effective August 1 through September 30, waters of Catch Record Card Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to the Bird Rocks Buoy, then true west from Bird Rocks Buoy to Decatur Island, and then along the eastern shore of

Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true west from the Salmon Bank Buoy to the Area 7 boundary - closed to angling for salmon.

(iii) Effective August 1 through August 15, waters of Bellingham Bay, Padilla Bay, and Samish Bay southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley, then along the eastern shoreline of Lummi Island to Carter Point, then to the most northerly tip of Vendovi Island, then to Clark Point on Guemes Island, then following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, then to Yellow Bluff Reef range marker, then to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad bridges at the north end of Swinomish Slough - closed to salmon angling.

NEW SECTION

WAC 220-57-38000A Quilcene (Big Quilcene) River. Special daily limit of two coho salmon - open August 16 through October 31:

Downstream from the Highway 101 Bridge to Rogers Street. Selective gear rules. Closed to fishing from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-57-40500B Samish River. Special daily limit of two salmon - open immediately through October 15: Downstream from the Thomas Road Bridge to the Bayview - Edison Road Bridge. Special daily limit of two salmon - October 16 until further notice: Downstream from Interstate 5 Bridge to the Bayview-Edison Road Bridge.

NEW SECTION

WAC 220-57-43000I Skokomish River. Special daily limit of six salmon, not more than four may be adult salmon, and of the adult salmon, not more than one may be a chinook salmon - open effective August 1 until further notice: Downstream from the Highway 101 Bridge. During the period August 1 through October 15, chum salmon must be released immediately.

REPEALER

The following section of the Washington Administrative Code are repealed effective 11:59 p.m. July 31, 1999:

WAC 220-56-11500B Angling gear (99-88)

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 99-16-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-111—Filed August 2, 1999, 2:36 p.m.]

Date of Adoption: August 2, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100J; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: All sections being adopted in this emergency order have been recommended by the North of Falcon subgroup of the Pacific Fishery Management Council and agreed to at 1999 North of Falcon meetings. These regulations have been promulgated as permanent rules, but will not take effect until late August. These emergency rules are necessary until permanent rules take effect for the conservation needs of Puget Sound salmon stocks.

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.

August 2, 1999

Jeff P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-19100K Puget Sound salmon seasons. Notwithstanding the provisions of WAC 220-56-191, effective August 1, 1999, until further notice, it is unlawful to fish for salmon for personal use from Catch Record Card Areas 5 through 13 except as provided in this section:

(a) Catch Record Card Areas 5 and 6 - open effective August 1 until further notice with a special daily limit of two salmon, except chinook, chum and wild coho salmon must be released immediately, and Dungeness Bay inside a line from Dungeness spit light to the No. 2 red buoy to the Port Williams boat ramp is closed.

(b) Catch Record Card Area 7 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one of which may be a chinook salmon, except Samish Bay south of a line projected due east from Fish Point is closed..

(c) Catch Record Card Area 8-2 - open effective August 1 until further notice:

(i) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at old Bower's Resort site on the south and fishing marker 1.4 miles northwest of Hermosa Point - open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday. Special daily limit of two salmon, not more than one may be a chinook salmon.

(ii) All other waters of Area 8-2 - special daily limit of two salmon, except chinook salmon must be released immediately.

(d) Catch Record Card Area 9 - open effective August 1 until further notice with a special daily limit of two salmon, except chinook salmon and chum salmon must be released immediately.

(i) Notwithstanding the provisions of this subsection, while angling from the Edmonds Fishing Pier, special daily limit of two salmon, not more than one may be a chinook salmon, and the two-ounce weight restriction does not apply.

(e) Catch Record Card Area 10 - open effective August 1 until further notice:

(i) Waters of the Richmond Beach and North Beach areas east of a line from Point Wells to Meadow Point are closed to salmon angling.

(ii) Waters of Shilshole Bay east of a line from Meadow Point to West Point are closed to salmon angling.

(iii) Waters of Elliott Bay east of a line from West Point to Alki Point are closed to salmon angling except while angling from the Elliott Bay Fishing Pier at Terminal 86 and from the Seacrest Pier. While angling from these two piers: special daily limit of two salmon, not more than one may be a chinook, and the two-ounce weight restriction does not apply.

(iv) Waters of Sinclair Inlet south of a line drawn due east from Illahee State Park to Bainbridge Island and west of a line drawn due south from Point White and southerly of the Manette Bridge - special daily limit of two salmon, not more than one may be a chinook salmon, and the two-ounce weight restriction does not apply.

(v) Other waters of Area 10 - special daily limit of two salmon, except chinook salmon must be released immediately.

(f) Catch Record Card Area 11 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one may be a chinook salmon, and pink salmon must be release immediately.

(i) Notwithstanding the provision of this section, while angling from the Dash Point Dock and Point Defiance Boat-house Dock, special daily limit of two salmon, not more than one may be a chinook salmon.

(g) Catch Record Card Area 12 - open effective August 1 until further notice:

(i) Waters south of Ayock Point - special daily limit of two salmon, not more than one may be a chinook salmon, and chum and pink salmon must be released immediately.

(ii) Waters north of Ayock Point - special daily limit of four salmon, except chinook, chum, and pink salmon must be released immediately.

(h) Catch Record Card Area 13 - open effective August 1 until further notice with a special daily limit of two salmon, not more than one may be a chinook salmon, and wild coho must be released immediately.

(i) Minimum size for chinook salmon is 22 inches, but there is no minimum size limit for other salmon.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100J Puget Sound salmon seasons.

WSR 99-16-080
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed August 3, 1999, 3:06 p.m.]

Date of Adoption: July 21, 1999.

Purpose: To modify forest practices rules that define Type 2 and 3 waters in WAC 222-16-030, and define requirements for Forest Practices Board manual.

Citation of Existing Rules Affected by this Order: Amending WAC 222-12-090 Forest practices board manual and 222-16-030 Water typing system.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Forest Practices Board and the Department of Ecology find good cause for an emergency to modify the water typing rules. This document organizes and summarizes information presented to and discussed by the board in public meetings.

The reasons for findings are as follows:

New data has shown that the physical characteristics of streams, as defined in the current forest practices rules, are no longer accurate. Accurate water typing is critical to public resource protection. This emergency rule updates those physical characteristics based on current knowledge so that appropriate resource protection can be provided to fish habitat and water quality.

This emergency rule establishes presumptions for determining fish use in the absence of field verification and is necessary during permanent rule making updating the water type

rules and associated riparian protection. Because water typing triggers riparian protection through the forest practices rules, watershed analysis, and some local land use decisions, the definitions used to determine water types must reflect current knowledge about fish use and habitat. Due to significant field verification of water types and research, more is known today about fish distribution and the physical characteristics of fish habitat than was known when the existing water type definitions were written (see WAC 222-16-030). In addition, the 303(d) water quality and actual and potential ESA listings cause increased pressure on the forest practices regulation system that will result in increased cost and complexities for all participants. If the water typing system is not upgraded immediately, it will contribute to potential listings and increase the associated burdens of such listings.

In August 1994, the Point-No-Point Treaty Council published a report, Stream Typing Errors in Washington Water Type Maps for Watersheds of Hood Canal and the Southwest Olympic Peninsula. Simultaneously, the Quinault Indian Nation and the Department of Fish and Wildlife were also reviewing water types in the southwest part of the Olympic Peninsula. Data from these studies indicated that 72% of the Type 4 streams were actually Type 2 or 3 streams. In addition, projects funded by the United States Fish and Wildlife Service with cooperation from some western Cascade landowners and Washington Trout have also resulted in significant upgrades.

The intent of the Forest Practices Act is to meet water quality standards under the Clean Water Act. As indicated by the number of water bodies listed under section 303(d) of the Clean Water Act, water quality standards are not being met. The number of waterbodies included on the Department of Ecology's 303(d) water quality limited list has increased and now includes many forested streams. Numerous fish stocks are being considered for listing under the Endangered Species Act. The state has water quality antidegradation regulatory requirements. These requirements demand that the beneficial instream uses, such as salmonid habitat, be fully protected. Changes in water quality are not allowed that violate the standards set to fully protect these uses. Further, degradation of water quality, even where it does not cause a violation of the standards, is not allowed unless all known, available, and reasonable best management practices are being used to reduce the effect on water quality; and the activity has been found to be in the overriding public interest. Water quality standards cannot be met if inaccurate stream typing information is used in assessing the impacts of forest practices.

The public has a strong interest in protecting public resources, including water, and fish, especially those listed as endangered and threatened species. Immediate action is necessary to ensure that impacts from forest practices near water are carefully evaluated while the board is in the process of adopting permanent rules. Without an emergency rule, public resources, including the habitat of threatened and endangered species, could be significantly impacted by forest practices because of incorrect water typing.

The FPB and DOE maintain rule-making files for this emergency rule that have detailed background information supporting these findings. Please contact Judith Holter, DNR

EMERGENCY

at (360) 902-1412 or Helen Bressler, DOE at (360) 407-6180 if you would like to inspect these files.

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 2, 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.

July 30, 1999

Amy Bell

Deputy Supervisor
Resource Protection

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and

Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) **Guidelines for determining fish use for the purpose of typing waters** under WAC 222-16-030.

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

*(1) **"Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

*(2) **"Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet and tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ (d) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

***(3) "Type 3 Water"** shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or

until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous or resident game fish for spawning, rearing or migration. Guidelines for determining fish use are described in the *Forest Practices Board Manual*. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have significant anadromous or resident game fish use:

~~((+))~~ (A) Stream segments having a defined channel of ~~((5))~~ 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient ((of less than 12)) 16 percent ((and not upstream of a falls of more than 10 vertical feet)) or less;

(B) Stream segments having a defined channel of 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient greater than 16 percent and less than or equal to 20 percent; and having greater than 50 acres in contributing basin size in Western Washington; or greater than 175 acres in contributing basin size in Eastern Washington based on hydrographic boundaries;

(ii) The department shall waive or modify the characteristics in (i) above where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting anadromous or resident game fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of anadromous or resident game fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i), as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

~~((+))~~ (iii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

~~((e))~~ Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

~~((i))~~ Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

~~((+))~~ (iv) For resident game fish ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

~~((d))~~ (c) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

* (4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

* (5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

* (6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry. /

that have [been] listed by the federal government. This is a procedural rule that classifies forest practices in mapped areas as Class IV-Special requiring additional environmental review.

Citation of Existing Rules Affected by this Order: Amending WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies, 222-16-010 General definitions, 222-16-050 Classes of forest practices, 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species, 222-24-050 Road maintenance and 222-30-040 Shade requirements to maintain stream temperature; and new sections WAC 222-16-088 Salmonid listed areas, 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type 1 Water, and 222-10-043 Salmonids.

Statutory Authority for Adoption: RCW 76.09.040 and [76.09.]050, and chapter 34.05 RCW.

Other Authority: Chapter 43.21C RCW.

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Note: Sections shown in bold are new text added to the November 18, 1999, version. Non-substantial editorial revisions have also been made to other sections, but these are not highlighted.

On March 16, 1999, the NMFS listed seven additional Washington state salmonid stocks (i.e., ESUs or evolutionary significant units) as threatened or endangered under the Endangered Species Act. These stocks and their listing status are:

- Upper Columbia River Spring Chinook - endangered**
- Puget Sound Fall Chinook - threatened**
- Lower Columbia River Fall Chinook - threatened**
- Hood Canal Summer Chum - threatened**
- Lower Columbia River Chum - threatened**
- Middle Columbia Steelhead - threatened**
- Lake Ozette Sockeye - threatened**

These findings continue to support the previously listed stocks covered under the emergency rule adopted by the Forest Practices Board on November 18, 1998, and readopted on February 10, 1999. These stocks, their status, and the dates listed are:

- Upper Columbia Steelhead - endangered - August 1997
- Snake River Steelhead - threatened - August 1997
- Lower Columbia Steelhead - threatened - March 1998
- Columbia River Bull Trout - threatened - June 1998

The Forest Practices Board and the Department of Ecology find good cause for an emergency rule to protect these salmonid stocks. This document organizes and summarizes information presented to and discussed by the board in public meetings. The reasons for this finding are as follows:

WSR 99-16-081
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed August 3, 1999, 3:08 p.m.]

Date of Adoption: July 21, 1999.

Purpose: To modify forest practices rules to provide greater protection for threatened and endangered salmonids

EMERGENCY

1. SALMONID NEEDS:

Salmonid Biology - General: The family *Salmonidae* includes salmon, trout and char. Salmonids have several life history phases which include spawning, incubation, rearing and migration. Salmonids are most commonly associated with cool riverine waters in the temperate and arctic regions of the Northern Hemisphere. Although some species and stocks have adapted to marine and lacustrine (lake) environments for parts of their life history, they all have a common dependence on running cool fresh water and gravel that is reasonably free of fine sediment for spawning and incubation. Once the eggs hatch, most juveniles still require rearing habitat which includes forage, clean cool water, and cover provided by rocks, banks and large woody debris, although the duration of freshwater rearing varies among species and stocks. Stream nutrient conditions are important for those species with extended riverine rearing. Finally, most stocks need to be able to migrate upstream and downstream as both juveniles and adults.

Factors Limiting Habitat of All Salmonids: In order to provide cool, clean water and habitat that includes pools, clean gravel and stable channels, the following habitat requirements are necessary in order to provide for healthy salmonids: Shade, stable stream banks, large woody debris, and fish passage.

Shade and Stream Temperature. Shade is needed to provide cool water temperatures. Shade is most critical for species and stocks that are present during the summer. Temperatures above 10 to 18°C, depending on the species and feeding conditions, may cause declining health, reduced growth or weight loss, displacement to less desirable habitat, and, under prolonged or extreme conditions, death.

Adult salmonids are biologically timed to spawn within a certain temperature range and time period. Warmer conditions may force adults to spawn after their preferred time period, and they are then often in poorer physical condition which results in reduced survival of the progeny. **Stocks that spawn in the late summer or early fall are especially vulnerable, including Hood Canal Summer Chum, Puget Sound Fall Chinook, Upper Columbia River Spring Chinook, and bull trout.**

Nonsummer water temperatures may be important for juveniles of some anadromous stocks. Timing of egg hatching, emergence, and fry emigration of pink and chum salmon are strongly affected by freshwater temperature. Juvenile migration to marine waters (coho, steelhead and chinook) is biologically timed by temperature, solar periodicity, and possibly other factors such as flow. There appears to be a window of time (one or three months) for fish to reach marine waters when marine conditions are best for growth and survival.

To restore and maintain natural cool water temperatures, trees along the riparian zones of fish-bearing streams and along contributing nonfish-bearing streams must be retained to assure that the solar radiation does not warm the streams beyond their natural range. Solar heating is a cumulative effect, such that the loss of shade in upstream channels may reduce habitat quality downstream. Because of this, it is important to extend shading upstream into perennial nonfish-

bearing waters. On a watershed scale, excessive loss of shade will reduce that amount of habitat available for rearing during the summer. The current Class AA water quality standard (16°C) was intended to fully protect salmonids; **however, this standard has since been shown to be inadequate for bull trout and possibly other species.** Water temperature standards are currently under review by the Washington Department of Ecology, and recommended revisions are expected some time this year.

Although direct solar radiation is the most significant effect, other factors can contribute to higher water temperatures. Micro-climate effects from upland clearcuts, ground water heating where shallow ground water become exposed by clearcuts, and channel widening from sediment aggradation are nonshade effects that may be significant in some channels.

Sediment. Sediment naturally enters stream channels from bank erosion and landslides. Certain forest practice activities can greatly accelerate the influx of sediment and can damage fish habitat. Sediment may come from infrequent massive influxes caused by induced landslides and severe bank erosion. Sediment from these sources often include both fine sediment and coarse sediment. Poor construction and maintenance of unpaved forest roads or soil disturbance from unsuspended yarding or heavy equipment near streams causes a steady influx of fine sediment into the channel.

Fine sediment can settle in spawning gravel, often filling the intergravel spaces. This reduces the survival of salmonid eggs by reducing oxygen levels, or it traps alevin (larval salmonids). This intergravel zone (termed the hyporheic zone) is also important habitat for most aquatic invertebrate species and plays an important role in the organic decomposition and nutrient recycling in the stream ecosystems, which are key to providing food for salmonids. The depth and width of the hyporheic zone can be significantly diminished by the influx of fine sediment, effectively blocking the penetration of oxygen and nutrients into the streambed.

Coarse sediment can be beneficial to fish habitat, providing spawning gravel and juvenile habitat. However, excessive quantities of sediment associated with landslides and rapid bank erosion can destroy habitat by filling pools and creating long stretches of gravel that are prone to scour (gravel mobilization) during floods. Scour destroys eggs and alevin.

Hydrology. Clearcut stands have the capacity to accumulate considerably more snow than forested stands with full canopies. As a result, the size and timing of surface run-off events can be changed as a result of forest management. This can occur primarily as a result of rain-on-snow events in harvested areas or through snowmelt run-off on the eastside. These run-off events are more likely to be triggered at higher elevations where snow has greater potential to accumulate. Forest roads can also exacerbate surface run-off by extending the watershed drainage network up roadside ditches and sometimes tread surfaces, resulting in faster run-off from roads that are directly connected to streams.

Both of these run-off effects result in higher peak flows in stream channels, which in turn increases the frequency and

extent of scour and, where streambanks are unstable, increases stream bank erosion. These effects can kill salmonid eggs and alevin, fill pools, and degrade other physical habitat features.

Large Woody Debris. Juvenile salmonids need pools and cover for refuge and desired feeding conditions. Stream morphology that contains adequate pools requires input of large woody debris (LWD) on a continuous basis. The LWD provides structure in the streams and creates the formation of pools and cover. It also moderates the movement of sediment and contributes to the stability of spawning gravel. Very large pieces of wood are required to function effectively because of the large flood events common to the Northwest. Conifer species are preferred for LWD because they are more resistant to decay, and they achieve greater sizes than deciduous species.

Adult fish also use LWD for resting areas and cover during migration. This need is particularly important in large anadromous stocks and bull trout that hold over summer in rivers prior to spawning; they need deep cool pools with cover for survival during low flow periods. Stocks especially vulnerable include spring chinook, summer steelhead, bull trout and, to a lesser extent, the late summer spawners such as Puget Sound Chinook and Hood Canal Summer Chum.

Trees from the adjacent riparian stand are an important source of LWD. In larger stream channels, wood from upstream sources are also important. Large, multiple rotation conifers are needed, especially in larger stream channels. Harvest of riparian forest stands will result in long term declines in LWD abundance.

Fish Passage. Adult salmonids need to move upstream to access spawning areas. Juvenile fish need to move upstream and downstream to find desirable feeding conditions or take refuge from undesirable environmental conditions. Forest road stream crossings often block fish passage.

Bank Stability. Trees and shrubs rooted in the banks of a stream channel are important in maintaining a deep channel and preventing the erosion of sediment from the stream banks. Exposed root masses are important refuge for juvenile fish. Removal of logs from the channel and stream bank can contribute to fine sediment erosion and loss of in-channel habitat features.

Specific Species Biological Attributes and How They Relate to Forest Practices Activities:

Chum Salmon: Migrating adult chum salmon enter rivers and streams to spawn from September to February; there is considerable variation among stocks. Most stocks, including the two listed on March 16, 1999, are not extensive freshwater migrants. They prefer spawning areas close to marine waters, and they rarely jump falls greater than four feet in height. Spawning may occur individually or enmass (i.e., large numbers on one spawning bed) in both rivers and streams. Juveniles emigrate to sea within weeks of emergence from gravel while they are still fry (i.e., at a very small size). During their brief freshwater residence, juveniles use intergravel spaces, brushy in-water cover, shallow river margins, and backwater sloughs as refuge from predators and water currents.

Chum salmon need an abundance of clean, stable gravel. Stability may be provided by low channel gradients, LWD and other hydraulic obstructions, or some combination of both. Adult Hood Canal summer chum may enter fresh water at a time when solar heating is still significant and flow is low, so shading and deep pool habitat should be fully protected. Full shade protection is also recommended for Columbia River chum because there is uncertainty about critical timing of hatching and emigration for the survival of juveniles in early ocean life.

Fall Chinook Salmon: Chinook salmon enter rivers from August to November, spawning primarily in rivers and, less frequently, streams. Juvenile chinook emerge from the gravel in March and April. Freshwater residency varies considerably, both within stocks and between stocks. Juveniles may remain in freshwater for only two to three months, during which time they actively feed and grow. Some juveniles may stay in freshwater over the summer. A few of these emigrate during the summer and fall, but most wait until the following spring.

Other than the fact that they prefer larger channels, the spawning and juvenile rearing habitat requirements of chinook are typical of other salmonids. They need shade, clean stable spawning gravel, LWD for pools and cover, and shade for cool water temperatures.

Spring Chinook Salmon: The life history and habitat requirements of spring chinook are similar to fall chinook, with the exception that adult migration in freshwater starts prior to July 1, and spawning occurs in August and September. Thus, there are special habitat requirements associated with oversummer holding and spawning during the time when flow is very low and temperatures are at their peak. Many spring chinook stocks are associated with cold, often glacial, river systems.

Mid-Columbia Steelhead: This is a "summer" steelhead stock, meaning that adults enter fresh water as early as a year before spawning. Part of the adult population spend the summer in freshwater and need full shade protection, and they need deep pools for holding during the late summer low flow period. Steelhead are the strongest jumpers among anadromous salmonids, with leaps of up to 20' vertical feet under favorable pool and flow conditions. More often than any other anadromous species, they define the upper extent of anadromous utilization. Spawning occurs in March, April, and May, and the fry emerge from the gravel during the summer. While some steelhead push to the headwaters to spawn in small channels, others spawn in large rivers. Juvenile steelhead typically spend one to three summers in freshwater before emigrating to sea. Steelhead are more likely to use steeper gradients for both spawning and rearing than other anadromous species.

Lake Ozette Sockeye: Lake Ozette Sockeye spawn in tributaries to Lake Ozette. As with most sockeye stocks, the juveniles rear in lakes for one to two years before emigrating to the ocean. Thus, the habitat requirements of this stock require protection of lacustrine habitat in addition to the riverine spawning and incubation habitat

required by other species. **Lake nutrient conditions and competitive and predatory interactions with other lake species often affect the survival and productivity of sock-eye stocks.**

Bull Trout. Bull trout (*Salvelinus confluentus*), a native char, is a cold water species that **moved north and into higher elevations after the last glacial period.** Bull trout exhibit both migratory and nonmigratory life history forms (Brown 1994). Resident populations generally spend their entire lives in small headwater streams, whereas migratory populations spawn and rear in headwater tributary streams for several years before migrating to either larger river systems (fluvial), lakes and reservoirs (adfluvial), or the ocean (anadromous) for adult rearing. Bull trout generally concentrate in reaches influenced by groundwater where temperature and flow conditions may be more stable (MBTSG 1998; Baxter et al., in press; Baxter and Hauer, in prep.).

Dolly Varden (*Salvelinus malma*) and bull trout (*Salvelinus confluentus*) were considered to be the same species until the late 1970s when Cavender (1978) provided evidence to suggest that there was a dichotomy. The American Fisheries Society accepted Cavender's work in 1980 and recognized the separation of the two species (Mongillo 1993). However, the two species are difficult to differentiate in the field; extensive and costly genetic work must be done in the laboratory. Furthermore, their life histories and habitat requirements are similar, if not identical (Mongillo 1993, Brown 1994). Therefore, from a management and recovery perspective, they are currently considered the same species. As pertains to an emergency rule, while coastal and Puget Sound populations can be either species or a combination of Dolly Varden and bull trout, all populations in Eastern Washington and the Columbia River drainage are assumed to be bull trout.

Bull trout habitat requirements differ from other salmonids in the following ways:

- Temperature requirements for bull trout are colder than for other salmonids (especially for spawning and juvenile rearing); in some cases, so cold as to exclude other salmonids which would otherwise compete for habitat and food. When living within the same habitat with other salmonids, colder temperatures can give bull trout the competitive advantage (MBTSG 1998).
- Bull trout will often stratify higher in the watershed than other salmonids (especially resident life forms and for spawning and rearing). (Adams 1994.)
- Because bull trout spawn higher in the headwaters, they can be more vulnerable to fish passage problems.
- Bull trout spend a longer period [of] time in the gravels before emergence (220+ days) and thus are more vulnerable to sediment and scouring peak flows.

Additional Factors Limiting Bull Trout Habitat: The decline of bull trout throughout their range has been linked to habitat destruction and migration barriers, as well as other factors such as introduced exotic species (Dambacher and Jones 1997). Bull trout spawning, incubation, and juvenile rearing generally occur in second through fourth order streams which are most susceptible to effects resulting from

harvest. Effects may be more obvious on smaller streams than on larger ones. Timber harvest can influence stream temperature, LWD recruitment, local run-off patterns, erosion, sedimentation, channel aggradation, and channel stability (MBTSG 1998).

Shade and Stream Temperature Effects on Bull Trout:

Bull trout are glacial relics and require a narrow range of cold temperature conditions to rear and reproduce (Brown 1994, Adams and Bjornn 1997, Buchanan and Gregory 1997). Temperatures required to initiate spawning (late August through October) vary from 4-11°C, depending on the drainage (McPhail and Murray 1979, Wydoski and Whitney 1979, Fraley and Shepard 1989, Kraemer 1991, Buchanan and Gregory 1997). Egg incubation (late August through April) occurs at 1-6°C (McPhail and Murray 1979, Weaver and White 1985, Brown 1994, Buchanan and Gregory 1997). Optimal temperature ranges for juvenile rearing occur from 4-10°C (McPhail and Murray 1979, Buchanan and Gregory 1997). In the Flathead drainage in Montana, bull trout juveniles have been rarely observed in streams with summer temperatures exceeding 15°C (Fraley and Shepard 1989). Adults are known to tolerate somewhat higher temperatures (Kraemer 1991, Brown 1994); however, they are seldom found in streams with summer temperatures exceeding 18°C and are often found near cold perennial springs (Shepard et al. 1984b, Brown 1994). Higher densities of adult bull trout have been found to occur at temperatures less than 12°C (Adams 1994, Clancy 1996, Buchanan and Gregory 1997). Optimum temperatures for migration are 10-12°C (McPhail and Murray 1979, Buchanan and Gregory 1997).

Various factors contribute towards providing for cool water in streams (shade, groundwater contribution, elevation, etc.). Shade is the primary factor that is impacted by land management and which is needed to reduce solar radiation to the stream, to protect groundwater sources and seeps and springs, and to provide for microclimate. Shade contributing trees within the riparian zone must be retained in both fish-bearing and contributing nonfish-bearing streams to maintain cool water temperatures. Sediment deposition and resultant stream widening can also cause an increase in stream temperature, as well as alteration of natural streamflow regimes and reduced groundwater inflows (MBTSG 1998).

The current state water quality standard for stream temperature is targeted to maintain water temperatures below 16 and 18°C depending on the Department of Ecology stream class. However, because bull trout and Dolly Varden have temperature requirements which are below those for other salmonids, the current water quality standard is not adequate. The United States Environmental Protection Agency has established temperature criteria for bull trout (now used as a state water quality standard in Idaho). The temperature standard to meet bull trout requirements is set at 10°C expressed as a consecutive seven-day average of the daily maximum temperatures for June, July, August and September. It is believed that if a summer temperature criterion of 10°C is met, natural seasonal variability in stream temperatures will result in attainment of appropriate thermal requirements during the remainder of the year in bull trout spawning and juve-

nile rearing areas (United States Environmental Protection Agency 1997).

Sediment and Roads Effects on Bull Trout: The long overwinter intragravel incubation and development for bull trout (average 220 days) leaves them vulnerable to increases in fine sediments and degradation of water quality (Fraley and Shepard 1989). A significant negative correlation between fry emergence of bull trout and the percentage of redd materials smaller than 6.35 mm was found by Weaver and Fraley (1991). Analyses conducted within the Columbia River Basin support the conclusion that increasing road densities are correlated with declining aquatic habitat conditions and aquatic integrity. Results show that bull trout are less likely to use moderate to highly roaded areas for spawning and rearing, and if found in these areas, they are less likely to be at strong population levels (Lee et al. 1997; MBTSG 1998; Baxter et al., in press).

Stream bank stability must be maintained to prevent increases in sediment inputs to the stream from forest practices. Construction and maintenance of roads must be conducted in ways which minimize road density and cut off delivery of sediments to streams. Roads should also be constructed and maintained to prevent changes to the hydrologic regime resulting in higher peak flows and increased sedimentation. Ground disturbance should be minimized and mitigated. Best management practices for sediment and roads should apply to nonfish-bearing streams as well as fish-bearing streams.

Large Woody Debris and Bull Trout: Large woody debris is important for the formation of deep pools and habitat complexity needed by bull trout. Adult bull trout prefer deep cold pools, often associated with the cover of large woody debris, for foraging and for holding during migration (Shepard et al. 1984b, Fraley and Shepherd 1989, Goetz 1989, Brown 1994). Juvenile rearing of bull trout is also often associated with pools with shelter providing large organic debris or clean cobble (McPhail and Murray 1979). A strong preference exists for plunge and scour pools over all other habitat types in southeast Washington (Brown 1994). Large woody debris is also necessary to maintain the step pool formation in steeper headwater streams inhabited by bull trout, and for sediment storage.

Fish Passage and Bull Trout: Due to loss of connectivity, many bull trout populations have become fragmented throughout their range, and remnant headwater populations are all that remain for some drainages. Fish passage barriers result in the loss of genetic exchange, loss in the ability to respond to changes in seasonal habitat requirements and conditions, loss in the ability to recolonize habitats after disturbance regimes, and often extinction of local populations (Rieman et al. 1993, MBTSG 1998). Barriers not only include manmade barriers at road crossings, but also low flows caused from aggregation of excessive coarse sediment, and elevated temperatures.

2. ENDANGERED SPECIES ACT LISTINGS AND THE FOREST PRACTICES ACT: The Endangered Species Act (ESA) was enacted to conserve threatened and endangered species and the ecosystems upon which they depend. ESA salmonid listings are given above.

ESA listings lead to "take" being prohibited. "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in any such conduct. "Harm" can include significant habitat modification or degradation. In addition, the listing itself is indicative of the need to provide protection of the habitat required by these species to assure recovery of the species and protection from harm.

A governmental agency can be responsible for a take if it authorizes the activity that exacts a taking. In a March 1998 decision, the United States Court of Appeals for the First Circuit ordered a Massachusetts agency to prevent the taking of the Northern Right Whale, an endangered species. The court found whales could be harmed from entanglement in fishing gear from commercial fishing activities authorized by agency regulations. The court found the state licensed the commercial fishing in a manner likely to cause harm, even though its actions were only an indirect cause. Thus, the Forest Practices Board and the Department of Ecology could be vulnerable for take if permits continue to be approved without consideration of listed species protected from harm. Actions to enforce the ESA could be brought by the federal government or other third parties.

The ESA requires federal agencies to examine the impact of their actions on protected species. The Washington Forest Practices Board has been working with the United States Fish and Wildlife Service (USFWS) to have the existing state forest practice rules for the northern spotted owl recognized as part of a proposed federal rule providing protection of that species under the ESA. The USFWS has consulted with the National Marine Fisheries Service (NMFS) regarding how the anadromous (listed and proposed to be listed) fish may be impacted by the proposed federal rule. In a letter dated September 16, 1998, NMFS concluded that the existing state forest practice rules "do not leave adequate riparian buffers to provide the important ecosystem functions necessary to support the biological requirements of anadromous salmonids." NMFS indicated that "any further degradation of habitat conditions that reduces essential habitat functions may have a significant impact, which poses an unacceptable risk to the survival and recovery" of certain salmonid evolutionarily significant units (ESUs), including the Upper Columbia Steelhead addressed in the emergency rule.

Oregon had developed a plan to protect salmonids which was relied on by NMFS in its decision not to list certain species of salmonids as threatened. The Oregon plan was based largely on future actions and voluntary efforts. In June 1998, a federal court rejected this decision as inadequate to prevent endangerment to salmonids under the ESA. In Washington, the forest practice rules also rely on voluntary efforts. The watershed analysis process (chapter 222-22 WAC) is entirely voluntary. Voluntary efforts are not adequate to prevent endangerment to already listed salmonids. Emergency action is necessary because of the state's obligation to comply with the ESA. This emerging and unexpected development makes it clear that the existing rules are not adequate and the listed species are in jeopardy.

3. CONTINUING TO APPROVE FOREST PRACTICES PERMITS IN LISTED AREAS:

Forest Practices Applications in Listed Areas: The listed areas of the state contain nearly more than 17.5 million acres of nonfederal land, of which about 8.4 million acres are state and private forest land covered by the current forest practices rules. The number of ESU acres are:

Listed Areas (ESUs)	Total Nonfederal Acres	Nonfederal Forest Land Acres
Listed before March 16, 1999	11,105,062	4,339,279
Listed on March 16, 1999	6,477,298	4,111,385
Total	17,582,360	8,450,664

Most of the habitat that salmonids seek for spawning and rearing are in the forested areas of the state. This portion of the habitat continues to be critical to the survival and well-being of these species. See the map in WAC 222-16-088 which shows areas listed prior to and on March 16, 1999.

When the 1998 listings occurred, there were approximately 1,398 approved applications within 200 feet of fish-bearing streams in the steelhead and bull trout ESUs. **The department estimates that there are 4,705 approved applications in the chum, chinook and sockeye areas.** Since operations under these permits may have some impact on salmonid habitat, these applicants have been or are being sent letters notifying them of the listings. If they had questions, the letter said they should contact National Marine Fisheries Service or the United States Fish and Wildlife Service directly for clarification whether their operations may cause a concern for listed steelhead.

Since the listings last year, **558** applications/notifications have been approved within 200 feet of fish-bearing waters within the listed areas for bull trout and steelhead. These permits contain a note to applicants warning them that this state permit does not necessarily meet federal law under the ESA.

The department estimates that, additionally, about **4,894** applications in all the listed ESUs will be approved between now and when a permanent rule might be adopted and become effective (estimated to be Winter 2000). **These applications would be within 200 feet of fish-bearing waters.** Since permits are effective for a two-year period, applications approved prior to a new permanent rule taking effect in 2000 would be valid through 2002. Thus, nearly four years from now, some salmonid habitat would still be at risk absent an emergency rule.

The Forest Practices Act (chapter 76.09 RCW) requires protection of public resources. In order to protect these listed salmonids, the habitat associated with spawning, rearing and migration needs to be protected.

Why Current Forest Practices Rules are Inadequate for All Listed Salmonids: Current and newly-approved forest practice operations conducted under the existing rules could cause additional harm to ESA-listed salmonids because continued harvests in riparian areas would decrease shade, bank stability, and large woody debris, and continued road

construction in these areas would also impact salmonid habitat. Specific impacts are categorized as follows:

Shade and Stream Temperature: Under the current forest practices rules, shade is required to meet current temperature criteria at 16 or 18°C. These standards may be modified soon by the Department of Ecology. At the present time, shade is not fully provided on some Type 3 streams because landowners only have to seek shade as far as the maximum width riparian management zone (RMZ). The maximum width RMZs for Type 3 streams are currently fifty feet on streams greater than five feet wide and twenty-five feet on streams that are less than five feet wide. There are some circumstances where significant shading occurs from beyond fifty feet.

An additional factor where current rules are inadequate for meeting temperature requirements involves removal of shade in nonfish-bearing waters which contribute to the temperature of fish-bearing waters downstream. This removal of shade elevates the water temperature which then cumulatively elevates temperatures downstream.

Stream Bank Stability and Soil Disturbance: Under the current rules, bank stability is protected except where bank erosion rates are high. It applies to all logs embedded in the bank and all trees and other vegetation rooted in the bank. Under some circumstances, especially at high elevations where shade requirements do not call for a wide buffer, soils disturbance from yarding and heavy equipment can result in fine sediment entering the stream and damaging spawning beds. A minimum of 30' is needed to protect stream bank stability and soil disturbance. Additional protection is needed in the case of rapid stream bank erosion, or soil and slope conditions conducive to surface erosion and soil transport.

Forest Roads: Roads are covered by the current rules; however, existing information would lead us to believe that standards need to be upgraded and that roads are out of compliance with existing rules as much as half the time as documented in the 1991 Compliance Report prepared by Timber, Fish and Wildlife's Field Implementation Committee. Preliminary findings from an on-going internal audit by the Department of Natural Resources also show that construction of roads in certain areas of the state indicate that the minimum standards are not adequate to protect public resources. Furthermore, greater efforts should be made to reduce road densities or minimize further increases in road densities, depending on the basin. Where fine sediment is not a concern, road drainages still need to be disconnected from stream channels as much as possible to reduce hydrologic impacts from road networks.

Large Woody Debris: Under the current rules, LWD is only provided at a minimal level. The number of leave trees required to be retained in the RMZ is not based on the ability to improve both near and long-term continuous LWD recruitment. Input of LWD to stream channels generally occurs within one tree height from the channel edge (FEMAT 1993, McDade et al. 1990). Removal of trees from within this area results in a reduction of LWD recruitment to the stream channel. Furthermore, current rules often allow harvest of the larger multiple rotation conifers within the RMZ, which are

needed to provide functioning LWD in streams larger than 10' wide.

Summary: The literature indicates that in order to protect bank stability and prevent surface erosion of fine sediment, a 30-foot no-cut buffer and no heavy equipment buffer is recommended. In addition, to achieve 95% recruitment of the key piece wood (i.e., wood that is large enough to start the forming of log jams indexed by stream size) approximately 100-foot buffer is required. Additional buffers may be needed to account for areas that have high susceptibility to windthrow, provide additional large woody debris (LWD) recruitment, unstable slopes protection, protection of seeps, springs and stream associated wetlands. Other functions include microclimate (air temperature and humidity, etc.). Given the above information, current forest practice rules are deficient, particularly in providing LWD, adequate shade, bank stability, and excessive contributions of sediment from roads and ground disturbance.

4. PROTECTING PUBLIC RESOURCES AND CLASS IV-SPECIAL CLASSIFICATION:

The public has a strong interest in protecting public resources, including water, fish, and wildlife, especially those listed as endangered and threatened species. Immediate action is necessary to ensure that impacts from forest practices in the salmonid listed areas are carefully evaluated while the board is in the process of adopting permanent rules. Without an emergency rule, habitat of these threatened and endangered species could be significantly impacted by forest practices.

The Forest Practices Act requires that forest practices which have the potential for a substantial impact on the environment be classified as Class IV so that they receive additional environmental review under the State Environmental Policy Act (chapter 43.21C RCW). SEPA recognizes the critical importance of restoring and maintaining environmental quality to the public welfare and the importance of full disclosure of adverse environmental impacts caused by agency actions. The Forest Practices Board is obligated under the law to identify those forest practices that have potential for substantial impact on the environment and classify them as Class IV-Special so that additional SEPA review is conducted. If there is the potential for damage to the habitat of a state or federal listed species, then there is potential for substantial impact on the environment. An emergency rule would not necessarily prohibit harvest; it would require additional review to evaluate environmental impacts. This process includes public notice and a public comment period.

As described above, certain forest practices in the salmonid listed areas have the potential for impact on listed salmonids. This impact is substantial because of the number of forest practices in the listed areas and because the current rules are inadequate. Absent permanent rules that adequately prevent these impacts, RCW 76.09.050 and SEPA require the emergency rule change in classification.

5. STATE WATER QUALITY REQUIREMENTS:

The intent of the Forest Practices Act is to meet water quality standards under the Water Pollution Control Act. As indicated by the 2,600 miles of Washington's streams and rivers listed under section 303(d) of the Clean Water Act, water quality standards are not being met. Temperature

increases attributed to forestry activities cause 303(d) listings. In 1996, streams with elevated temperatures comprised the largest group on the entire 303(d) list. Temperature limits in the water quality standards are intended to fully protect in-stream beneficial uses by preventing any decrease in salmonid health or reproductive success. These temperature standards are being updated in the near future. This goal is consistent with the state water quality antidegradation regulatory requirements. These requirements demand that the beneficial in-stream uses, such as salmonid habitat, be fully protected. Changes in water quality are not allowed that violate the standards set to fully protect these uses. Further, degradation of water quality, even where it does not cause a violation of the standards, is not allowed unless all known, available, and reasonable best management practices are being used to reduce the effect on water quality; and the activity has been found to be in the overriding public interest.

6. RULE-MAKING FILES:

The Forest Practices Board and the Department of Ecology maintain rule making files for this emergency rule that have detailed background information supporting these findings. Please contact Judith Holter, DNR at (360) 902-1412 or Helen Bressler, DOE at (360) 407-6180 if you would like to inspect these files.

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 3, Amended 6, 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: Immediately.

July 30, 1999

Amy Bell

Deputy Supervisor
Resource Protection

NEW SECTION

WAC 222-10-020 *SEPA policies for certain forest practices within 200 feet of a Type 1 Water. The following policies shall apply to Class IV-Special forest practices, within the salmonid listed areas map in WAC 222-16-088, involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of Type 1 Waters.

*(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional informa-

tion prepared by a qualified expert on: Whether the proposed activity is within the channel migration zone of the Type 1 Water; whether the proposed activity has the potential for accelerating erosional and depositional processes of the Type 1 Water; whether the proposal will have an impact on salmonid spawning, rearing, or migration habitat; and whether the proposal will adversely impact a threatened or endangered species. (See WAC 222-10-043.) In addition, the report must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

*(2) The department will evaluate the proposal in consultation with the department of ecology, the department of fish and wildlife, local government, and affected Indian tribes. If the proposal is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat, accelerate erosional and depositional processes of the Type 1 Water, or cause significant adverse impacts to a threatened or endangered species, then it is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife and affected Indian tribes, that the impacts can be mitigated or that the threatened and endangered species is not likely to occur because of a significant long-term passage barrier such as a dam or waterfall in the case of migrating salmonids or determines that certain stream reaches have unsuitable habitat conditions to support bull trout, then the proposal is not likely to have a probable significant adverse impact on the environment.

*(3) If a local permit is required, then the local government is lead agency and the department shall forward the additional information, the environmental checklist, and the forest practices application to the local government for completing SEPA. (See WAC 222-20-040(4).)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-10-040 *Class IV-Special threatened and endangered species SEPA policies. In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

*(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

*(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

*(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

*(4) The department shall consider the species-specific policies in WAC 222-10-041 (~~and~~) northern spotted owls, WAC 222-10-042 marbled murrelets, and WAC 222-10-043 salmonids when reviewing and evaluating SEPA documents and the impacts of forest practices.

NEW SECTION

WAC 222-10-043 *Salmonids. The following policies shall apply to Class IV-Special forest practices, within the salmonid listed areas map in WAC 222-16-088, if the forest practices may cause adverse impacts to salmonids.

*(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional information prepared by a qualified expert that includes: An evaluation of the channel condition; information on how the proposal will provide for bank stability, sediment and mass wasting attenuation, adequate shade, near and long-term large woody debris recruitment, and protection from windthrow. In addition, the report must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

*(2) Roads, skid trails, or yarding corridors may not occupy or disturb more than 10 percent of the soil in the riparian management zone unless the landowner submits mitigation measures that provide equivalent replacement of habitat.

*(3) Harvesting, road construction, aerial applications of pesticides, or site preparation that is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat are likely to have a probable significant adverse impact on the environment except when the department determines, in consultation with the department of fish and wildlife, that the impacts can be mitigated.

*(4) The department shall consult with the department of fish and wildlife, the department of ecology, affected Indian tribes, and other interested parties to determine if the proposal will maintain a fully functioning riparian management zone. To meet this goal, the department will review whether the forest practices reasonably would be expected, directly or indirectly, to: Increase protection from sediment and mass wasting impacts; maintain bank stability; maintain shade; maintain near or long-term large woody debris that is key-piece size or larger and indexed to the size of the channel; and, protect riparian functions from windthrow in site-specific circumstances. If the above functions are not adequately provided, then the forest practice is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife and affected Indian tribes, that the impacts can be mitigated or that the threatened and endangered species is not likely to occur because of a significant long-term passage barrier such as a dam or waterfall in the case of migrating salmonids or determines that certain stream reaches have unsuitable habitat conditions to support bull trout, then the

proposal is not likely to have a probable significant adverse impact on the environment.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in

the CRGNSA management plan developed pursuant to 16 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Fen**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"**Fertilizers**" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"**Fill**" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"**Flood level - 50 year.**" For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"**Forest land**" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"**Forest land owner**" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"**Forest practice**" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from

forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"**Forest trees**" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Historic site**" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"**Local government entity**" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines

or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- A nest is located; or
- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
- Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or
- The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Qualified expert" means a person qualified for level 2 certification in the watershed analysis process, plus having at least 3 additional years of experience in the evaluation of relevant problems in forested lands.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:
Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and
Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salmonid listed areas" means the geographic areas as mapped in WAC 222-16-088. Detailed maps are available from the department at its regional offices.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

- (a) Within 50 miles of marine waters;
- (b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;
- (c) Two or more nesting platforms per acre;
- (d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irriga-

tion and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) **"Class IV - special."** Application to conduct forest practices involving the following circumstances requires an

environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(i) Filling or draining of more than 0.5 acre of a wetland.

*(j) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of a Type 1 Water within the areas on the salmonid listed map in WAC 222-16-088. Road construction means any new road construction, reconstruction, or road maintenance activity that is not a Class I forest practice.

(2) "**Class IV - general.**" Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030(2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "**Class I.**" Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest prac-

tices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Harvesting, site preparation or aerial application of pesticides within 200 feet of a Type 1, 2, or 3 Water, or road construction within 200 feet of a Type 2 or 3 Water, within the areas on the salmonid listed map in WAC 222-16-088.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile

of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and

August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.**

Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical wildlife habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

*(k) Salmonids - harvesting, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas, aerial applications of pesticides, or site preparation, within the areas on the salmonid listed map in WAC

222-16-088, within 100 feet of a type 1, 2, or 3 water. Road construction means any new road construction, reconstruction, or road maintenance activity that is not a Class I forest practice.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

Marbled murrelet critical habitat 50 C.F.R. § 17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050(1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

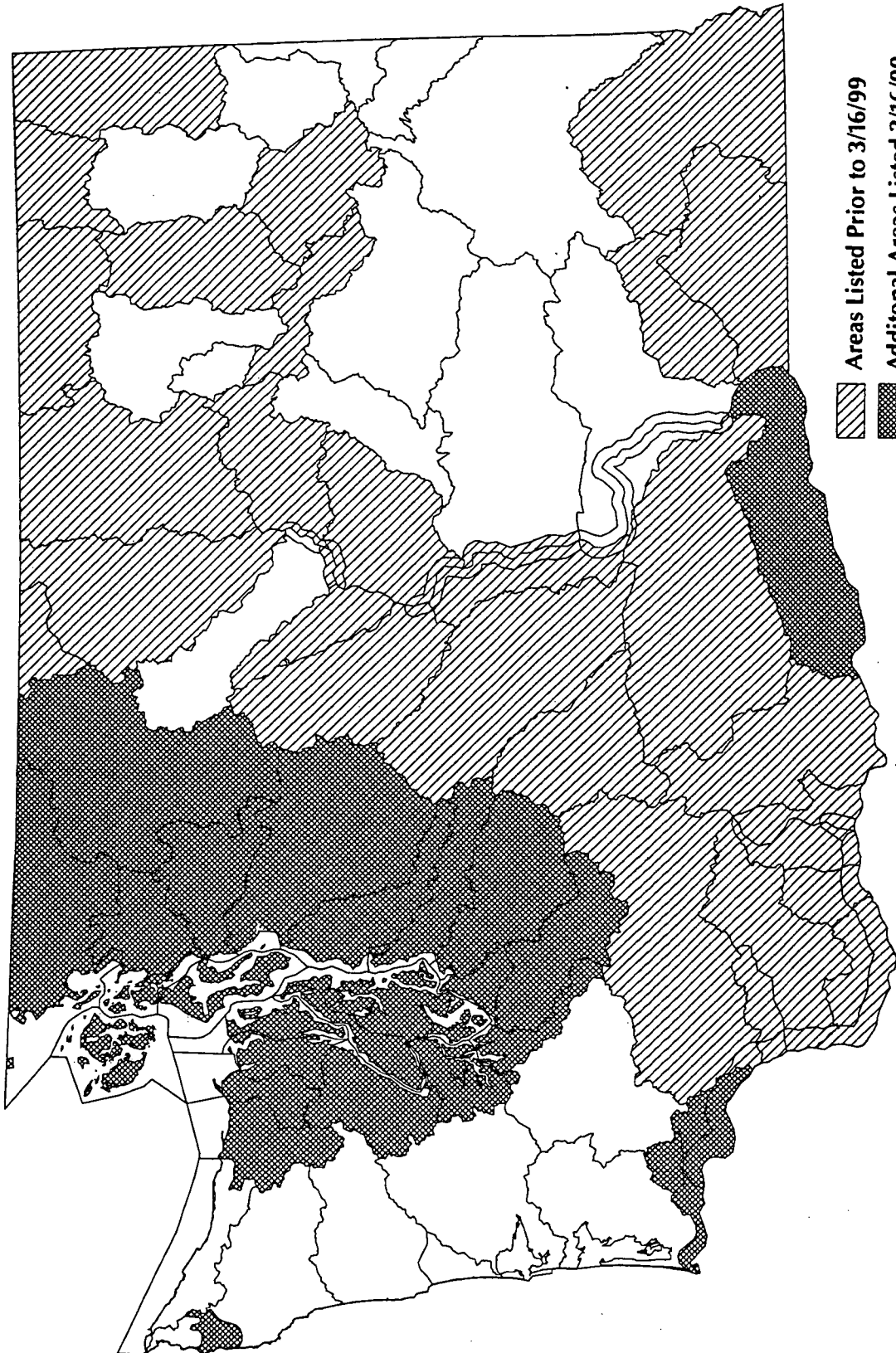
(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the

status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

NEW SECTION

WAC 222-16-088 *Salmonid listed areas.



EMERGENCY

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-050 Road maintenance. * (1) Road maintenance and abandonment plan.

(a) The department will identify priorities for road maintenance and abandonment plans by watershed administrative unit by region using information such as the *Lower Columbia Steelhead Conservation Initiative*. The department shall choose priority WAUs every spring and fall.

(b) Landowners with 500 acres or more of ownership within the areas on the salmonid listed map in WAC 222-16-088 and in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, must submit within 90 days after notification in the spring or by June 30 after notification in the fall by the department, for department approval, a road maintenance and abandonment plan for those drainages or road systems, within the identified watershed administrative units, that are active or will be active within two years. This subsection does not apply to landowners with an approved habitat conservation plan that has specific provisions for road maintenance.

(c) Landowners with less than 500 acres within the areas on the salmonid listed map in WAC 222-16-088 and in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC must submit a road maintenance and abandonment plan covering their entire ownership within the priority WAUs as per (a) of this subsection to the department prior to or concurrently with a forest practice notification or application for proposed road or harvest activities. Once approved, the landowner should attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.

(d) Landowners not required to submit road maintenance and abandonment plans under (b) or (c) of this subsection, when notified by the department, shall submit a plan for department approval for road maintenance and abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources.

~~((The))~~ (e) All road maintenance and abandonment plans ~~((is))~~ are subject to annual review. The plan must pay particular attention to those road segments that block fish passage or have the potential to deliver water or sediment to any typed water, and shall include:

- (i) Ownership maps showing the road or road system;
- (ii) Road status, whether active, inactive, orphan, abandoned or planned for abandonment;
- (iii) Maintenance schedule and priorities for the year; and
- (iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.

~~((b))~~ (f) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

~~((e))~~ (g) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.

~~((d))~~ (h) Such plans shall also be reviewed with departments of ecology, fish and wildlife, ~~((and))~~ affected Indian tribes, and interested parties, any of whom may request the department to hold an informal conference with the landowner.

(NOTE: The road maintenance and abandonment training manual and other materials made available by the department can be used for guidance in developing road maintenance and abandonment plans.)

* (2) **Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

* (3) **Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.

* (4) **Additional culverts/maintenance.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

* (5) **Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection.

Roads are exempt from maintenance only after (e) of this subsection is completed:

(a) Roads are outslopped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and

(b) Ditches are left in a suitable condition to reduce erosion; and

(c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and

(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

***(6) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

***(7) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.951.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-30-040 Shade requirements to maintain stream temperature. *(1) Determination of adequate shade. The temperature prediction method in subsections (2) and (3) of this section shall be used to determine appropriate shade levels for flowing Type 1, 2, and 3 Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources.

***(2) Temperature prediction method.**

(a) In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on flowing Type 1, 2, and 3 Waters ~~((as provided by))~~.

(b) Leave trees shall also be retained as needed within the first 50 feet horizontal distance from the ordinary high water mark along the first 500 feet of flowing Type 4 or 5 Waters above Type 1, 2, and 3 Waters in the salmonid listed

areas map in WAC 222-16-088. This provision, however, does not apply to landowners with an approved habitat conservation plan that has specific provisions for salmonids.

(c) The temperature prediction method is described in the board manual ~~((which))~~ and it includes the following considerations:

~~((a))~~ (i) Minimum shade retention requirements; and

~~((b))~~ (ii) Regional water temperature characteristics; and

~~((c))~~ (iii) Elevation; and

~~((d))~~ (iv) Temperature criteria defined for stream classes in chapter 173-201A WAC.

*(3) Leave tree requirements for shade. The method described in subsection (2) of this section shall be used to establish the minimum shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

(4) **Waivers.** The department may waive or modify the shade requirements where:

(a) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or

(b) The applicant provides alternative means of stream temperature control satisfactory to the department; or

(c) The temperature method indicates that additional shade will not affect stream temperature.



WSR 99-16-002
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—July 15, 1999]

The August 4 and 5, 1999, Workforce Training and Education Coordinating Board meeting has been cancelled.

If you have any questions, call (360) 753-5677.

WSR 99-16-003
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION

[Memorandum—July 20, 1999]

The Public Disclosure Commission has cancelled the regular meeting previously scheduled for Tuesday, July 27, 1999. The next regular meeting will be held on Tuesday, August 24, 1999.

WSR 99-16-004
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES
BENEFITS BOARD

[Memorandum—July 21, 1999]

Public Employees Benefits Board
 Tyee Hotel, Skokomish Room
 Tumwater, Washington
 July 27, 1:00 p.m.

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

WSR 99-16-010
POLICY STATEMENT
WASHINGTON STATE LOTTERY

[Filed July 22, 1999, 1:58 p.m.]

The Washington State Lottery has recently adopted or revised the following policies:

POL 110.558 - Bonus Drawings (Consumers) (new)

Outlines methods for conducting drawings using a computerized random number generator. This method is normally used for Bonus Drawings (such as the Lottomobile Bonus Draw conducted June 6-August 28, 1999 (POL 320.049) and the Lottomobile Retailer Promotion scheduled for September 20, 1999 (POL 320.050)).

Signed June 9, 1999.

POL 120.010 - Affirmative Action/Equal Employment Opportunity (revision)

Removed the procedure; the reader is referred to the complaint procedure in POL 120.011. Updated titles, etc.

Signed June 15, 1999.

POL 120.015 - Sexual Harassment (revision)

Added a statement that all lottery employees are responsible for maintaining "a work environment free from sexual harassment."

Also clarified that employees may choose to file complaints directly with the Washington State Human Rights Commission or the Federal Equal Employment Opportunity Commission.

Signed April 6, 1999.

POL 120.019 - Performance Evaluations (revision)

"Employee Performance Evaluations" have been replaced with "Employee Development and Performance Plans (EDPP)." The evaluation's reviewer can no longer make remarks on the evaluation - the reviewer's signature indicates only that the process was followed properly.

The personnel officer will now remind supervisors of evaluations that are sixty days overdue. After an additional fifteen days, he/she sends a second reminder, with a copy to the supervisor's supervisor.

Signed June 15, 1999.

POL 120.023 - Internal Investigations (new)

Outlines guidelines for investigators of affirmative action, discrimination and sexual harassment, and other matters as they arise. The policy covers the investigator's authority, handling conflicts of interest, professional conduct, releasing information, etc.

Signed May 10, 1999.

POL 220.008 - Federal Income Tax Withholding (revision)

Added information about paying federally-required withholding tax when the lottery awards noncash prizes. Updated job titles and duties due to a reorganization within the agency.

Signed May 19, 1999.

POL 250.005 - Walk-In Prize Claim Validation and Payment (revision)

Increased the amount of the prize the lottery pays in cash, rather than by check (applies to lottery offices that sell lottery tickets only). Added information on handling noncash promotional prizes, such as referring the reader to individual promotional policies to determine if minors can collect the prize, what the redemption period is, how the winner collects the actual prize, and whether the winner is given time to satisfy a debt to the state. Other minor housekeeping changes brought on by a reorganization within the agency.

Signed May 21, 1999.

POL 310.010 - Approving On-Line Terminal Moves (revision)

Deleted information on when the lottery versus the lottery's on-line vendor pays for moving an on-line terminal at a retailer location. (Per contract, the move is now always paid for by the on-line vendor.)

Added that district sales representatives (DSRs) and regional sales managers (RSMs) must approve all on-line terminal moves. They approve retailer-requested moves if the move will not have a negative impact on sales via, or security of, the on-line terminal. DSRs and RSMs may also request an on-line terminal be moved to a location that is more secure or more conducive to sales.

Signed May 10, 1999.

POL 320.049 - Lottomobile Bonus Draw Promotion (new)

Outlines how consumers are entered into a drawing to receive a 1999 Ford Explorer XLT: Purchase a single \$5 Lotto ticket during the twelve-week promotional period (June 6-August 28) to automatically receive a trailing bonus ticket. Each weekly drawing has a guaranteed winner. The prize must be claimed within forty-five days of the drawing.

Signed May 19, 1999.

POL 320.050 - Lottomobile Retailer Promotion

Outlines guidelines for awarding one promotional display Ford Explorer XLT to an on-line retailer who exhibits a high increase in June-August Lotto sales over their average monthly sales from January through March 1999. The promotional period coincides with the consumer promotion (see POL 320.049 above) in an effort to increase Lotto sales. A computerized drawing is scheduled for September 20 to determine which of the approximately 324 entries wins the vehicle.

Signed May 19, 1999.

POL 320.051 - "Grand Slam/Play Ball" Retailer Promotion (new)

This policy gave retailers an automatic entry into a drawing for each pack of tickets activated from the two games dedicated to funding the new baseball stadium in King County. For each pack of tickets activated from those two games, the retailer automatically received entry into a drawing. Three weekly drawings were held, with three winners each week. The first entry drawn received \$3,000, the second entry drawn received \$2,000, and the third entry drawn received \$1,000. Only packs activated for that week's drawing were eligible. The promotion ran May 2-22.

Signed April 26, 1999.

POL 420.020 - Permanently Assigned Vehicles (new)

This policy outlines guidelines for purchasing and assigning permanent vehicles. All permanently assigned vehicles are approved by the director.

Signed April 19, 1999.

POL 420.005 - Safety Program (revision)

Clarified that the safety officer maintains a list of headquarters employees who hold a valid first-aid certificate; Regional Safety Committee members maintain the regional lists and advise RSMs when training is needed.

The Safety Committee meetings are no longer automatically chaired by the safety officer; the chair is elected by the committee.

Signed June 15, 1999.

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 586-1051, fax (360) 586-6586.

July 21, 1999
Merritt D. Long
Director

WSR 99-16-011

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE LIBRARY

(Library Commission)

[Memorandum—July 22, 1999]

The Washington State Library Commission has scheduled a special meeting, by conference call, to discuss the funding ceiling for the satellite program administered by the state library.

The call will take place on Monday, July 26, 1999, at 10:30 a.m. Should there be an interest by someone to attend the call, the conference call number is (360) 709-4823.

If you need further information, you may contact 753-2914.

WSR 99-16-014

AGENDA

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 23, 1999, 11:52 a.m.]

The Department of Labor and Industries

Semi-Annual Rules Development Agenda (July 31, 1999 - December 31, 1999)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	PROPOSED TIMELINE	DESCRIPTION OF RULE(S)
INSURANCE SERVICES				
296-14-31001-296-17-930	Industrial Insurance Benefit Rules	Penny Lewis 902-4257 Ken Woehl 902-4775	CR-101: 04/28/99 CR-102: 06/23/99 Hearing: 07/30/99 CR-103: 08/30/99 Effective: 10/01/99	To amend industrial insurance benefit rules applicable to the closing and reopening of workers' compensation system.

MISC.

296-14-100, 400, 410 and 420	Industrial Insurance	Jody Moran 902-4300	CR-102: 06/23/99 Hearing: 07/30/99 CR-103: 8/30/99 Effective: 10/01/99	To issue rules regarding voluntary retirement, reopening for benefits, reduction, suspension or denial of compensation as a result of noncooperation, and payment of benefits when there is a question of responsible insurer. This rule complies with EO 97-02 on regulatory improvement.
296-15	Workers' Compensation Self Insurance Rules and Regulations	Joyce Walker 902-6907	CR-101: 07/20/99 CR-102: 09/01/99 Hearing: 10/11/99 CR-103: 11/17/99 Effective: 12/27/99	To issue rules regarding application, financial and administrative processing requirements. This rule complies with EO 97-02 on regulatory improvement.
296-17-31001-296-17-930	General Reporting Rules, Classifications, and Rating System	Ken Woehl 902-4775	CR-101: 03/24/99 CR-102: 06/02/99 Hearing: 07/16/99 CR-103: 08/31/99 Effective: 10/01/99	To amend general rules and classification definitions applicable to the workers' compensation system.
296-17-31001-296-17-930	General Reporting Rules, Classifications, and Rating System	Ken Woehl 902-4775 Bill Vasek 902-5015	CR-101: 03/24/99 CR-102: 09/22/99 Hearing: 11/03/99 11/05/99 CR-103: 11/29/99 Effective: 01/01/00	To adjust premium rates applicable to the workers' compensation system, and to amend general reporting and classification rules referencing LLC's.
296-17-90401-90492	General Reporting Rules, Classifications, Audit and Record keeping, Rates and Rating System for Workers' Compensation Insurance	Frank Romero 902-4835	CR-101: 06/23/99 CR-102: 09/22/99 Hearings: 11/03/99 11/05/99 CR-103: 11/30/99 Effective: 01/01/00	Retrospective rating program rules. These rules are being revised to implement performance audit recommendations and Senate Bill 6048. Subject of possible rule making include: <ul style="list-style-type: none"> • Readoption of retrospective rating rules contained in chapter 296-17 WAC; • Establishment of new underwriting guidelines; • Prohibiting the direct payment of medical bills by state fund insured employers; • Requirement of an annual report highlighting workplace safety accomplishments of group; • Streamlining reenrollment process; • Elimination of any bias in re-evaluation of case reserves; • Elimination of the pro-rata distribution of occupational disease claims;

				<ul style="list-style-type: none"> • Elimination of any bias that might exist in the retro premium formula including increasing the number of mandatory adjustments; • Elimination of captive clauses in retro group contracts and capping administrative fees of sponsoring organizations; and • Requiring the additional safety performance measurements as part of the retro premium formula.
296-20-06101	Provider Reporting Requirements	Linda Grant 902-6790	CR-101: 06/23/99 CR-102: 09/22/99 Hearing: 10/28/99 CR-103: 12/16/99 Effective: 01/17/00	To amend rules concerning the various reports the agency and self-insurers require before they will approve treatment, time loss and treatment bills.
296-20 296-23 296-23A	General Rules Reimbursement Policies Hospitals	Jim Dick 902-5131	CR-101: 06/02/99 CR-102: 09/99 or 10/99 Hearing: 11/99 or 12/99 *estimated time line - subject to change	To revise rules within specified chapters of the medical aid rules. Changes will allow reimbursement of selected outpatient services and supplies through a prospective payment system.
296-20-00701 296-20-02702 296-20-02703 296-20-02704 296-20-02705 296-20-02850	General Rules - Criteria for medical coverage decisions	Jami Lifka 902-4941	CR-101: 06/01/98 CR-102: 06/23/99 Hearing: 08/06/99 CR-103: 09/14/99 Effective: 10/15/99	These sections define medical coverage decisions (MCDs), identify who makes and who uses MCDs, describe where MCDs can be found, identify the criteria used to make MCDs, clarify the difference between MCDs and treatment guidelines, and identify when exceptions may be made to department MCDs.
296-20-03003	General Rules - Drugs and medication	Jami Lifka 902-4941	CR-101: 07/01/98 CR-102: 09/22/99 Hearing: 10/26/99 CR-103: 12/07/99 Effective: 01/08/00	This section outlines general principles and specific requirements as it pertains to coverage for drugs and medication.
296-20-01002	General Rules - Definitions for medical coverage decisions	Jami Lifka 902-4941	CR-101: 07/21/99 CR-102: 09/22/99 Hearing: 10/26/99 CR-103: 12/07/99 Effective: 01/08/00	This section includes definition of terms used in the medical aid rules, chapters 296-20, 296-21, 296-23, 296-23A WAC. Any change to this section, at this time, would be limited to the definition of "medically necessary."

MISC.

296-20-03004	General Rules - Chemo-nucleolysis	Jami Lifka 902-4941	CR-101XR: 04/22/98 CR-103: 09/22/99 Effective: 10/25/99	This section describes authorization criteria for the chemo-nucleolysis procedure. Chemonucleolysis is an outdated medical procedure.
296-30	Rules for the Administration of the Crime Victim Compensation Program	Valerie Estes 902-5369	CR-102XA: 08/04/99 CR-103: 10/02/99 Effective: 11/02/99	Second segment of intensive rule review in connection with EO 97-02 on regulatory improvement.
296-31	Crime Victim Compensation Mental Health Treatment Rules and Fees	Valerie Estes 902-5369	CR-101: 05/19/99 CR-102: 07/21/99 Hearing: 08/24/99 CR-103: 09/29/99 Effective: 11/01/99	Amendments are being made to implement CVC Mental Health Treatment Guidelines Task Force recommendations.
Chapter to be determined	To be determined	Blake Maresh 902-6564	To be determined: CR-101: CR-102: Hearing: CR-103:	Requirements for private vocational providers
SPECIALTY COMPLIANCE SERVICES				
296-96	Elevators	Rich Atkinson 902-6369	CR-101: 6/17/98 CR-102: 9/22/99 Hearing: 10/26/99 CR-103: 11/30/99 Effective: 12/30/99	New chapter to incorporate all existing elevator chapters plus electric manlift chapter from WISHA.
296-104	Boilers and Unfired Pressure Vessels	Dick Barkdoll 906-5270	CR-101: 02/10/99 CR-102: 06/30/99 Hearing: 09/21/99 CR-103: 10/5/99 Effective: 11/6/99	Clear rule writing and house-keeping changes.
296-402	Electrical Testing Laboratory	Janet Lewis 902-5249	CR-101: 08/18/99 CR-102: 10/20/99 Hearing: 11/30/99 CR-103: 12/30/99 Effective: 01/30/00	Add new section of field work; eliminate two-year inspections.
296-403	Amusement rides or structures	Janet Lewis 902-5249	CR-101: 08/18/99 CR-102: 10/20/99 Hearing: 11/30/99 CR-103: 12/30/99 Effective: 01/30/00	Clarify temporary operating permits.
WASHINGTON INDUSTRIAL SAFETY AND HEALTH (WISHA)				
296-24	General Safety and Health Standards	Jim Hughes 902-4504	CR-101: 05/26/99 CR-102: 08/03/99 Hearing: 09/09/99 (Tumwater) and 09/10/99 (Yakima) CR-103: 11/05/99 Effective: 03/01/00	To adopt new federal OSHA requirements on power industrial trucks (forklifts) training in order to be as effective as the federal final rule. Also, rewriting powered industrial truck general requirements to comply with EO 97-02 on regulatory improvement. State-initiated amendments will be proposed to provide for equal protection in all industries.

MISC.

296-24 and 296-62	General Safety and Health Standards and General Occupational Health Standards	Jim Hughes 902-4504	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To adopt new federal OSHA requirements relating to dip-tanks.
296-24	General Safety and Health Standards	Cindy Ireland 902-5522	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To revise and adopt requirements relating to woodworking - machine guarding to comply with EO 97-02 on regulatory improvement.
296-24 and 296-155	General Safety and Health Standards and Safety Standards for Construction Work	Cindy Ireland 902-5522	CR-101: 04/05/99 CR-102: 09/21/99 Hearing: 10/27/99 CR-103: 02/08/00 Effective: 05/01/00	To revise and adopt the scaffold requirements in chapter 296-24 WAC for consistency with chapter 296-155 WAC. This rule complies with EO 97-02 on regulatory improvement.
296-24	General Safety and Health Standards	Ken Lewis 902-4568	CR-101: 06/02/98 CR-102XA: 12/22/98 CR-102: 05/04/99 Hearing: 06/17/99 CR-103: 08/17/99 Effective: 07/01/99	To adopt a central reference in chapter 296-24 WAC identifying where the accident prevention program requirements are located. Complies with EO 97-02 on regulatory improvement.
296-24	General Safety and Health Standards	Cindy Ireland 902-5522	CR-102XA: 05/11/99 CR-103: 09/21/99 Effective: 01/01/00	To amend the mechanical power transmissions standard for clarity and accuracy.
296-24, 62, 32, 52, 78, 79, 155, 301	General Safety and Health Standards, General Occupational Health Standards, Safety Standards - Telecommunications, Handling of Explosives, Woodworking, Pulp and Papermills, Construction Work, Textile Industry	Jennie Hays 902-5523	CR-101: 02/03/99 CR-102XA: 06/01/99 CR-103: 08/17/99 Effective: 12/01/99	To adopt federal miscellaneous OSHA requirements to be as effective as the federal final rule. Also, adopt state-initiated corrections.
296-27 and 296-350	Record keeping and Reporting and Reassumption of Jurisdiction	Michael McCauley 902-5779	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To amend the penalties and reassumptions rules to comply with EO 97-02 on regulatory improvement.
296-32, 36, 59, 78, 155 and 301	Safety Standards - Telecommunications, Compressed Air, Ski Areas, Woodworking, Construction Work, Textile Industry	Michael McCauley 902-5779	CR-101: 02/26/99 CR-102: 07/20/99 Hearing: 08/24/99 CR-103: 12/07/99 Effective: 03/01/00	To clarify first-aid requirements and to correct references based on changes to chapter 296-24 WAC.

MISC.

296-32	Safety Standards for Telecommunications	Jennie Hays 902-5523	CR-101: 07/16/99 To be determined: CR-102: Hearing: CR-103: Effective:	To revise and adopt the telecommunication requirements with the assistance of the Telecommunications Safety Advisory Committee.
296-50	Safety Standards - Manufacture of Explosives	Jennie Hays 902-5523	CR-101XR: 06/01/99 CR-103: 08/03/99 Effective: 11/01/99	This standard is being repealed because this rule is significantly out of date. Necessary compliance requirements dealing with explosives manufacturers are located in other standards.
296-54	Safety Standards for Logging Operations	Cindy Ireland 902-5522	CR-101: 05/07/97 CR-102: 04/06/99 Hearing: 05/25/99 (Tumwater) and 05/26/99 (Spokane) CR-103: 08/18/99 Effective: 12/01/99	To amend the logging standard with the assistance of an industry labor/management advisory committee. Complies with EO 97-02 on regulatory improvement.
296-62 and 296-65	General Occupational Health Standards and Asbestos Removal and Encapsulation	Christy Wood 902-5524	CR-101: 12/01/98 CR-102: 04/06/99 Hearing: 05/14/99 CR-103: 08/10/99 Effective: 11/10/99	To adopt federal OSHA requirements relating to asbestos.
296-62	General Occupational Health Standards	Ken Lewis 902-4568	CR-101: 03/09/99 CR-102: 06/18/99 Hearing: 07/28/99 CR-103: 10/29/99 Effective: 02/01/00	To adopt federal OSHA requirements on confined spaces in order to be as effective as the federal final rule.
296-79	Pulp, Paper, Paperboard Mills and Converters	Ken Lewis 902-4568	CR-101: 08/24/94 CR-102: 03/02/99 Hearing: 04/07/99 CR-103: 08/03/99 Effective: 11/03/99	To amend the pulp and paper standard with the assistance of an industry labor/management advisory committee. This rule complies with EO 97-02 on regulatory improvement.
296-155	Safety Standards for Construction Work	Ken Lewis 902-4568	CR-101: 03/09/99 CR-102: 10/19/99 Hearing: 11/23/99 CR-103: 02/22/00 Effective: 06/01/00	To revise and adopt concrete pumper requirements with the assistance of the Construction Advisory Committee.
296-155	Safety Standards for Construction Work	Jim Hughes 902-4504	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To revise and adopt the personnel platform requirements with the assistance of the Construction Advisory Committee.
296-304	Safety Standards for Ship Repairing, Shipbuilding and Shipbreaking	Jim Hughes 902-4504	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To revise and adopt requirements relating to ship repairing, shipbuilding and shipbreaking to comply with EO 97-02 on regulatory improvement.

MISC.

296-307	Safety Standards for Agriculture	Ken Lewis 902-4568	To be determined: CR-101: CR-102: Hearing: CR-103: Effective:	To revise and adopt rules relating to temporary worker housing. This is a joint rule making with the Department of Health in accordance with chapter 374, Laws of 1999 (ESSB 5599).
Chapter to be determined	To be determined	Jennie Hays 902-5523	CR-101: 12/01/98 To be determined: CR-102: Hearing: CR-103: Effective:	WISHA is currently reviewing requirements with an advisory committee for musculoskeletal prevention for future rule development.

*** PLEASE NOTE: WISHA's agenda is scheduled to change as new federal OSHA rules become effective.**

Please feel free to contact 902-4206 or e-mail walx235@LNI.WA.GOV, if you have any questions.

Selwyn S. C. Walters
Rules Coordinator

rules coordinator correspondence to me at the State Treasurer's Office, P.O. Box 40200, Olympia, WA 98504-0200.

If you have any questions, please call me at 902-9093.

Gregory J. Rosen
Legal Counsel

WSR 99-16-026
RULES COORDINATOR
STATE TREASURER
[Filed July 26, 1999, 1:15 p.m.]

WSR 99-16-031
RULES COORDINATOR
HEALTH CARE AUTHORITY
[Filed July 27, 1999, 2:24 p.m.]

I am writing to request that my name be substituted as the Office of the State Treasurer's agency rules coordinator in place of Kay L. King, who is currently listed as the State Treasurer's rules coordinator. Ms. King recently left the employ of the State Treasurer. Please direct all future agency

As of July 27, 1999, and until further notice, please show Melodie Bankers as rules coordinator of the Health Care Authority. Melodie's phone number is (360) 923-2728; her fax number is (360) 923-2614; her e-mail address is mban107@hca.wa.gov; and her mailing address is P.O. Box 42700, Olympia, WA 98504-2700.

Beau Bergeron
Deputy Administrator

WSR 99-16-037
AGENDA
EMPLOYMENT SECURITY DEPARTMENT

[Filed July 28, 1999, 4:40 p.m.]

The Employment Security Department Rule-Making Agenda for July 1999 is submitted for filing in accordance with E2SHB 1032, section 206.

Employment Security Department
Unemployment Insurance Division
Semi-Annual Rule-Making Agenda (July 1, 1999 - December 31, 1999)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-210 WAC (Former WACs 192-16-051, 192-16-052 and 192-16-057)	Special Category Occupations	Juanita Myers (360) 902-9665	CR-101 - 3/98 CR-102 - 6/99 Hearing - 7/28/99 CR-103 - 8/99 Effective - 9/99	Amend rules defining terms for school employees, clarifying objective criteria for determining "academic year" and "reasonable assurance," to conform to new legislation.

Chapter 192-170 WAC	Availability to Accept Work	Juanita Myers (360) 902-9665	CR-101 - 5/97 CR-102 - 7/99 Hearing - To be determined CR-103 - 9/99 Effective - 10/99	Adopt rules regarding availability for work provisions for disabled claimants, including those with pregnancy-related disabilities.
Chapter 192-36 WAC	Shared Work	Juanita Myers (360) 902-9665	CR-101 - 9/99 CR-102 - 12/99 Hearing - To be determined CR-103 - 2/00 Effective - 3/00	Amend rules to clarify shared work plan approval criteria; define certain terms contained in the statute; and clarify the employees eligible for participation in an approved plan.
Chapter 192-210 WAC	Special Category Occupations	Juanita Myers (360) 902-9665	CR-101 - 7/99 CR-102 - 11/99 Hearing - To be determined CR-103 - 1/00 Effective - 2/00	Adopt rules for individuals who work or worked for a temporary services or employee leasing agency. These will include policies related to job separations, availability requirements, and suitable work.
Chapter 192-16 WAC	Interpretative Regulations	Juanita Myers (360) 902-9665	CR-101 - 12/98 CR-102 - 11/99 Hearing - To be determined CR-103 - 1/00 CR-103 [Effective] - 2/00	Amend WAC 192-16-070 regarding individuals who quit work in lieu of reduction in force or layoff. The amendment will clarify the circumstances under which benefits will be awarded to individuals in these circumstances.
Chapter 192-300 WAC	Registering for Unemployment Insurance Taxes	George Mante (360) 902-9642	CR-101 - 7/99 CR-102 - 8/99 Hearing - 9/99 CR-103 - 10/99 Effective - 11/99	Replace existing WAC 192-12-025, regarding requirements for electing UI coverage. The new rule will clarify the department's requirements of employers who elect to cover otherwise exempt employees.
Chapter 192-310 WAC	Reporting of Wages and Taxes Due	George Mante (360) 902-9642	CR-101 - 5/99 CR-102 - 7/99 Hearing - 8/99 CR-103 - 9/99 Effective - 10/99	Replace existing WAC 192-12-050, employer records. The new rule will be more in line with the record-keeping requirements of the Department of Labor and Industries. The provisions for farm operators will be moved to a separate rule, and will require that employers provide the name of the crew leader, contractors, and evidence of the farmer contractor's license.
Chapter 192-330 WAC	Collections and Refunds	George Mante (360) 902-9642	CR-101 - 7/99 CR-102 - 8/99 Hearing - 9/99 CR-103 - 10/99 Effective - 11/99	Adopt a new rule for employer refund requests, removing wages that have been reported in error, and disallowing refunds if benefits have been drawn.

MISC.

Chapter 192-340 WAC	Audits and Technical Assistance	George Mante (360) 902-9642	CR-101 - 7/99 CR-102 - 8/99 Hearing - 9/99 CR-103 - 10/99 Effective - 11/99	Adopt a new rule clarifying the procedures an employee must follow in expanding an audit. It will also outline the post audit interview where audit exceptions and future reporting requirements must be discussed with the entity being audited.
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Barney Hilliard
Rules Coordinator

WSR 99-16-039
AGENDA
DEPARTMENT OF ECOLOGY
[Filed July 29, 1999, 1:06 p.m.]
Department of Ecology
Semiannual Rule Agenda
July 31, 1999 - January 31, 2000

WAC Chapter	Chapter Title	Contact Person	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Scope of Changes / Sections to Amend
Air Quality						
173-409, AO# 99-10, 7/98	Omnibus Air Fee Rule	Robert Huber, (360) 407-6776, rhub461@ecy.wa.gov	6/1/99	Sep-99	Dec-99	Omnibus air fee rule - consolidate fee provisions, including source registration fees, in one place; add inflation adjuster where appropriate.
173-406, AO# 99-09, 1/98	Acid Rain Regulation	Tom Todd, (360) 407-7528, ttod461@ecy.wa.gov	6/22/99	Sep-99	Nov-99	Revisions to conform to EPA requirements. Potential to handle as expedited rule.
173-400, 173-405, 173-410, 173-433, 173-434, AO# 99-07, 7/96	Emissions Standards for Solid Waste Incinerators; General regulation for air pollution sources; Kraft Pulping Mills; Sulfite Pulping Mills; Solid Fuel Burning Device Standards	Peter Lyon, (360) 407-7530, plyo461@ecy.wa.gov	3/22/99	Nov-99	Mar-00	Hog Fuel Boiler RACT; define terms related to wood derived fuels; reorganize state incinerator rule. Committee has been meeting for past year, in part to scope the rule changes.
173-400, AO# 99-06, 7/98	General Regulation for Air Pollution Sources	Elena Guilfoil, (360) 407-6855, egui461@ecy.wa.gov	4/21/99	Oct-99	Dec-99	This action focuses on two air quality programs located in chapter 173-400 WAC: The prevention of significant deterioration or PSD program which addresses major new air pollution sources; and the best available retrofit technology provisions, as well as the PSD provisions, of the visibility protection program.
173-xxx (new chapter), or 173-460, 173-400, AO# 99-02, 1/98	Controls for New Sources of Toxic Air Pollution, General Regulation for Air Pollution Sources	Steve Cross, (360) 407-6875, stcr461@ecy.wa.gov	Sep-99	Nov-00	Feb-01	Incorporate de minimus levels; Tier two light; consolidate NSR processes from chapters 173-400 and 173-460 WAC.
173-415, 173-481, AO# 98-09, 7/96	Primary Aluminum Plants, Ambient Fluoride Standard	Carol Piening, (360) 407-6858, cpie461@ecy.wa.gov	4/30/99	Nov-99	n/a	Determine if MACT equates to RACT; address fluoride monitoring requirement.

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173-400, AO# 98-27, 7/98	General Regulation for Air Pollution Sources	Robert Huber, (360) 407-6776, rhub461@ecy.wa.gov	2/3/99	6/1/99	Aug-99	Update NESHAP and NSPS delegations; (including medical waste combustors) revise definition of VOCs.
173-425, AO# 97-39, 7/97	Open Burning	Bruce Smith, (360) 407-6899, brsm461@ecy.wa.gov	10/20/97	3/23/99	Jul-99	Incorporate state statutory changes; streamline program.
*173-422, AO# 99-19, 7/99	Motor Vehicle Emissions Inspection	Bob Saunders, (360) 407-6888, rsau461@ecy.wa.gov	7/21/99	Sep-99	Nov-99	Revisions based upon (1) 1999 legislation, (2) revisions based on 1998 evaluation, and (3) EPA requires a rule change committing state to on-board diagnostic check.
Hazardous Waste						
173-303, AO# 99-01, 1/99	Dangerous Waste Regulations	Patricia Hervieux, (360) 407-6756, pher461@ecy.wa.gov	4/30/99	Nov-99	Apr-00	Several federal hazardous waste regulations will be incorporated, the exemption for steel mill flue dust used as fertilizer will be deleted, transportation requirements will be modified, mercury-containing lamps will be added as a universal waste, plus technical corrections.
Shorelands and Environmental Assistance						
173-16, 173-26, AO# 95-17a, 7/97	State Master Program Approval/ Amendment Procedures (chapter 173-26 WAC), Shoreline Management Act Guidelines for Development of Master Programs	Peter Skowlund, (360) 407-6522, psko461@ecy.wa.gov	10/30/95	4/7/99	Oct-99	To update and replace chapter 173-16 WAC Shoreline Management Act guidelines for development of master programs; to implement regulatory reform measures integrating shorelines, growth management and related statutes; to create minimum requirements for local Shoreline Master Programs which regulate shoreline development; to protect and restore fish and wildlife habitat, including salmon, within shorelines of the state.
197-11, AO# 97-02, 7/97	SEPA Rules	Barbara Ritchie, (360) 407-6922, brit461@ecy.wa.gov	1/22/97	Jan-00	Apr-00	Revise categorical exemptions allowed under the State Environmental Policy Act.
173-700 (new chapter), AO# 98-26, 1/99	Compensatory Wetland Mitigation Banks	Judy Geier, (360) 407-7257, jgei461@ecy.wa.gov	1/20/99	Sep-99	Jan-00	This rule will outline procedures for the operation, monitoring, and implementation of wetland mitigation banks. The rule will also establish a predictable process for certifying mitigation banks. Among other concepts, the rule will address the definition.
173-802, AO# n/a, 7/97	SEPA Procedures	Marv Vialle, (360) 407-6928, mvia461@ecy.wa.gov	Aug-99	Sep-99	Nov-99	Revise ecology's own SEPA procedures to reflect current and proposed practices.
197-11, AO# 95-16, 7/97	SEPA Rules	Barbara Ritchie, (360) 407-6922, brit461@ecy.wa.gov	12/5/95	Jan-00	Apr-00	Finish revising environmental checklist (in response to ESHB 1724 and other changes).
*173-158, AO# n/a, 7/99	Floodplain Management	Ted Olson, (509) 456-2862, tols461@ecy.wa.gov	Aug-99	Dec-99	Mar-00	Amend WAC to implement ESHB 1963, which allows reconstruction of farmhouse dwellings in floodways under certain circumstances, and provides a variance process for replacement of other residential structures under certain circumstances.

Solid Waste and Financial Assistance						
173-304, AO# n/a, 7/97	Minimum Functional Standards for Solid Waste Handling	Brian Farmer, (509) 456-6386, bfar461@ecy.wa.gov	Aug-99	Jun-00	Dec-00	Update approaches to nonmunicipal solid waste management. Respond to state legislation aimed at removing impediments to recycling. Executive order/ regulatory improvement.
Spill Prevention, Preparedness and Response						
*317-21, 317-31, AO# n/a, 7/99	Tank Vessel Oil Spill Prevention Plans, Cargo and Passenger Vessels - Substantial Risk	Jeff Fishel, (360) 407-7504, jfis461@ecy.wa.gov	Sep-99	Jan-00	Apr-00	Changes will address technical problems (spelling, citation, declention, etc.), definitional issues, update requirements to meet changes in federal and international law, and clarify current requirements.
*317-10, 173-181, AO# n/a, 7/99	Vessel Contingency Plan and Response Contractor Standards	Jeff Fishel, (360) 407-7504, jfis461@ecy.wa.gov	Aug-99	Mar-00	Jul-00	Incorporate response planning standards, and require an emergency towing vessel for certain waters. Address technical problems (spelling, citation, declention, etc.).
Toxics Cleanup						
173-340, AO# 97-09, 7/97	Model Toxic Control Act (MTCA) Cleanup	Trish Akana, (360) 407-7230, taka461@ecy.wa.gov	5/7/97	Sep-99	Mar-00	Site specific assessment, petroleum cleanup method, ecological based cleanup standards, remedy selections, cleanup action laws, areawide contamination and brownfields, public participation in cleanup, and quality assurance. To implement recommendations from the MTCA policy advisory committee (a 22-member legislative task force charged with making statute and rule changes by 12/15/96). Regulatory improvement.
173-321, AO# 97-09, 7/97	Public Participation Grants	Trish Akana, (360) 407-7230, taka461@ecy.wa.gov	5/7/97	Sep-99	Mar-00	Implement \$60,000 grant program. Recommendation from the MTCA Policy Advisory Committee (see chapter 173-340 WAC).
173-322, AO# 97-09, 7/97	Remedial Action Grants	Trish Akana, (360) 407-7230, taka461@ecy.wa.gov	5/7/97	Sep-99	Mar-00	Implement brownfields grant program. Recommendation from the MTCA Policy Advisory Committee see chapter 173-340 WAC).
173-204, AO# 98-21, 7/95	Sediment Management Standards	Brett Betts, (360) 407-6914, bbet461@ecy.wa.gov	8/18/98	Aug-99	Dec-99	Human health sediment criteria; revised chemical and biological criteria, revised cleanup implementation procedures, revised definitions in chapter 173-204 WAC.
Water Quality						
173-201A, AO# 98-20, 7/98	Surface Water Quality Standards for the State of Washington	Mark Hicks, (360) 407-6477, mhic461@ecy.wa.gov	2/16/99	Nov-99	Feb-00	A. Develop regulatory language to guide the implementation of a water quality antidegradation policy. This would focus on protecting water quality standards, implementing technology-based pollution control requirements, and ensuring degradation that is allowed is in the overriding public interest. It would also include provisions to set aside waters constituting an outstanding national resource from all degradation. B. Ecology would also be looking at revising the way beneficial uses are assigned for protection to water bodies under the water

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						quality standards. The change would provide a more direct linkage between the beneficial uses that occur in water bodies to those listed for protection in those waters in the water quality standards regulation.
173-224, AO# 99-03, 1/99	Wastewater Discharge Permit Fee Rule Amendment	Beverly Poston, (360) 407-6425, bpos461@ecy.wa.gov	5/17/99	Sep-99	Jan-00	To keep ecology in compliance with RCW 90.48.465 by recovering the program funding level appropriated by the legislature.
173-230, AO# 98-18, 7/98	Wastewater Operator Certification	Myra Barker, (360) 407-6449, mbar461@ecy.wa.gov	9/1/98	6/15/99 (con- tinue)	Dec-99	Amend rule to implement advisory committee recommendations to streamline the process and to be able to use current exams-POTWs/operators.
Water Resources						
173-153, AO# 98-11, 1/98	Water Rights Transfers by Water Conservancy Boards	Peggy Clifford, (360) 407-7262, pcli461@ecy.wa.gov	7/17/98	6/2/99	Aug-99	To establish criteria for establishment of conservancy districts, training of district commissioners, and transfer procedures and criteria.
173-548, AO# 94-32, 7/94	Water Resource Program for Methow Basin—WRIA 48	Bob Barwin, (509) 457-7107, bbar461@ecy.wa.gov	6/5/95	4/21/99	Sep-99	Amend rule to establish trust water right water bank to assist with water management in the basin.
*173-503 (new chapter), AO# 99-05, 7/99	Instream Resources Protection Program and Watershed Management Plan—Lower Skagit Basin, WRIA 3	Rod Sakrison, (425) 649-4447, rsak461@ecy.wa.gov	7/21/99	n/a	n/a	Adoption of instream flow rules under HB 2514.
173-517 (new chapter), AO# 95-03, 7/97	Quilcene-Snow Water Resource Program Rules—WRIA 17	Cynthia Nelson, (360) 407-0276, cyne461@ecy.wa.gov	7/5/95	2001	n/a	Recommendations of the Dungeness-Quilcene Regional Water Resources Plan and Chelan Agreement.
173-518, AO# 95-03, 7/95	Dungeness-Elwah Water Resources Program Rules—WRIA 18	Cynthia Nelson, (360) 407-0276, cyne461@ecy.wa.gov	7/5/95	2001	n/a	Water Resources Management Program for the Sequim-Dungeness watershed. Instream flows, water conservation.

Rules marked with an * represent new additions to this iteration of the Semiannual Rule Agenda.

WSR 99-16-041
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Memorandum—July 28, 1999]

Public Employees Benefits Board
 1999 Meeting Schedule

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

August 3, 1:00 p.m.
 Tyee, Skokomish Room
 Tumwater, Washington
 CANCELED
 August 10, 1:00 p.m.
 Tyee, Skokomish Room
 Tumwater, Washington

August 16, 1:00 p.m.
 Tyee, Skokomish Room
 Tumwater, Washington
 (Addition - tentative)
 October 26, 8:00 a.m. to 5:00 p.m.
 Washington State Training and Conference Center
 November 9, 1:00 p.m. (tentative)
 Cavanaugh's, Board Room
 Olympia, Washington
 December 7, 1:00 p.m. (tentative)
 Cavanaugh's Board Room
 Olympia, Washington

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WSR 99-16-049
DEPARTMENT OF HEALTH
 [Filed July 30, 1999, 1:20 p.m.]

Medical Marijuana Petition
Hearing Notice

A panel of the Medical Quality Assurance Commission will conduct a hearing at 1:30 p.m. on Friday, September 24th. The hearing will be held at the Seattle Airport Hilton, 17620 Pacific Highway South, SeaTac, WA 98188.

The purpose of the hearing will be to determine whether Crohn's Disease should be added to the list of terminal and debilitating conditions for which medical marijuana may be beneficial and that are permitted under state law RCW 69.51A.010(4). The hearing is in response to a petition received May 19, 1999.

The commission panel invites written information on the topic to be submitted to the commission's offices no later than Wednesday, September 1, 1999. This information will then be prepared for distribution to the commission panel prior to the September 24th date in order for commission members to review and study the material. All material should be forwarded to the attention of Bonnie King, Executive Director, Medical Quality Assurance Commission, Department of Health, 1300 S.E. Quince Street, P.O. Box 47866, Olympia, WA 98502-7866.

Information will be received by mail or in person at the commission's offices in Olympia.

Oral testimony will be taken at the September 24th hearing from proponents and opponents of the petition request. The length of oral testimony may be limited. Deliberations will commence the same day. The commission panel will deliberate and reach a recommendation. The recommendation will be forwarded along with a summary of all oral testimony and written information to the full commission for a decision to be announced on Friday, November 5, 1999, between 8:00 a.m. and 10:30 a.m. at the Seattle Airport Hilton, 17620 Pacific Highway South, SeaTac, WA 98188. For more information, contact Bonnie King or Beverly Teeter at the Medical Quality Assurance Commission at (360) 236-4789 or (360) 236-4788.

WSR 99-16-050

AGENDA
DEPARTMENT OF HEALTH

[Filed July 30, 1999, 1:23 p.m.]

Department of Health
 Rules Agenda
 July 1999

If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044.

WAC	Status	Subject	Program	Contact	WSR/ Date
Problem Identified, Anticipate Filing CR-101 by December 1999					
246-14	Pre-CR-101	"Secretary Authority" Professions-Sexual Misconduct	Health Professions Quality Assurance Division	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-130	Pre-CR-101	HIV Infection Interventions	Infectious Diseases and Reproductive Health	Vince Collins (360) 236-3453	Anticipate CR-101 by 12/99
246-170	Pre-CR-101	Control and Prevention of Tuberculosis	Infectious Diseases and Reproductive Health	John Peppert (360) 236-3427	Anticipate CR-101 by 12/99
246-205	Pre-CR-101	Meth Lab Cleanup Standards	Environmental Health Programs	Jan Haywood (360) 705-6661	Anticipate CR-101 by 10/99
246-327, 246-331, 246-336	Pre-CR-101	Home Health, Hospice and Home Care Rules	Facilities and Services Licensing	Jennell Prentice (360) 705-6661	Anticipate study 12/99
246-358-025	Pre-CR-101	Temporary Worker Housing-Drinking water requirements (emergency rule expires 9/2/99)	Facilities and Services Licensing	Jennell Prentice (360) 705-6661	Anticipate CR-101 by 12/99
246-811	Pre-CR-101	Continuing Competency	Chemical Dependency Professionals	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-811	Pre-CR-101	Disclosure Statements	Chemical Dependency Professionals	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99

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246-811	Pre-CR-101	Educational Programs and Alternative Training	Chemical Dependency Professionals	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 10/99
246-817	Pre-CR-101	Continuing Education for Dentists	Dental	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-828-080 to 100	Pre-CR-101	Standards of Practice	Hearing and Speech	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-828-280	Pre-CR-101XR	Documentation of Referrals	Hearing and Speech	Pam Lovinger (360) 236-4985	Anticipate CR-101XR by 8/99
246-320, 330	Pre-CR-101	Location	Hearing and Speech	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 10/99
246-828-350	Pre-CR-101	Reasonable Cause for Recision	Hearing and Speech	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-834-990	Pre-CR-101	Fees	Midwifery	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-843-990	Pre-CR-101	Nursing Assistant Fees	Nursing Commission	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 10/99
246-887-160	Pre-CR-101	Adding Dronabinol to Schedule III	Pharmacy Board	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-918	Pre-CR-101	Physician Assistant Licensing and Practice	Health Professions Quality Assurance Division	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 12/99
246-922-040	Pre-CR-101	Examination	Podiatry Board	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 10/99
New Chapter	Pre-CR-101	Infectious Disease Testing for Good Samaritans— Exempt under 34.05 does not require filing of CR-101	Infectious Disease and Reproductive Health	John Peppert (360) 236-3427	Anticipate CR-102 by 12/99
New Chapter	Pre-CR-101	Residential Care Facilities	Facilities and Services Licensing	Jennell Prentice (360) 705-6661	Anticipate CR-101 by 12/99
New Chapter	Pre-CR-101	Registration of Surgical Technologists	Health Professions Quality Assurance Division	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 9/99
246-XXX	Pre-CR-101	Legal Use of Needles and Syringes	Pharmacy Board	Pam Lovinger (360) 236-4985	Anticipate CR-101 by 9/99
246-XXX	Pre-CR-101	Drinking Water Consumer Confidence Reports	Drinking Water Program	Jan Haywood (360) 236-3011	Anticipate CR-101 by 12/99
CR-101 Filed					
246-XXX	CR-101 Filed	Ed Requirements/ Pre-requisites	Psychology	Pam Lovinger (360) 236-4985	98-22-088 11/3/98
246-XXX	CR-101 Filed	Temporary Practice Permits	Psychology	Pam Lovinger (360) 236-4985	98-23-070 11/17/98
246-XXX	CR-101 Filed	License Renewal	MQAC	Jan Haywood (360) 236-3011	98-22-083 11/3/98
246-XXX	CR-101 Filed	Expired License	MQAC	Pam Lovinger (360) 236-4985	98-22-082 11/3/98
246-XXX	CR-101 Filed	Child Custody Evaluations	Psychology	Pam Lovinger (360) 236-4985	98-22-087 11/3/98

246-XXX	CR-101 Filed	Child Day Care Regulations	FSL	Jennell Prentice (360) 706-6661	97-09-054 4/7/99
246-XXX	CR-101 Filed	Defining Denturism	Denture Technology	Pam Lovinger (360) 236-4985	97-19-098 9/17/97 Anticipate Withdraw
246-XXX	CR-101 Filed	Complaint Investigation Time Periods	HPQA	Pam Lovinger (360) 236-4985	97-17-016 8/8/97
246-XXX	CR-101 Filed	Fees and Fines for Temporary Worker Housing	Facilities and Services Licensing	Jennell Prentice (360) 706-6661	98-11-063 5/21/98
246-XXX	CR-101 Filed	Release of Birth Certificates	Center for Health Statistics	Teresa Jennings (360) 236-4307	98-07-079 3/17/98
246-XXX	CR-101 Filed	Electronic Communication of Prescription Information	Pharmacy Board	Pam Lovinger (360) 236-4985	98-14-118 7/1/98
246-XXX	CR-101 Filed	Massage Therapy	Massage	Pam Lovinger (360) 236-4985	98-19-090 9/23/98
246-XXX	CR-101 Filed	Medication Assistance in Community Based Settings	Pharmacy Board	Pam Lovinger (360) 236-4985	98-14-119 7/1/98
246-XXX	CR-101 Filed	Alternative Training Orthotists and Prosthetists	Orthotics and Prosthetics	Pam Lovinger (360) 236-4985	98-18-070 8/31/98
246-XXX	CR-101 Filed	Chemical Dependency Counselors—Exam and Education Requirements	Chemical Dependency Professionals	Pam Lovinger (360) 236-4985	99-08-095 4/6/99
246-XXX	CR-101 Filed	Implementation of Retired Active Status	Podiatry	Pam Lovinger (360) 236-4985	98-17-101 8/19/98
246-XXX	CR-101 Filed	COMSPEX—USA Exam	Osteopathic Board	Pam Lovinger (360) 236-4985	99-11-035 5/13/99
246-XXX	CR-101 Filed	Reactivation of Midwifery License	Midwifery	Pam Lovinger (360) 236-4985	98-21-081 10-21-98
246-XXX	CR-101 Filed	Massage Therapy Examinations	Massage	Pam Lovinger (360) 236-4985	98-21-080 10-21-98
246-25	CR-101 Filed	Establishing New Anti-Trust Review Fees	Certificate of Need	Jennell Prentice (360) 706-6661	99-04-050 1/28/99
246-50	CR-101 Filed	Coordinated Quality Improvement Program	Managed Care	Michelle Davis (360) 236-4044	98-20-066 10/2/98
246-100	CR-101 Filed	HIV/AIDS, AIDS Omnibus Law	Community and Family Health	John Peppert (360) 236-3427	97-17-080 8/19/97
246-100 (DOH)	CR-101 Filed	Reporting Pesticide Poisoning, Gunshot Wounds and Cancer	Office of the Secretary	Greg Smith (360) 236-3704	98-09-113 4/22/98
246-100 (SBOH)	CR-101 Filed	Reporting Communicable Diseases, Blood Lead, Occupational Diseases and Conditions, and Sentinel Birth Defects	Office of the Secretary	Greg Smith (360) 236-3704	98-09-114 4/22/98

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246-246 (Chapter)	CR-101 Filed	Environmental Radioactivity	Radiation Protection	Jan Haywood (360) 236-3011	94-04-041 4/19/94
246-249-080	CR-101 Filed	Naturally Occurring Radioactive Materials	Radiation Protection	Jan Haywood (360) 236-3011	96-11-129 5/22/96
246-282	CR-101 Filed	Chapter Revision	Shellfish	Jan Haywood (360) 236-3011	94-12-088 6/1/94
246-296	CR-101 Filed	Joint Rules on Federal Drinking Water State Revolving Fund	Drinking Water	Jan Haywood (360) 236-3011	98-04-092 2/4/98
246-310-990	CR-101 Filed	Certificate of Need Fees	Certificate of Need	Jennell Prentice (360) 706-6661	99-05-011 2/5/99
246-338	CR-101 Filed	Medical Test Site Rules—Revise for Clarity	Lab Quality Assurance	Jennell Prentice (360) 706-6661	98-17-100 8/19/98
246-358	CR-101 Filed	Temporary Worker Housing—Joint Rules with L&I	Facilities and Services Licensing	Jennell Prentice (360) 706-6661	99-15-108 7/21/99
246-360-990	CR-101 Filed	Transient Accommodation Licensing Fees	Facilities and Services Licensing	Jennell Prentice (360) 706-6661	99-10-077 5/4/99
246-380	CR-101 Filed	Sanitation and Health Care Standards for State Institutions	Facilities and Services Licensing	Jennell Prentice (360) 706-6661	98-15-088 7/16/98
246-562	CR-101 Filed	Physician Visa Waiver	Office of Community and Rural Health	Kelly Shaw (360) 705-6763	99-15-101 7/21/99
246-760	CR-101 Filed	Auditory and Visual Standards—School Districts	Community and Family Health	Donna White (360) 236-3564	99-11-030 5/13/99
246-762	CR-101 Filed	Scoliosis Screening—School Districts	Community and Family Health	Donna White (360) 236-3564	99-11-031 5/13/99
246-780	CR-101 Filed	Farmers Market WIC Program	Community and Family Health	Sheryl Pickering (360) 236-3655	246-562
246-790	CR-101 Filed	WIC	Community and Family Health	Susan Evans (360) 236-3636	99-13-082 6/14/99
246-802-030, 040, 050, 060	CR-101 Filed	Acupuncture Course Requirements and Credit Hours	Acupuncture	Pam Lovinger (360) 236-4985	97-16-088 8/5/97 Anticipate withdraw
246-810	CR-101 Filed	Continuing Competency for Counselors—1998 Legislation	Counselors	Pam Lovinger (360) 236-4985	98-16-063 8/3/98
246-811	CR-101 Filed	Chemical Dependency Counselors, Retired Active Status	Chemical Dependency Professionals	Pam Lovinger (360) 236-4985	99-14-073 7/6/99
246-824-010, 020, 025	CR-101 Filed	Supervision of Apprentice Dispensing Opticians	Dispensing Opticians	Pam Lovinger (360) 236-4985	95-15-106 7/19/95 Anticipate Withdraw
246-824-220, 075, 990	CR-101 Filed	Dispensing Opticians—Housekeeping and Fees	Dispensing Opticians	Pam Lovinger (360) 236-4985	94-22-003 10/19/94 Anticipate Withdraw

246-826-080	CR-101 Filed	Health Care Assistants Update of Chapter	Health Care Assistants	Pam Lovinger (360) 236-4985	96-15-072 7/18/96
246-828-510	CR-101 Filed	Hearing/Speech—Continuing Education Requirements	Board of Hearing and Speech	Pam Lovinger (360) 236-4985	97-15-097 7/21/97
246-834-220, 230, 240	CR-101 Filed	Educational Requirements for Nonlicensed Midwives	Midwives	Pam Lovinger (360) 236-4985	97-22-024 10/29/97
246-834-900	CR-101 Filed	Retired Active Status	Midwives	Pam Lovinger (360) 236-4985	99-06-090 3/3/99
246-840	CR-101 Filed	Conscious Sedation	Nursing Commission	Pam Lovinger (360) 236-4985	99-11-034 5/13/99
246-840	CR-101 Filed	Telenursing	Nursing Commission	Pam Lovinger (360) 236-4985	99-11-033 5/13/99
246-840	CR-101 Filed	Nursing—Alcohol on Breath	Nursing Commission	Pam Lovinger (360) 236-4985	99-09-098 4/21/99
246-840-010, 760, 920, 020, 565	CR-101 Filed	Nursing Definitions	Nursing Commission	Pam Lovinger (360) 236-4985	99-11-032 5/13/99
246-840-125	CR-101 Filed	Nursing—Retired Active Status	Nursing Commission	Pam Lovinger (360) 236-4985	99-03-066 1/18/99
246-840-300 to 450	CR-101 Filed	ARNP Specialties	Nursing Commission	Pam Lovinger (360) 236-4985	97-12-029 5/30/97
46-840-700, 705, 710, 715	CR-101 Filed	Nursing Care Quality Assurance	Nursing Commission	Pam Lovinger (360) 236-4985	98-23-071 11/17/98
246-840-730	CR-101 Filed	Nursing—Mandatory Reporting	Nursing Commission	Pam Lovinger (360) 236-4985	98-09-115 4/22/98
246-840-840 to 900	CR-101	Nursing Technicians	Nursing Commission	Pam Lovinger (360) 236-4985	99-14-002 6/23/99
246-843-001-030, 040, 050	CR-101 Filed	Nursing Home Administration—Board Authority, etc.	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-156 12/22/97
246-843-010	CR-101 Filed	Nursing Home Administration—Definitions	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-157 12/22/97
246-843-090, 095	CR-101 Filed	Nursing Home Administration—Pre-exam requirements admin in training	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-159 12/22/97
246-843-070, 180, 100 to 122, 170, 230	CR-101 Filed	Nursing Home Administration—Definitions	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-158 12/22/97
246-843-125, 130, 150, 155	CR-101 Filed	Nursing Home Administration—Continuing Education	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-160 12/22/97
246-843-200, 205	CR-101 Filed	Nursing Home Administration—Standards of Conduct	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-161 12/22/97
246-843-220, 225, 340	CR-101 Filed	Nursing Home Administration—Administration, Complaints, etc.	Nursing Home Administrators	Pam Lovinger (360) 236-4985	98-01-162 12/22/97

246-845-990	CR-101 Filed	Nursing Pool Program Fees	Nursing Pool Program	Pam Lovinger (360) 236-4985	98-09-116 4/22/98
246-853	CR-101 Filed	Approved Schools of Osteopathic Medicine	Osteopathic Board	Pam Lovinger (360) 236-4985	99-13-020 6/7/99
246-853-225	CR-101 Filed	Osteopathic Pain Management Guidelines	Osteopathic Board	Pam Lovinger (360) 236-4985	98-22-086 11/3/98
246-865	CR-101 Filed	Pharmaceutical Services— Extended Care	Pharmacy Board	Pam Lovinger (360) 236-4985	97-11-038 5/15/97
246-869	CR-101 Filed	Pharmacy Hospital Standards	Pharmacy Board	Pam Lovinger (360) 236-4985	94-11-090 5/17/94
246-869-220	CR-101 Filed	Patient Information Required	Pharmacy Board	Pam Lovinger (360) 236-4985	98-11-065 5/19/98
246-872	CR-101 Filed	Automated Drug Distribution Devices	Pharmacy Board	Pam Lovinger (360) 236-4985	96-15-110 7/22/96
246-875	CR-101 Filed	Patient Medication Record Systems	Pharmacy Board	Pam Lovinger (360) 236-4985	94-11-091 5/17/94
246-879	CR-101 Filed	Registration Requirements for Drug Destruction Firms	Pharmacy Board	Pam Lovinger (360) 236-4985	96-15-109 7/22/96
246-883-030	CR-101 Filed	Ephedrine Prescription Restrictions	Pharmacy Board	Pam Lovinger (360) 236-4985	97-10-033 4/30/97
246-887-170	CR-101 Filed	Making Carisopordol a Schedule IV Drug	Pharmacy Board	Pam Lovinger (360) 236-4985	96-10-038 4/25/96
246-901	CR-101 Filed	Pharmacy Assistant	Pharmacy Board	Pam Lovinger (360) 236-4985	97-16-087 8/5/97
246-901-065	CR-101 Filed	Allow BOP to Track All Employees Working in a Pharmacy	Pharmacy Board	Pam Lovinger (360) 236-4985	95-20-073 10/04/95
246-904	CR-101 Filed	Health Care Entity Definitions	Pharmacy Board	Pam Lovinger (360) 236-4985	98-04-037 1/29/98
246-915	CR-101 Filed	Sexual Misconduct	Physical Therapy	Pam Lovinger (360) 236-4985	98-13-106 6/17/98
246-915-010, 085	CR-101 Filed	Continuing Competency	Physical Therapy	Pam Lovinger (360) 236-4985	98-15-088 7/16/98
246-915-020, 030, 120	CR-101 Filed	Application Requirements	Physical Therapy	Pam Lovinger (360) 236-4985	98-13-107 6/17/98
246-915-010, 078, 140 to 170	CR-101 Filed	Defining Professional Responsibilities	Physical Therapy	Pam Lovinger (360) 236-4985	98-13-104 6/17/98
246-915-150	CR-101 Filed	Physical Therapy Supervision Ratio	Physical Therapy	Pam Lovinger (360) 236-4985	98-13-105 6/17/98
246-915-210 to 280	CR-101 Filed	Mandatory Reporting	Physical Therapy	Pam Lovinger (360) 236-4985	98-13-103 6/17/98
246-919	CR-101 Filed	Treatment of Chronic Pain	MQAC	Pam Lovinger (360) 236-4985	98-21-079 10/21/98
246-922-195	CR-101 Filed	Podiatry Pain Management	Podiatry Board	Pam Lovinger (360) 236-4985	98-22-084 11/3/98

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246-924-240, 500	CR-101 Filed	Psychologist License, Continuing Psycho- logical Education	Psychology	Pam Lovinger (360) 236-4985	96-16-009 7/25/96 Anticipate Withdraw
246-924-990	CR-101 Filed	Psychology Fees— Temporary Permits	Psychology	Pam Lovinger (360) 236-4985	96-15-071 7/18/96 Antici- pate Withdraw
246-928	CR-101 Filed	Respiratory Care Practitioners	Respiratory Care Practitioners	Pam Lovinger (360) 236-4985	98-08-114 4/1/98
246-930-330	CR-101 Filed	Standards for Treat- ment—Sexual Offender Treatment Providers	SOTP	Pam Lovinger (360) 236-4985	99-14-001 6/23/99
246-933-990	CR-101 Filed	Veterinarian Fees	Veterinary	Pam Lovinger (360) 236-4985	97-06-018 2/25/97 Antici- pate Withdraw
246-935	CR-101 Filed	Animal Technicians— Continued Education, Continued Compe- tency	Veterinary	Pam Lovinger (360) 236-4985	99-15-102 7/21/99
246-935	CR-101 Filed	Animal Technicians, Surgery and Labeling Procedures, Record Keeping	Veterinary	Pam Lovinger (360) 236-4985	96-18-093 9/4/96 Antici- pate Withdraw
246-935-040 to 060	CR-101 Filed	Animal Technicians— Supervision, Health Care Tasks, Exam	Veterinary	Pam Lovinger (360) 236-4985	99-15-103 7/21/99
246-976-001 to 450, 246-976-910 to 990, except 935	CR-101 Filed	Biennial Review of the Emergency Medi- cal Systems and Trauma Care Chapter	EMS and Trauma	Tami Schweppe (360) 705-6768	96-21-118 10/22/96
CR-102 Filed, Pending Hearing					
246-828-061	CR-102 Filed Hearing 8/13/99	Requirements for Apprenticeship Waiver	Board of Hearing and Speech	Pam Lovinger (360) 236-4985	99-11-036 5/18/99
246-922-300, 310	CR-102 Filed Hearing 9/10/99	Podiatry Continuing Education	Podiatry Board	Pam Lovinger (360) 236-4985	99-15-104 7/21/99
Rules Pending Adoption					
246-100	CR-102 filed Hearing 7/14/99	HIV Surveillance	Infectious Disease and Reproductive Health	John Peppert (360) 236-3427	99-12-082 5/28/99
246-808-101, 301, 320 to 390, 640	CR-101X Filed	Chiropractic Stan- dards of Care for Con- duct of Practice	Chiropractic Com- mission	Pam Lovinger (360) 236-4985	99-03-061 1/18/99
246-828-105 Comments by 6/5/99	CR-102XA Filed	Speech Pathology— Minimum Standards of Practice	Hearing/Speech	Pam Lovinger (360) 236-4985	99-09-096 4/6/99
246-883-050	CR-101X Filed	Theophylline	Pharmacy Board	Pam Lovinger (360) 236-4985	98-07-088 3/17/98
246-918-115, 116, 246-919- 630, 640	CR-102 Filed Hearing 5/27/99	Sexual Misconduct and Patient Abuse	Medical Commis- sion	Pam Lovinger (360) 236-4985	99-07-121 3/24/99

246-851-270, 340, 360 Expedited Repeal	CR-101X Filed Anticipate Adop- tion 8/99	Retention of Contact Lens Records, Trans- mittal of Patient Infor- mation/ Records and Identification on Pre- scriptions	Board of Optome- try	Pam Lovinger (360) 236-4985	98-20-065 10/2/98
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KEY:

Exception Rule: The rule is "exempt" under RCW 34.05.310(4), and does not require the filing of a CR-101.

CR-101 Filed: The statement of inquiry has been filed with the Code Reviser's Office.

Pending Hearing: The CR-102 has been filed but the hearing has not been held yet.

Pending Adoption: The hearing has been held OR the rule qualifies under the Expedited Repeal or Adoption processes (RCW 34.05.354 and RCW 34.05.356), but the CR-103 has not been signed or filed.

WSR 99-16-057

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—July 29, 1999]

EDMONDS COMMUNITY COLLEGE

BOARD OF TRUSTEES

NOTICE OF SPECIAL MEETINGS

TO MEDIA/OTHER

August 5, 1999* Memorial Service for Barbara Patterson, VP Human Resources, Edmonds Community College, Cascade Conference Room, Snohomish Hall, Room 304, 20000 68th Avenue West, Lynnwood, WA, 3:00 p.m.

August 12, 1999* Edmonds Community College Board of Trustees and President's Cabinet Summer Study Session: Fidelgo Country Inn, 1250 Highway 20, Anacortes, WA, 8:00 a.m. - 9:30 p.m.
Purpose: To discuss EdCC Accomplishments, Challenges and Goals, and Policy Issues

August 13, 1999* Edmonds Community College Board of Trustees and President's Cabinet Summer Study Session: Fidelgo Country Inn, 1250 Highway 20, Anacortes, WA, 7:15 a.m. - 1:30 p.m.
Purpose: To discuss EdCC Accomplishments, Challenges and Goals, and Policy Issues.

Please note: The regular meeting of the EdCC board of trustees for August 19, 1999, has been canceled.

* This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 99-16-058

**NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Memorandum—July 29, 1999]

The Marine Employee's Commission has changed the location for its August monthly meeting. It is now scheduled as follows:

Date: Friday, August 27, 1999
Time: 9:30 a.m.
Place: "Spike" Eikum Conference Room
Washington State Ferries
801 Alaskan Way
Colman Dock, Pier 52
Seattle, WA

For further information: (360) 586-6354 (voice), (360) 586-0820 (fax), mec@olywa.net (e-mail).

WSR 99-16-076

**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—July 28, 1999]

COUNTY ROAD ADMINISTRATION BOARD

MEETING: October 14, 1999
NOTICE: County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.

PUBLIC HEARING: October 14, 1999
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
2:00 p.m.

MEETING: October 15, 1999
NOTICE: County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
9:00 a.m. to noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

MISC.

If you have questions, please contact (360) 753-5989.

WSR 99-16-078

DEPARTMENT OF CORRECTIONS

[Filed August 3, 1999, 10:46 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following enclosed Department of Corrections WAC rule, WAC 137-56-110 Serious infractions, is submitted for publication in the Register and the Washington Administrative Code. Pertinent information is as follows:

- a. WAC 137-56-110 Serious infractions, is amended and is adopted as of July 30, 1999.
- b. The effective date of this amended rule shall be the date of publication.
- c. I certify pursuant to RCW 34.05.030 that the rules as stated above are exempt from the APA.
- d. The purpose of this amendment is to create unique infraction codes for use of marijuana and unauthorized drugs, controlled substances or intoxicants. Use of these substances is currently included with the possession or introducing, or transferring these substances.

Joseph D. Lehman
Secretary

AMENDATORY SECTION (Amending WSR 94-07-065, filed 3/14/94, effective 5/1/94)

WAC 137-56-110 Serious infractions. Any of the following acts or omissions of the work/training release resident described and codified in the form below shall constitute a serious infraction.

Infraction Code	Act/Omission
800	- Creating a risk to the orderly operation of the facility or the health and safety of its residents, staff, or visitors.
801	- Assaulting any person which results in the hospitalization of the person assaulted.
802	- Assaulting any person.
803	- Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
804	- Engaging in sexual acts with others within the facility boundaries.
805	- Fighting with any person, provided, however, that self-defense may be a defense to a serious infraction for fighting.
806	- Threatening another with bodily harm or with any offense against his/her person.

Infraction Code	Act/Omission
810	- Intentionally failing to seek or maintain employment or training or to maintain oneself financially.
811	- Entering into an unauthorized contract.
812	- Failing to report or turn in all earnings or income.
813	- Modifying a work release plan by the releasee without authorization.
814	- Violating a special condition of work release plan.
815	- Failing to comply with all federal, state, and local laws, or court orders.
816	- Tampering with or blocking any locking device.
817	- Possessing or introducing into the facility an explosive or any ammunition or components of explosives or ammunitions.
818	- Possessing or introducing into the facility any unauthorized tool.
819	- Possessing or introducing into the facility any gun, firearm, weapon, sharpened instrument, knife, or components thereof.
821	- Holding a person hostage or restraining a person against his/her will.
825	- Violating conditions of furlough.
830	- Escaping/absconding with voluntary return within twenty-four hours.
831	- Failing to return to the facility from an authorized sign out.
832	- Escape from the facility.
833	- Using physical force in the act of escape.
834	- Escape and apprehension out-of-state.
<u>842</u>	<u>- Receiving a positive test result for use of marijuana.</u>
843	- Possessing, introducing, or using alcohol.
844	- Possessing((;)) <u>or</u> introducing((; or using)) marijuana or related paraphernalia.
845	- Possessing, introducing, <u>or</u> transferring((; or using)) any narcotics, controlled substance, or related paraphernalia unless authorized by the supervisor pursuant to a valid prescription or order issued in the course of professional treatment by a licensed medical practitioner.
846	- Refusing to submit to a urinalysis, breathalyzer, or other sobriety test.
<u>847</u>	<u>- Receiving a positive test result for use of unauthorized drugs, controlled substances or intoxicants.</u>
851	- Lying to a hearing committee.

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Infraction Code	Act/Omission
852	Lying to a staff member which causes an innocent person to be penalized, disciplined, or proceeded against.
853	Intentionally or recklessly setting a fire.
854	Intentionally or recklessly destroying or damaging state property, or the property of another person.
855	Stealing (theft) or knowingly possessing stolen property.
856	Refusing to submit to a body search when lawfully ordered to do so by staff.
857	Refusing and/or failing to work or attend regularly scheduled assignments.
858	Intentionally interfering with a staff member in the performance of his/her duties.
859	Gambling.
860	Possessing money or other negotiable instruments without prior authorization.
861	Performing or participating in a marriage ceremony in the facility or on the facility grounds, except when such marriage was approved by the supervisor.
870	Rioting.
871	Inciting others to riot.
872	Engaging in or inciting prohibited group demonstration.
873	Intentionally interfering with the taking of count.
874	Counterfeiting, forging, falsification, or unauthorized reproduction of any document, article of identification, money, security, or official paper.
875	Making intoxicants, narcotics, or other controlled substances.
876	Giving or offering any official staff member or volunteer a bribe or anything of value for favor or unauthorized service.
877	Committing four or more general infractions within a ninety-day period all of which arise out of separate incidents and have been reported in writing.
878	Intentionally failing to comply with an administrative or post-hearing sanction.
900	Attempting to commit or aiding another person to commit a serious infraction as enumerated in this section. Such action shall be considered the same as commission of the offense itself.
901	Operating a motor vehicle without permission.

WSR 99-16-092
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 4, 1999, 10:07 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-44 MAA Numbered Memorandum.
 Subject: Private duty nursing services.
 Effective Date: July 1, 1999.

Document Description: Effective with dates of service on or after July 1, 1999, the Medical Assistance Administration (MAA) has updated the relative value units, BAUs, CPT codes, HCPCS codes, and given a 12% vendor rate increase for private duty nursing.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 2, 1999
 Leslie Saeger
 Regulatory Improvement
 Project Manager

WSR 99-16-093
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 4, 1999, 10:07 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-43 MAA Numbered Memorandum.
 Subject: Wheelchairs, durable medical equipment and supplies.

Effective Date: July 1, 1999.

Document Description: Effective with dates of service on or after July 1, 1999, the Medical Assistance Administration (MAA) has updated the relative value units, BAUs, CPT codes, HCPCS codes, and given a 2% vendor rate increase for DME providers.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 2, 1999
 Leslie Saeger
 Regulatory Improvement
 Project Manager

MISC.

WSR 99-16-094
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 4, 1999, 10:08 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-46 MAA Numbered Memorandum.
 Subject: Healthy Options/Basic Health Plus recoupment of premium payments for SSI eligible clients.

Effective Date: September 1, 1999.

Document Description: When clients enrolled in Healthy Options (HO)/Basic Health Plus (BHPP) managed care become retroactively eligible for supplemental security income (SSI) benefits, the Medical Assistance Administration (MAA) recoups premiums paid to HO/BHPP plans for the period of SSI eligibility. This memorandum explains MAA's recoupment process.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 2, 1999
 Leslie Saeger
 Regulatory Improvement
 Project Manager

WSR 99-16-095
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 4, 1999, 10:09 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-47 MAA - Numbered Memoranda.
 Subject: Replacement page for dental program billing instructions.

Effective Date: July 28, 1999.

Document Description: Memo notifies providers of a correction. Attached with memo is a replacement page (N5/N6) for the Dental Program Billing Instructions, dated April 1999. Procedure code 07270 was inadvertently listed on this page. The code was removed.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 2, 1999
 Leslie Saeger
 Regulatory Improvement
 Project Manager

WSR 99-16-096
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 4, 1999, 10:09 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-49 MAA Numbered Memorandum.
 Subject: Vendor rate increase for adult day health.

Effective Date: July 1, 1999.

Document Description: **This numbered memorandum replaces Numbered Memorandum 99-22 MAA**, sent on June 15, 1999, and includes the same vendor rate increase information. *However, state-unique procedure codes 0820H and 0821H have been removed from the attached billing instructions replacement page (9/10). With the institution of new regulations for adult day services, these categories of service were eliminated effective July 1, 1999.* Effective with dates of service on or after July 1, 1999, the Medical Assistance Administration (MAA) has updated the relative value units, BAUs, CPT codes, HCPCS codes, and given a 2% vendor rate increase for adult day health.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 2, 1999
 Leslie Saeger
 Regulatory Improvement
 Project Manager

WSR 99-16-105
ATTORNEY GENERAL'S OFFICE

[Filed August 4, 1999, 10:43 a.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 August 25, 1999. 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 August 25, 1999, 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) 586-4218, or by writing to the Solicitor General, Office of the Attorney Gen-

eral, 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).

**99-08-02 Request by John Koster
State Representative, 39th District**

May the territory annexed by a code city under the direct property owner petition method of annexation (RCW 35A.14.120 - 35A.14.150) include an area that was not described by the annexation petition but was added to the proposed annexation by action of the boundary review board under RCW 36.93.150(2) or does the restriction under RCW 35A.14.140 preclude the boundary review board from adding an area to such a proposed annexation that was not described in the annexation petition?

**WSR 99-16-110
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD**

[Memorandum—August 3, 1999]

This is to notify all interested parties, that the Executive Ethics Board's regular meeting, scheduled for September 10, 1999, has been changed to Thursday, September 16th at 1:00 p.m. The location for this meeting will be at the Highways-Licenses Building, 1125 Washington Street S.E., 7th Floor, Room 742, Olympia, WA.

If you have any questions, please contact (360) 586-3265.

**WSR 99-16-116
DEPARTMENT OF HEALTH
(Board of Pharmacy)**

[Filed August 4, 1999, 11:28 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

**NOTICE OF INTENT TO ADOPT FEDERAL SCHEDULING
ORDER - RESCHEDULING OF DRONABINOL FROM
SCHEDULE II TO SCHEDULE III
NOTICE**

The Washington State Board of Pharmacy intends to adopt the July 2, 1999, action of the Drug Enforcement Administration (DEA) to reschedule Dronabinol from Schedule II to Schedule III of the Uniform Controlled Substances Act.

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 Donald H. Williams, Executive Director, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, or fax (360) 586-4359.

RCW 69.50.201(e) allows the Board of Pharmacy to directly adopt DEA scheduling orders without the need for the issuance of a Notice of Proposed Rule under chapter 34.05 RCW. The board will use the expedited rule process allowed for under RCW 69.50.201 provided no objection is made to the board's adoption of the DEA scheduling order.

The proposed rule will be adopted by the Board of Pharmacy on October 2, 1999, provided no objection to the rule is received. The board will accept comments up to September 30, 1999.

Donald H. Williams
Executive Director

[AMENDATORY SECTION (Amending Order WSR 96-01-032, filed 12/12/95)]

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

- (2) Any suppository dosage form containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;
- (5) Lysergic acid;
- (6) Lysergic acid amide;
- (7) Methyprylon;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane;

(11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepam 7 (1H)-one flupyzapone.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochlormethyltestosterone;
- (5) Dehydroepiandrosterone;
- (6) Dihydrotestosterone;
- (7) Drostanolone;
- (8) Ethylestrenol;
- (9) Fluoxymesterone;
- (10) Formebolone (Formebolone);
- (11) Mesterolone;
- (12) Methandienone;
- (13) Methandranone;
- (14) Methandriol;
- (15) Methandrostenolone;
- (16) Methenolone;
- (17) Methyltestosterone;
- (18) Mibolerone;
- (19) Nandrolone;

- (20) Norethandrolone;
- (21) Oxandrolone;
- (22) Oxymesterone;
- (23) Oxymetholone;
- (24) Stanolone;
- (25) Stanozolol;
- (26) Testolactone;
- (27) Testosterone;
- (28) Trenbolone; and

(29) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuti- cals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceuti- cal Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics laborato- ries Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuti- cals Marietta, GA

MISC.

Ingredients	Trade Name	Company
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceu- cals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Meth- yltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Meth- yltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceuti- cal Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypi- onates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuti- cals Port Washing- ton, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enan- thate-Estradiol Val- erate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enan- thate-Estradiol Val- erate Injection	Schein Pharmaceuti- cals Port Washing- ton, NY

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enan- thate-Estradiol Val- erate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) hallucinogenic substances

(i) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzof[b,d]pyrani-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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.

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.



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
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

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
- 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- 25-510	AMD-P	99-13-060	16- 05-045	REP-P	99-05-022	16- 12-190	REP-XR	99-16-087
4- 25-530	PREP	99-05-025	16- 05-045	REP	99-08-039	16- 12-195	REP-XR	99-16-087
4- 25-530	AMD-P	99-13-061	16- 10	PREP	99-11-056	16- 12-200	REP-XR	99-16-087
4- 25-730	AMD-P	99-13-062	16- 10-010	REP-XA	99-15-033	16- 12-205	REP-XR	99-16-087
4- 25-740	REP-P	99-13-075	16- 10-020	REP-XA	99-15-033	16- 12-210	REP-XR	99-16-087
4- 25-745	NEW-P	99-13-063	16- 10-030	REP-XA	99-15-033	16- 12-215	REP-XR	99-16-087
4- 25-746	NEW-P	99-13-064	16- 12-001	REP-XR	99-16-087	16- 12-220	REP-XR	99-16-087
4- 25-750	PREP	99-05-026	16- 12-010	REP-XR	99-16-087	16- 12-225	REP-XR	99-16-087
4- 25-750	AMD-P	99-13-065	16- 12-015	REP-XR	99-16-087	16- 12-230	REP-XR	99-16-087
4- 25-760	REP-P	99-13-076	16- 12-020	REP-XR	99-16-087	16- 12-235	REP-XR	99-16-087
4- 25-780	PREP	99-05-027	16- 12-025	REP-XR	99-16-087	16- 12-240	REP-XR	99-16-087
4- 25-780	AMD-P	99-13-066	16- 12-030	REP-XR	99-16-087	16- 12-245	REP-XR	99-16-087
4- 25-790	NEW-P	99-13-067	16- 12-035	REP-XR	99-16-087	16- 12-250	REP-XR	99-16-087
4- 25-791	NEW-P	99-13-068	16- 12-040	REP-XR	99-16-087	16- 12-255	REP-XR	99-16-087
4- 25-792	NEW-P	99-13-069	16- 12-045	REP-XR	99-16-087	16- 12-260	REP-XR	99-16-087
4- 25-795	NEW-P	99-13-070	16- 12-050	REP-XR	99-16-087	16- 12-265	REP-XR	99-16-087
4- 25-810	REP-P	99-13-077	16- 12-055	REP-XR	99-16-087	16- 12-270	REP-XR	99-16-087
4- 25-811	REP-P	99-13-077	16- 12-060	REP-XR	99-16-087	16- 12-275	REP-XR	99-16-087
4- 25-812	REP-P	99-13-077	16- 12-065	REP-XR	99-16-087	16- 12-280	REP-XR	99-16-087
4- 25-813	REP-P	99-13-078	16- 12-070	REP-XR	99-16-087	16- 12-285	REP-XR	99-16-087
4- 25-830	NEW-P	99-13-071	16- 12-075	REP-XR	99-16-087	16- 12-290	REP-XR	99-16-087
4- 25-831	NEW-P	99-13-072	16- 12-080	REP-XR	99-16-087	16- 12-295	REP-XR	99-16-087
4- 25-832	NEW-P	99-13-073	16- 12-085	REP-XR	99-16-087	16- 12-300	REP-XR	99-16-087
4- 25-833	NEW-P	99-13-074	16- 12-090	REP-XR	99-16-087	16- 12-305	REP-XR	99-16-087
10- 04	PREP	99-13-188	16- 12-095	REP-XR	99-16-087	16- 12-310	REP-XR	99-16-087
10- 08	PREP	99-13-188	16- 12-100	REP-XR	99-16-087	16- 12-315	REP-XR	99-16-087
10- 12	PREP	99-13-188	16- 12-105	REP-XR	99-16-087	16- 12-320	REP-XR	99-16-087
16- 05-005	REP-P	99-05-022	16- 12-110	REP-XR	99-16-087	16- 12-325	REP-XR	99-16-087
16- 05-005	REP	99-08-039	16- 12-115	REP-XR	99-16-087	16- 12-330	REP-XR	99-16-087
16- 05-010	AMD-P	99-05-022	16- 12-120	REP-XR	99-16-087	16- 12-335	REP-XR	99-16-087
16- 05-010	AMD	99-08-039	16- 12-125	REP-XR	99-16-087	16- 12-340	REP-XR	99-16-087
16- 05-015	REP-P	99-05-022	16- 12-130	REP-XR	99-16-087	16- 12-345	REP-XR	99-16-087
16- 05-015	REP	99-08-039	16- 12-135	REP-XR	99-16-087	16- 12-350	REP-XR	99-16-087
16- 05-020	REP-P	99-05-022	16- 12-140	REP-XR	99-16-087	16- 12-355	REP-XR	99-16-087
16- 05-020	REP	99-08-039	16- 12-145	REP-XR	99-16-087	16- 12-360	REP-XR	99-16-087
16- 05-025	REP-P	99-05-022	16- 12-150	REP-XR	99-16-087	16- 12-365	REP-XR	99-16-087
16- 05-025	REP	99-08-039	16- 12-155	REP-XR	99-16-087	16- 12-370	REP-XR	99-16-087
16- 05-030	REP-P	99-05-022	16- 12-160	REP-XR	99-16-087	16- 12-375	REP-XR	99-16-087
16- 05-030	REP	99-08-039	16- 12-165	REP-XR	99-16-087	16- 12-380	REP-XR	99-16-087
16- 05-035	REP-P	99-05-022	16- 12-170	REP-XR	99-16-087	16- 12-385	REP-XR	99-16-087
16- 05-035	REP	99-08-039	16- 12-175	REP-XR	99-16-087	16- 12-390	REP-XR	99-16-087
16- 05-040	AMD-P	99-05-022	16- 12-180	REP-XR	99-16-087	16- 12-395	REP-XR	99-16-087
16- 05-040	AMD	99-08-039	16- 12-185	REP-XR	99-16-087	16- 12-400	REP-XR	99-16-087

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-21-055	REP	99-16-086	16-22-040	REP-XR	99-12-122	16-23-180	REP	99-16-086
16-21-060	REP-XR	99-12-122	16-22-040	REP	99-16-086	16-24	PREP	99-13-180
16-21-060	REP	99-16-086	16-22-050	REP-XR	99-12-122	16-30	AMD-XA	99-07-115
16-21-065	REP-XR	99-12-122	16-22-050	REP	99-16-086	16-30	AMD	99-14-032
16-21-065	REP	99-16-086	16-22-060	REP-XR	99-12-122	16-30-001	REP-XA	99-07-115
16-21-070	REP-XR	99-12-122	16-22-060	REP	99-16-086	16-30-001	REP	99-14-032
16-21-070	REP	99-16-086	16-22-070	REP-XR	99-12-122	16-30-010	AMD-XA	99-07-115
16-21-075	REP-XR	99-12-122	16-22-070	REP	99-16-086	16-30-010	AMD	99-14-032
16-21-075	REP	99-16-086	16-22-080	REP-XR	99-12-122	16-30-100	REP-XA	99-07-115
16-21-080	REP-XR	99-12-122	16-22-080	REP	99-16-086	16-30-100	REP	99-14-032
16-21-080	REP	99-16-086	16-22-090	REP-XR	99-12-122	16-54-010	AMD-P	99-03-084
16-21-085	REP-XR	99-12-122	16-22-090	REP	99-16-086	16-54-010	AMD	99-09-023
16-21-085	REP	99-16-086	16-23-010	REP-XR	99-12-122	16-54-016	AMD-P	99-03-084
16-21-090	REP-XR	99-12-122	16-23-010	REP	99-16-086	16-54-016	REP	99-09-023
16-21-090	REP	99-16-086	16-23-012	REP-XR	99-12-122	16-54-018	NEW	99-09-023
16-21-095	REP-XR	99-12-122	16-23-012	REP	99-16-086	16-54-020	AMD-P	99-03-084
16-21-095	REP	99-16-086	16-23-014	REP-XR	99-12-122	16-54-020	AMD	99-09-023
16-21-100	REP-XR	99-12-122	16-23-014	REP	99-16-086	16-54-030	AMD-P	99-03-084
16-21-100	REP	99-16-086	16-23-020	REP-XR	99-12-122	16-54-030	AMD	99-09-023
16-21-105	REP-XR	99-12-122	16-23-020	REP	99-16-086	16-54-040	AMD-P	99-03-084
16-21-105	REP	99-16-086	16-23-025	REP-XR	99-12-122	16-54-040	AMD	99-09-023
16-21-110	REP-XR	99-12-122	16-23-025	REP	99-16-086	16-54-071	AMD-P	99-03-084
16-21-110	REP	99-16-086	16-23-030	REP-XR	99-12-122	16-54-071	AMD	99-09-023
16-21-115	REP-XR	99-12-122	16-23-030	REP	99-16-086	16-54-082	AMD-P	99-03-084
16-21-115	REP	99-16-086	16-23-035	REP-XR	99-12-122	16-54-082	AMD	99-09-023
16-21-120	REP-XR	99-12-122	16-23-035	REP	99-16-086	16-54-101	AMD-P	99-03-084
16-21-120	REP	99-16-086	16-23-040	REP-XR	99-12-122	16-54-101	AMD	99-09-023
16-21-125	REP-XR	99-12-122	16-23-040	REP	99-16-086	16-54-120	AMD-P	99-03-084
16-21-125	REP	99-16-086	16-23-045	REP-XR	99-12-122	16-54-120	AMD	99-09-023
16-21-130	REP-XR	99-12-122	16-23-045	REP	99-16-086	16-54-135	AMD-P	99-03-084
16-21-130	REP	99-16-086	16-23-050	REP-XR	99-12-122	16-54-135	AMD	99-09-023
16-21-135	REP-XR	99-12-122	16-23-050	REP	99-16-086	16-54-150	REP-P	99-03-084
16-21-135	REP	99-16-086	16-23-060	REP-XR	99-12-122	16-54-150	REP	99-09-023
16-21-140	REP-XR	99-12-122	16-23-060	REP	99-16-086	16-59	AMD-P	99-03-085
16-21-140	REP	99-16-086	16-23-070	REP-XR	99-12-122	16-59-001	AMD-P	99-03-085
16-21-145	REP-XR	99-12-122	16-23-070	REP	99-16-086	16-59-001	REP	99-09-024
16-21-145	REP	99-16-086	16-23-075	REP-XR	99-12-122	16-59-005	NEW	99-09-024
16-21-150	REP-XR	99-12-122	16-23-075	REP	99-16-086	16-59-010	AMD-P	99-03-085
16-21-150	REP	99-16-086	16-23-085	REP-XR	99-12-122	16-59-010	AMD	99-09-024
16-21-155	REP-XR	99-12-122	16-23-085	REP	99-16-086	16-59-020	AMD-P	99-03-085
16-21-155	REP	99-16-086	16-23-090	REP-XR	99-12-122	16-59-020	AMD	99-09-024
16-21-160	REP-XR	99-12-122	16-23-090	REP	99-16-086	16-59-030	AMD-P	99-03-085
16-21-160	REP	99-16-086	16-23-095	REP-XR	99-12-122	16-59-030	AMD	99-09-024
16-21-165	REP-XR	99-12-122	16-23-095	REP	99-16-086	16-59-060	AMD-P	99-03-085
16-21-165	REP	99-16-086	16-23-100	REP-XR	99-12-122	16-59-060	AMD	99-09-024
16-21-200	REP-XR	99-12-122	16-23-100	REP	99-16-086	16-59-070	REP-P	99-03-085
16-21-200	REP	99-16-086	16-23-105	REP-XR	99-12-122	16-59-070	REP	99-09-024
16-21-205	REP-XR	99-12-122	16-23-105	REP	99-16-086	16-86	AMD-P	99-03-087
16-21-205	REP	99-16-086	16-23-110	REP-XR	99-12-122	16-86-005	AMD-P	99-03-087
16-21-210	REP-XR	99-12-122	16-23-110	REP	99-16-086	16-86-005	AMD	99-09-025
16-21-210	REP	99-16-086	16-23-115	REP-XR	99-12-122	16-86-015	AMD-P	99-03-087
16-21-215	REP-XR	99-12-122	16-23-115	REP	99-16-086	16-86-015	AMD	99-09-025
16-21-215	REP	99-16-086	16-23-120	REP-XR	99-12-122	16-86-017	AMD-P	99-03-087
16-21-220	REP-XR	99-12-122	16-23-120	REP	99-16-086	16-86-017	AMD	99-09-025
16-21-220	REP	99-16-086	16-23-125	REP-XR	99-12-122	16-86-020	AMD-P	99-03-087
16-22-001	REP-XR	99-12-122	16-23-125	REP	99-16-086	16-86-020	AMD	99-09-025
16-22-001	REP	99-16-086	16-23-150	REP-XR	99-12-122	16-86-030	AMD-P	99-03-087
16-22-010	REP-XR	99-12-122	16-23-150	REP	99-16-086	16-86-030	AMD	99-09-025
16-22-010	REP	99-16-086	16-23-160	REP-XR	99-12-122	16-86-040	AMD-P	99-03-087
16-22-011	REP-XR	99-12-122	16-23-160	REP	99-16-086	16-86-040	AMD	99-09-025
16-22-011	REP	99-16-086	16-23-165	REP-XR	99-12-122	16-86-055	AMD-P	99-03-087
16-22-015	REP-XR	99-12-122	16-23-165	REP	99-16-086	16-86-055	AMD	99-09-025
16-22-015	REP	99-16-086	16-23-170	REP-XR	99-12-122	16-86-060	AMD-P	99-03-087
16-22-020	REP-XR	99-12-122	16-23-170	REP	99-16-086	16-86-060	AMD	99-09-025
16-22-020	REP	99-16-086	16-23-175	REP-XR	99-12-122	16-86-070	AMD-P	99-03-087
16-22-030	REP-XR	99-12-122	16-23-175	REP	99-16-086	16-86-070	AMD	99-09-025
16-22-030	REP	99-16-086	16-23-180	REP-XR	99-12-122	16-86-080	AMD-P	99-03-087

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16-86-093	REP	99-09-025	16-125	PREP	99-04-066	16-160-040	AMD	99-16-054
16-86-095	AMD-P	99-03-087	16-125	AMD-P	99-14-072	16-160-050	AMD-P	99-13-195
16-86-095	AMD	99-09-025	16-125-010	AMD-P	99-14-072	16-160-050	AMD	99-16-054
16-86-100	REP-P	99-03-087	16-125-020	AMD-P	99-14-072	16-160-060	AMD-P	99-13-195
16-86-100	REP	99-09-025	16-125-030	AMD-P	99-14-072	16-160-060	AMD	99-16-054
16-88-010	REP-XR	99-07-114	16-125-035	NEW-P	99-14-072	16-160-070	AMD-P	99-13-195
16-88-010	REP	99-14-031	16-125-040	REP-P	99-14-072	16-160-070	AMD	99-16-054
16-88-020	REP-XR	99-07-114	16-125-050	REP-P	99-14-072	16-160-090	AMD-P	99-13-195
16-88-020	REP	99-14-031	16-125-060	REP-P	99-14-072	16-160-090	AMD	99-16-054
16-88-030	REP-XR	99-07-114	16-125-070	REP-P	99-14-072	16-160-100	AMD-P	99-13-195
16-88-030	REP	99-14-031	16-125-080	REP-P	99-14-072	16-160-100	AMD	99-16-054
16-88-040	REP-XR	99-07-114	16-125-090	REP-P	99-14-072	16-160-110	NEW-P	99-13-195
16-88-040	REP	99-14-031	16-125-100	REP-P	99-14-072	16-160-110	NEW	99-16-054
16-89-005	NEW-P	99-03-086	16-125-120	AMD-P	99-14-072	16-165-100	NEW-P	99-08-088
16-89-005	NEW	99-09-026	16-125-200	AMD-P	99-14-072	16-165-100	NEW	99-13-001
16-89-010	NEW-P	99-03-086	16-125-210	AMD-P	99-14-072	16-165-110	NEW-P	99-08-088
16-89-010	NEW	99-09-026	16-129-050	PREP	99-13-177	16-165-110	NEW	99-13-001
16-89-015	NEW-P	99-03-086	16-142	PREP	99-04-067	16-165-120	NEW-P	99-08-088
16-89-015	NEW	99-09-026	16-142-001	REP-P	99-09-095	16-165-120	NEW	99-13-001
16-89-020	NEW-P	99-03-086	16-142-001	REP	99-13-048	16-165-130	NEW-P	99-08-088
16-89-020	NEW	99-09-026	16-142-010	REP-P	99-09-095	16-165-130	NEW	99-13-001
16-89-030	NEW-P	99-03-086	16-142-010	REP	99-13-048	16-165-140	NEW-P	99-08-088
16-89-030	NEW	99-09-026	16-142-020	REP-P	99-09-095	16-165-140	NEW	99-13-001
16-89-040	NEW-P	99-03-086	16-142-020	REP	99-13-048	16-165-150	NEW-P	99-08-088
16-89-040	NEW	99-09-026	16-142-030	REP-P	99-09-095	16-165-150	NEW	99-13-001
16-89-050	NEW-P	99-03-086	16-142-030	REP	99-13-048	16-165-160	NEW-P	99-08-088
16-89-050	NEW	99-09-026	16-142-040	REP-P	99-09-095	16-165-160	NEW	99-13-001
16-89-060	NEW-P	99-03-086	16-142-040	REP	99-13-048	16-167-010	AMD-P	99-07-117
16-89-060	NEW	99-09-026	16-142-050	REP-P	99-09-095	16-167-010	AMD	99-12-020
16-89-070	NEW-P	99-03-086	16-142-050	REP	99-13-048	16-167-020	AMD-P	99-07-117
16-89-070	NEW	99-09-026	16-142-060	REP-P	99-09-095	16-167-020	AMD	99-12-020
16-89-080	NEW-P	99-03-086	16-142-060	REP	99-13-048	16-167-030	AMD-P	99-07-117
16-89-080	NEW	99-09-026	16-142-100	NEW-P	99-09-095	16-167-030	AMD	99-12-020
16-89-090	NEW-P	99-03-086	16-142-100	NEW	99-13-048	16-167-040	AMD-P	99-07-117
16-89-090	NEW	99-09-026	16-142-110	NEW-P	99-09-095	16-167-040	AMD	99-12-020
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16-89-100	NEW	99-09-026	16-142-120	NEW-P	99-09-095	16-167-050	AMD	99-12-020
16-89-110	NEW-P	99-03-086	16-142-120	NEW	99-13-048	16-168	PREP	99-13-181
16-89-110	NEW	99-09-026	16-142-130	NEW-P	99-09-095	16-200	PREP	99-12-101
16-89-120	NEW-P	99-03-086	16-142-130	NEW	99-13-048	16-200-695	AMD-P	99-04-093
16-89-120	NEW	99-09-026	16-142-140	NEW-P	99-09-095	16-200-695	AMD	99-08-037
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16-103	PREP	99-16-088	16-142-150	NEW-P	99-09-095	16-200-705	AMD	99-08-037
16-108	PREP	99-03-045	16-142-150	NEW	99-13-048	16-200-7061	AMD-P	99-04-093
16-108-010	AMD-P	99-07-118	16-142-160	NEW-P	99-09-095	16-200-7061	AMD	99-08-037
16-108-010	AMD	99-12-076	16-142-160	NEW	99-13-048	16-200-742	REP-XA	99-15-033
16-122-001	REP-XR	99-16-087	16-142-170	NEW-P	99-09-095	16-200-750	AMD-P	99-13-164
16-124-001	REP-XR	99-13-175	16-142-170	NEW	99-13-048	16-200-755	AMD-P	99-13-164
16-124-010	REP-XR	99-13-175	16-144	PREP	99-12-123	16-200-760	AMD-P	99-13-164
16-124-020	REP-XR	99-13-175	16-145	PREP	99-13-179	16-200-790	AMD-P	99-13-164
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16-124-040	REP-XR	99-13-175	16-147	PREP	99-12-124	16-200-815	AMD-P	99-13-164
16-124-050	REP-XR	99-13-175	16-150-001	REP-XR	99-16-087	16-200-830	AMD-P	99-13-164
16-124-060	REP-XR	99-13-175	16-150-010	REP-XR	99-16-087	16-202-1000	NEW-XA	99-15-033
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16-124-090	REP-XR	99-13-175	16-160-010	AMD-P	99-13-195	16-212	AMD-P	99-11-095
16-124-100	REP-XR	99-13-175	16-160-010	AMD	99-16-054	16-212	AMD	99-15-082
16-124-110	REP-XR	99-13-175	16-160-020	AMD-P	99-13-195	16-212-010	AMD-P	99-11-095
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16-212-060	AMD	99-15-082	16-228-160	REP-XA	99-15-033	16-231-230	PREP	99-13-162
16-212-070	AMD-P	99-11-095	16-228-161	REP-XA	99-15-033	16-231-235	PREP	99-13-162
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16-219-016	PREP	99-07-086	16-228-180	REP-XA	99-15-033	16-231-330	PREP	99-13-162
16-219-100	PREP	99-07-111	16-228-185	REP-XA	99-15-033	16-231-335	PREP	99-13-162
16-219-105	PREP	99-07-111	16-228-190	REP-XA	99-15-033	16-231-340	PREP	99-13-162
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16-228-010	REP-XA	99-15-033	16-228-2000	NEW-XA	99-15-033	16-231-405	PREP	99-13-162
16-228-020	REP-XA	99-15-033	16-228-2020	NEW-XA	99-15-033	16-231-410	PREP	99-13-162
16-228-1010	NEW-XA	99-15-033	16-228-2030	NEW-XA	99-15-033	16-231-413	PREP	99-13-162
16-228-1020	NEW-XA	99-15-033	16-228-2040	NEW-XA	99-15-033	16-231-415	PREP	99-13-162
16-228-1030	NEW-XA	99-15-033	16-228-210	REP-XA	99-15-033	16-231-420	PREP	99-13-162
16-228-1040	NEW-XA	99-15-033	16-228-213	REP-XA	99-15-033	16-231-425	PREP	99-13-162
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16-228-1130	NEW-XA	99-15-033	16-228-220	REP-XA	99-15-033	16-231-515	PREP	99-13-162
16-228-1140	NEW-XA	99-15-033	16-228-223	REP-XA	99-15-033	16-231-520	PREP	99-13-162
16-228-115	REP-XA	99-15-033	16-228-225	REP-XA	99-15-033	16-231-525	PREP	99-13-162
16-228-1150	NEW-XA	99-15-033	16-228-227	REP-XA	99-15-033	16-231-530	PREP	99-13-162
16-228-116	REP-XA	99-15-033	16-228-230	REP-XA	99-15-033	16-231-600	PREP	99-13-162
16-228-117	REP-XA	99-15-033	16-228-232	REP-XA	99-15-033	16-231-605	PREP	99-13-162
16-228-120	REP-XA	99-15-033	16-228-233	REP-XA	99-15-033	16-231-610	PREP	99-13-162
16-228-1200	NEW-XA	99-15-033	16-228-320	REP-XR	99-04-006	16-231-613	PREP	99-13-162
16-228-1220	NEW-XA	99-15-033	16-228-320	REP	99-07-113	16-231-615	PREP	99-13-162
16-228-1230	NEW-XA	99-15-033	16-228-330	REP-XR	99-04-006	16-231-620	PREP	99-13-162
16-228-1240	NEW-XA	99-15-033	16-228-330	REP	99-07-113	16-231-620	PREP	99-13-162
16-228-125	REP-XA	99-15-033	16-228-340	REP-XR	99-04-007	16-231-700	PREP	99-13-162
16-228-1250	NEW-XA	99-15-033	16-228-340	REP	99-07-112	16-231-705	PREP	99-13-162
16-228-1260	NEW-XA	99-15-033	16-228-400	REP-XA	99-15-033	16-231-710	PREP	99-13-162
16-228-1270	NEW-XA	99-15-033	16-228-410	REP-XA	99-15-033	16-231-715	PREP	99-13-162
16-228-130	REP-XA	99-15-033	16-228-420	REP-XA	99-15-033	16-231-720	PREP	99-13-162
16-228-1300	NEW-XA	99-15-033	16-228-430	REP-XA	99-15-033	16-231-800	PREP	99-13-162
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16-228-1330	NEW-XA	99-15-033	16-228-650	REP-XA	99-15-033	16-231-810	PREP	99-13-162
16-228-1370	NEW-XA	99-15-033	16-228-655	REP-XA	99-15-033	16-231-815	PREP	99-13-162
16-228-1380	NEW-XA	99-15-033	16-228-660	REP-XA	99-15-033	16-231-820	PREP	99-13-162
16-228-1385	NEW-XA	99-15-033	16-228-905	REP-XA	99-15-033	16-231-825	PREP	99-13-162
16-228-140	REP-XA	99-15-033	16-228-910	REP-XA	99-15-033	16-231-830	PREP	99-13-162
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16-228-143	REP-XA	99-15-033	16-228-930	REP-XA	99-15-033	16-231-905	PREP	99-13-162
16-228-1430	NEW-XA	99-15-033	16-230	PREP	99-07-087	16-231-910	PREP	99-13-162
16-228-1440	NEW-XA	99-15-033	16-230-150	PREP	99-13-163	16-231-912	PREP	99-13-162
16-228-145	REP-XA	99-15-033	16-230-160	PREP	99-13-163	16-231-915	PREP	99-13-162
16-228-1450	NEW-XA	99-15-033	16-230-170	PREP	99-13-163	16-231-920	PREP	99-13-162
16-228-14501	REP-XA	99-15-033	16-230-180	PREP	99-13-163	16-231-925	PREP	99-13-162
16-228-1455	NEW-XA	99-15-033	16-230-190	PREP	99-13-163	16-231-930	PREP	99-13-162
16-228-1460	NEW-XA	99-15-033	16-230-400	PREP	99-13-162	16-231-935	PREP	99-13-162
16-228-1500	NEW-XA	99-15-033	16-230-410	PREP	99-13-162	16-232-001	PREP	99-13-162
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16-228-1540	NEW-XA	99-15-033	16-230-440	PREP	99-13-162	16-232-015	PREP	99-13-162
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16-228-1550	NEW-XA	99-15-033	16-230-460	PREP	99-13-162	16-232-025	PREP	99-13-162
16-228-1555	NEW-XA	99-15-033	16-230-470	PREP	99-13-162	16-232-027	PREP	99-13-162
16-228-157	REP-XA	99-15-033	16-231-200	PREP	99-13-162	16-232-030	PREP	99-13-162
16-228-1570	NEW-XA	99-15-033	16-231-205	PREP	99-13-162	16-232-035	PREP	99-13-162
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16-232-115	PREP	99-13-162	16-451-020	REP-XR	99-08-112	16-481	PREP	99-03-090
16-232-120	PREP	99-13-162	16-451-030	REP-XR	99-08-112	16-483	PREP	99-03-091
16-232-200	PREP	99-13-162	16-451-040	REP-XR	99-08-112	16-532-020	AMD-P	99-02-063
16-232-205	PREP	99-13-162	16-451-050	REP-XR	99-08-112	16-532-020	AMD	99-10-095
16-232-210	PREP	99-13-162	16-451-060	REP-XR	99-08-112	16-545-010	NEW	99-02-064
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16-232-315	PREP	99-13-162	16-460-005	REP-XR	99-08-112	16-545-080	NEW	99-02-064
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16-401-020	AMD-P	99-07-126	16-462-015	AMD	99-12-025	16-607-155	NEW-P	99-16-100
16-401-020	AMD	99-12-034	16-462-020	AMD-XA	99-07-127	16-607-160	NEW-P	99-16-100
16-401-021	NEW-P	99-07-126	16-462-020	AMD	99-12-025	16-607-165	NEW-P	99-16-100
16-401-021	NEW	99-12-034	16-462-021	NEW-XA	99-07-127	16-607-170	NEW-P	99-16-100
16-401-023	AMD-P	99-07-126	16-462-021	NEW	99-12-025	16-645-005	NEW-P	99-02-066
16-401-023	AMD	99-12-034	16-462-022	NEW-XA	99-07-127	16-645-005	NEW	99-06-072
16-401-025	AMD-P	99-07-126	16-462-022	NEW	99-12-025	16-645-010	NEW-P	99-02-066
16-401-025	AMD	99-12-034	16-462-025	AMD-XA	99-07-127	16-645-010	NEW	99-06-072
16-401-026	NEW-P	99-07-126	16-462-025	AMD	99-12-025	16-662-105	AMD-P	99-04-111
16-401-026	NEW	99-12-034	16-462-030	AMD-XA	99-07-127	16-662-105	AMD	99-07-056
16-401-030	AMD-P	99-07-126	16-462-030	AMD	99-12-025	16-662-110	AMD-P	99-04-111
16-401-030	AMD	99-12-034	16-462-035	AMD-XA	99-07-127	16-662-110	AMD	99-07-056
16-401-031	NEW-P	99-07-126	16-462-035	AMD	99-12-025	16-720	PREP	99-13-178
16-401-031	NEW	99-12-034	16-462-045	REP-XA	99-07-127	16-720	PREP	99-16-089
16-401-040	AMD-P	99-07-126	16-462-045	REP	99-12-025	16-750	PREP	99-13-039
16-401-040	AMD	99-12-034	16-462-050	AMD-XA	99-07-127	16-752	PREP	99-07-123
16-401-041	NEW-P	99-07-126	16-462-050	AMD	99-12-025	16-752-115	REP-XR	99-07-124
16-401-041	NEW	99-12-034	16-462-055	AMD-XA	99-07-127	16-752-115	REP	99-11-087
16-401-050	AMD-P	99-07-126	16-462-055	AMD	99-12-025	16-752-120	REP-XR	99-07-124
16-401-050	AMD	99-12-034	16-462-060	REP-XA	99-07-127	16-752-120	REP	99-11-087
16-403	PREP	99-03-108	16-462-060	REP	99-12-025	16-752-125	REP-XR	99-07-124
16-403-141	AMD-P	99-11-096	16-470	PREP	99-03-092	16-752-125	REP	99-11-087
16-403-141	AMD	99-14-036	16-470-900	PREP	99-03-096	16-752-130	REP-XR	99-07-124
16-406-001	PREP	99-04-094	16-470-900	AMD-P	99-07-125	16-752-130	REP	99-11-087
16-406-020	PREP	99-04-094	16-470-900	AMD	99-12-035	16-752-135	REP-XR	99-07-124
16-406-020	AMD-P	99-08-108	16-470-905	PREP	99-03-096	16-752-135	REP	99-11-087
16-406-025	NEW-P	99-08-108	16-470-905	AMD-P	99-07-125	16-752-140	REP-XR	99-07-124
16-406-030	PREP	99-04-094	16-470-905	AMD	99-12-035	16-752-140	REP	99-11-087
16-406-030	AMD-P	99-08-108	16-470-910	PREP	99-03-096	16-752-145	REP-XR	99-07-124
16-406-050	PREP	99-04-094	16-470-910	AMD-P	99-07-125	16-752-145	REP	99-11-087
16-406-050	AMD-P	99-08-108	16-470-910	AMD	99-12-035	16-752-146	REP-XR	99-07-124
16-412-010	REP-XR	99-08-112	16-470-911	NEW-P	99-07-125	16-752-146	REP	99-11-087
16-412-020	REP-XR	99-08-112	16-470-911	NEW	99-12-035	16-752-147	REP-XR	99-07-124
16-412-030	REP-XR	99-08-112	16-470-915	PREP	99-03-096	16-752-147	REP	99-11-087
16-412-040	REP-XR	99-08-112	16-470-915	AMD-P	99-07-125	16-752-150	REP-XR	99-07-124
16-412-050	REP-XR	99-08-112	16-470-915	AMD	99-12-035	16-752-150	REP	99-11-087
16-412-060	REP-XR	99-08-112	16-470-916	NEW-P	99-07-125	16-752-155	REP-XR	99-07-124
16-424-010	REP-XR	99-08-112	16-470-916	NEW	99-12-035	16-752-155	REP	99-11-087
16-424-020	REP-XR	99-08-112	16-470-920	PREP	99-03-096	16-752-160	REP-XR	99-07-124
16-424-030	REP-XR	99-08-112	16-470-920	AMD-P	99-07-125	16-752-160	REP	99-11-087
16-436	PREP	99-08-111	16-470-920	AMD	99-12-035	16-752-165	REP-XR	99-07-124

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16-752-170	REP-XR	99-07-124	50- 16-095	REP	99-08-123	132A-116-001	NEW	99-15-072
16-752-170	REP	99-11-087	50- 16-100	REP-XR	99-04-073	132A-116-005	REP-XR	99-16-028
25- 12-010	REP-P	99-03-098	50- 16-100	REP	99-08-123	132A-116-006	NEW-P	99-10-100
25- 12-010	REP-W	99-16-074	50- 16-105	REP-XR	99-04-073	132A-116-006	NEW	99-15-072
25- 12-020	REP-P	99-03-098	50- 16-105	REP	99-08-123	132A-116-010	REP-XR	99-16-028
25- 12-020	REP-W	99-16-074	50- 44-037	NEW-P	99-07-131	132A-116-011	NEW-P	99-10-100
25- 12-030	REP-P	99-03-098	50- 44-037	NEW	99-10-024	132A-116-011	NEW	99-15-072
25- 12-030	REP-W	99-16-074	50- 44-039	NEW-P	99-07-131	132A-116-015	REP-XR	99-16-028
25- 12-040	REP-P	99-03-098	50- 44-039	NEW	99-10-024	132A-116-016	NEW-P	99-10-100
25- 12-040	REP-W	99-16-074	51- 40-23110	REP-E	99-05-030	132A-116-016	NEW	99-15-072
25- 12-050	REP-P	99-03-098	67- 55-040	AMD	99-05-005	132A-116-020	REP-XR	99-16-028
25- 12-050	REP-W	99-16-074	67- 55-060	AMD	99-05-005	132A-116-021	NEW-P	99-10-100
25- 12-060	REP-P	99-03-098	67- 75-010	AMD	99-05-005	132A-116-021	NEW	99-15-072
25- 12-060	REP-W	99-16-074	67- 75-020	AMD	99-05-005	132A-116-025	REP-XR	99-16-028
25- 12-070	REP-P	99-03-098	67- 75-030	AMD	99-05-005	132A-116-026	NEW-P	99-10-100
25- 12-070	REP-W	99-16-074	67- 75-040	AMD	99-05-005	132A-116-026	NEW	99-15-072
25- 12-110	NEW-P	99-03-098	67- 75-042	AMD	99-05-005	132A-116-030	NEW-P	99-10-100
25- 12-110	NEW-W	99-16-074	67- 75-044	AMD	99-05-005	132A-116-030	NEW	99-15-072
25- 12-120	NEW-P	99-03-098	67- 75-050	AMD	99-05-005	132A-120	AMD	99-15-072
25- 12-120	NEW-W	99-16-074	82- 50-021	AMD-XA	99-07-128	132A-120-005	REP-XR	99-16-028
25- 12-130	NEW-P	99-03-098	82- 50-021	AMD	99-12-081	132A-120-006	NEW-P	99-10-100
25- 12-130	NEW-W	99-16-074	98- 70-010	PREP	99-10-017	132A-120-006	NEW	99-15-072
25- 12-140	NEW-P	99-03-098	98- 70-010	AMD-P	99-13-137	132A-120-010	REP-XR	99-16-028
25- 12-140	NEW-W	99-16-074	98- 70-010	AMD	99-16-079	132A-120-011	NEW-P	99-10-100
25- 12-150	NEW-P	99-03-098	130- 16	PREP	99-08-060	132A-120-011	NEW	99-15-072
25- 12-150	NEW-W	99-16-074	131- 16-021	PREP	99-09-017	132A-120-015	REP-XR	99-16-028
25- 12-160	NEW-P	99-03-098	131- 16-021	AMD-P	99-13-043	132A-120-016	NEW-P	99-10-100
25- 12-160	NEW-W	99-16-074	131- 16-021	AMD-E	99-13-186	132A-120-016	NEW	99-15-072
25- 12-170	NEW-P	99-03-098	131- 16-021	AMD-P	99-14-019	132A-120-020	REP-XR	99-16-028
25- 12-170	NEW-W	99-16-074	131- 16-021	AMD-P	99-14-052	132A-120-021	NEW-P	99-10-100
25- 12-180	NEW-P	99-03-098	131- 16-450	PREP	99-04-029	132A-120-021	NEW	99-15-072
25- 12-180	NEW-W	99-16-074	131- 16-450	AMD-E	99-07-057	132A-120-025	REP-XR	99-16-028
36- 12	PREP	99-12-103	131- 16-450	AMD-P	99-08-013	132A-120-026	NEW-P	99-10-100
36- 12-364	NEW-P	99-13-127	131- 16-450	AMD	99-13-013	132A-120-026	NEW	99-15-072
36- 14-100	NEW-P	99-13-127	131- 28	PREP	99-10-015	132A-120-030	REP-XR	99-16-028
44- 10	PREP	99-15-079	131- 46	PREP	99-08-057	132A-120-031	NEW-P	99-10-100
50- 16-020	REP-XR	99-04-073	131- 46-140	NEW-P	99-14-018	132A-120-031	NEW	99-15-072
50- 16-020	REP	99-08-123	131- 46-140	NEW-E	99-14-020	132A-120-035	REP-XR	99-16-028
50- 16-025	REP-XR	99-04-073	132A	PREP	99-07-060	132A-120-036	NEW-P	99-10-100
50- 16-025	REP	99-08-123	132A-104-010	REP-XR	99-16-028	132A-120-036	NEW	99-15-072
50- 16-030	REP-XR	99-04-073	132A-104-011	NEW-P	99-10-100	132A-120-040	REP-XR	99-16-028
50- 16-030	REP	99-08-123	132A-104-011	NEW	99-15-072	132A-120-041	NEW-P	99-10-100
50- 16-035	REP-XR	99-04-073	132A-104-015	REP-XR	99-16-028	132A-120-041	NEW	99-15-072
50- 16-035	REP	99-08-123	132A-104-016	NEW-P	99-10-100	132A-120-045	REP-XR	99-16-028
50- 16-040	REP-XR	99-04-073	132A-104-016	NEW	99-15-072	132A-120-046	NEW-P	99-10-100
50- 16-040	REP	99-08-123	132A-104-020	REP-XR	99-16-028	132A-120-046	NEW	99-15-072
50- 16-045	REP-XR	99-04-073	132A-104-021	NEW-P	99-10-100	132A-120-050	REP-XR	99-16-028
50- 16-045	REP	99-08-123	132A-104-021	NEW	99-15-072	132A-120-051	NEW-P	99-10-100
50- 16-050	REP-XR	99-04-073	132A-108-010	NEW-P	99-10-100	132A-120-051	NEW	99-15-072
50- 16-050	REP	99-08-123	132A-108-010	NEW	99-15-072	132A-120-055	REP-XR	99-16-028
50- 16-055	REP-XR	99-04-073	132A-108-020	NEW-P	99-10-100	132A-120-056	NEW-P	99-10-100
50- 16-055	REP	99-08-123	132A-108-020	NEW	99-15-072	132A-120-056	NEW	99-15-072
50- 16-060	REP-XR	99-04-073	132A-108-030	NEW-P	99-10-100	132A-120-060	REP-XR	99-16-028
50- 16-060	REP	99-08-123	132A-108-030	NEW	99-15-072	132A-120-061	NEW-P	99-10-100
50- 16-065	REP-XR	99-04-073	132A-108-040	NEW-P	99-10-100	132A-120-061	NEW	99-15-072
50- 16-065	REP	99-08-123	132A-108-040	NEW	99-15-072	132A-122-010	REP-XR	99-16-028
50- 16-070	REP-XR	99-04-073	132A-108-050	NEW-P	99-10-100	132A-122-011	NEW-P	99-10-100
50- 16-070	REP	99-08-123	132A-108-050	NEW	99-15-072	132A-122-011	NEW	99-15-072
50- 16-075	REP-XR	99-04-073	132A-108-060	NEW-P	99-10-100	132A-122-020	REP-XR	99-16-028
50- 16-075	REP	99-08-123	132A-108-060	NEW	99-15-072	132A-122-021	NEW-P	99-10-100
50- 16-080	REP-XR	99-04-073	132A-108-070	NEW-P	99-10-100	132A-122-021	NEW	99-15-072
50- 16-080	REP	99-08-123	132A-108-070	NEW	99-15-072	132A-122-030	REP-XR	99-16-028
50- 16-085	REP-XR	99-04-073	132A-108-080	NEW-P	99-10-100	132A-122-040	REP-XR	99-16-028
50- 16-085	REP	99-08-123	132A-108-080	NEW	99-15-072	132A-122-050	REP-XR	99-16-028
50- 16-090	REP-XR	99-04-073	132A-108-090	NEW-P	99-10-100	132A-128-005	REP-XR	99-16-028
50- 16-090	REP	99-08-123	132A-108-090	NEW	99-15-072	132A-128-010	REP-XR	99-16-028

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132A-128-020	REP-XR	99-16-028	132A-160-006	NEW-P	99-10-100	132A-280-026	NEW	99-15-072
132A-128-025	REP-XR	99-16-028	132A-160-006	NEW	99-16-029	132A-280-030	REP-XR	99-16-028
132A-128-030	REP-XR	99-16-028	132A-160-015	REP-XR	99-16-028	132A-280-031	NEW-P	99-10-100
132A-128-035	REP-XR	99-16-028	132A-160-020	REP-XR	99-16-028	132A-280-031	NEW	99-15-072
132A-128-040	REP-XR	99-16-028	132A-165-005	REP-XR	99-16-028	132A-280-035	NEW-P	99-10-100
132A-128-045	REP-XR	99-16-028	132A-165-015	REP-XR	99-16-028	132A-280-035	NEW	99-15-072
132A-128-050	REP-XR	99-16-028	132A-165-025	REP-XR	99-16-028	132A-280-040	NEW-P	99-10-100
132A-128-060	REP-XR	99-16-028	132A-165-035	REP-XR	99-16-028	132A-280-040	NEW	99-15-072
132A-128-070	REP-XR	99-16-028	132A-165-045	REP-XR	99-16-028	132A-280-045	NEW-P	99-10-100
132A-128-080	REP-XR	99-16-028	132A-165-055	REP-XR	99-16-028	132A-280-045	NEW	99-15-072
132A-128-090	REP-XR	99-16-028	132A-165-065	REP-XR	99-16-028	132A-280-050	NEW-P	99-10-100
132A-128-100	REP-XR	99-16-028	132A-165-075	REP-XR	99-16-028	132A-280-050	NEW	99-15-072
132A-130-010	NEW-P	99-10-100	132A-165-085	REP-XR	99-16-028	132A-280-055	NEW-P	99-10-100
132A-130-010	NEW	99-15-072	132A-168-005	REP-XR	99-16-028	132A-280-055	NEW	99-15-072
132A-130-020	NEW-P	99-10-100	132A-168-006	NEW-P	99-10-100	132A-280-060	NEW-P	99-10-100
132A-130-020	NEW	99-15-072	132A-168-006	NEW	99-15-072	132A-280-060	NEW	99-15-072
132A-130-030	NEW-P	99-10-100	132A-168-010	REP-XR	99-16-028	132A-280-065	NEW-P	99-10-100
132A-130-030	NEW	99-15-072	132A-168-011	NEW-P	99-10-100	132A-280-065	NEW	99-15-072
132A-131-010	NEW-P	99-10-100	132A-168-011	NEW	99-15-072	132A-280-070	NEW-P	99-10-100
132A-131-010	NEW	99-15-072	132A-168-015	REP-XR	99-16-028	132A-280-070	NEW	99-15-072
132A-131-020	NEW-P	99-10-100	132A-168-016	NEW-P	99-10-100	132A-280-075	NEW-P	99-10-100
132A-131-020	NEW	99-15-072	132A-168-016	NEW	99-15-072	132A-280-075	NEW	99-15-072
132A-133-020	NEW-P	99-10-100	132A-168-021	NEW-P	99-10-100	132A-280-080	NEW-P	99-10-100
132A-133-020	NEW	99-15-072	132A-168-021	NEW	99-15-072	132A-280-080	NEW	99-15-072
132A-136-005	REP-XR	99-16-028	132A-168-026	NEW-P	99-10-100	132A-280-085	NEW-P	99-10-100
132A-136-010	REP-XR	99-16-028	132A-168-026	NEW	99-15-072	132A-280-085	NEW	99-15-072
132A-136-015	REP-XR	99-16-028	132A-176-005	REP-XR	99-16-028	132A-300-005	REP-XR	99-16-028
132A-136-020	REP-XR	99-16-028	132A-176-006	NEW-P	99-10-100	132A-300-010	REP-XR	99-16-028
132A-136-025	REP-XR	99-16-028	132A-176-006	NEW	99-15-072	132A-310-005	REP-XR	99-16-028
132A-136-030	REP-XR	99-16-028	132A-180-005	REP-XR	99-16-028	132A-310-010	REP-XR	99-16-028
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132A-140-001	NEW	99-15-072	132A-180-020	REP-XR	99-16-028	132A-320-020	NEW-P	99-10-100
132A-140-005	REP-XR	99-16-028	132A-180-025	REP-XR	99-16-028	132A-320-020	NEW	99-15-072
132A-140-006	NEW-P	99-10-100	132A-180-030	REP-XR	99-16-028	132A-320-030	NEW-P	99-10-100
132A-140-006	NEW	99-15-072	132A-180-035	REP-XR	99-16-028	132A-320-030	NEW	99-15-072
132A-140-010	REP-XR	99-16-028	132A-180-040	REP-XR	99-16-028	132A-350-015	NEW-P	99-10-100
132A-140-011	NEW-P	99-10-100	132A-276-005	REP-XR	99-16-028	132A-350-015	NEW	99-15-072
132A-140-011	NEW	99-15-072	132A-276-010	REP-XR	99-16-028	132A-350-020	NEW-P	99-10-100
132A-140-015	REP-XR	99-16-028	132A-276-015	REP-XR	99-16-028	132A-350-020	NEW	99-15-072
132A-140-016	NEW-P	99-10-100	132A-276-020	REP-XR	99-16-028	132A-350-030	NEW-P	99-10-100
132A-140-016	NEW	99-15-072	132A-276-025	REP-XR	99-16-028	132A-350-030	NEW	99-15-072
132A-140-020	REP-XR	99-16-028	132A-276-030	REP-XR	99-16-028	132A-350-040	NEW-P	99-10-100
132A-140-021	NEW-P	99-10-100	132A-276-031	NEW-P	99-10-100	132A-350-040	NEW	99-15-072
132A-140-021	NEW	99-15-072	132A-276-031	NEW	99-15-072	132A-350-045	NEW-P	99-10-100
132A-140-025	REP-XR	99-16-028	132A-276-035	REP-XR	99-16-028	132A-350-045	NEW	99-15-072
132A-140-026	NEW-P	99-10-100	132A-276-040	REP-XR	99-16-028	132A-350-050	NEW-P	99-10-100
132A-140-026	NEW	99-15-072	132A-276-045	AMD-P	99-10-100	132A-350-050	NEW	99-15-072
132A-140-030	NEW-P	99-10-100	132A-276-045	AMD	99-15-072	132H-168-010	REP-P	99-05-018
132A-140-030	NEW	99-15-072	132A-276-050	REP-XR	99-16-028	132H-168-010	REP	99-10-045
132A-150-010	NEW-P	99-10-100	132A-276-055	REP-XR	99-16-028	132H-168-020	REP-P	99-05-018
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132A-150-020	NEW-P	99-10-100	132A-276-065	REP-XR	99-16-028	132H-168-030	REP-P	99-05-018
132A-150-020	NEW	99-15-072	132A-276-070	REP-XR	99-16-028	132H-168-030	REP	99-10-045
132A-156-005	REP-XR	99-16-028	132A-280-005	REP-XR	99-16-028	132H-168-040	REP-P	99-05-018
132A-156-006	NEW-P	99-10-100	132A-280-006	NEW-P	99-10-100	132H-168-040	REP	99-10-045
132A-156-006	NEW	99-15-072	132A-280-006	NEW	99-15-072	132H-168-050	REP-P	99-05-018
132A-156-010	REP-XR	99-16-028	132A-280-010	REP-XR	99-16-028	132H-168-050	REP	99-10-045
132A-156-011	NEW-P	99-10-100	132A-280-011	NEW-P	99-10-100	132H-168-050	REP	99-10-045
132A-156-011	NEW	99-15-072	132A-280-011	NEW	99-15-072	132H-168-060	REP-P	99-05-018
132A-156-015	REP-XR	99-16-028	132A-280-015	REP-XR	99-16-028	132H-168-060	REP	99-10-045
132A-156-016	NEW-P	99-10-100	132A-280-016	NEW-P	99-10-100	132H-168-070	REP-P	99-05-018
132A-156-016	NEW	99-15-072	132A-280-016	NEW	99-15-072	132H-168-070	REP	99-10-045
132A-156-020	REP-XR	99-16-028	132A-280-020	REP-XR	99-16-028	132H-168-080	REP-P	99-05-018
132A-156-025	REP-XR	99-16-028	132A-280-021	NEW-P	99-10-100	132H-168-080	REP	99-10-045
132A-156-030	REP-XR	99-16-028	132A-280-021	NEW	99-15-072	132H-168-090	REP-P	99-05-018
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132K-125-400	NEW-P	99-07-109	132X- 10	PREP	99-06-032	162- 16-240	NEW	99-15-025
132K-125-400	NEW	99-10-046	132X- 20	PREP	99-06-032	162- 16-250	NEW-P	99-04-108
132K-125-410	NEW-P	99-07-109	132X- 30	PREP	99-06-032	162- 16-250	NEW	99-15-025
132K-125-410	NEW	99-10-046	132X- 40	PREP	99-06-032	162- 16-260	NEW-P	99-04-108
132K-125-420	NEW-P	99-07-109	132X- 50	PREP	99-06-032	162- 16-260	NEW	99-15-025
132K-125-420	NEW	99-10-046	132X- 60	PREP	99-06-032	162- 16-270	NEW-P	99-04-108
132K-125-430	NEW-P	99-07-109	136-130-050	AMD-P	99-09-084	162- 16-270	NEW	99-15-025
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132N-160-010	NEW-P	99-10-044	137- 08-020	PREP	99-14-017	162- 16-290	NEW-P	99-04-108
132N-160-010	NEW	99-15-017	137- 08-060	PREP	99-14-017	162- 16-290	NEW	99-15-025
132N-160-020	NEW-P	99-10-044	137- 08-070	PREP	99-14-017	162- 18	PREP	99-12-098
132N-160-020	NEW	99-15-017	137- 08-080	PREP	99-14-017	162- 20	PREP	99-12-098
132N-160-030	NEW-P	99-10-044	137- 08-090	PREP	99-14-017	162- 22	PREP	99-12-100
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132N-160-040	NEW-P	99-10-044	137- 08-105	PREP	99-14-017	162- 22-010	AMD	99-15-025
132N-160-040	NEW	99-15-017	137- 08-110	PREP	99-14-017	162- 22-020	AMD-P	99-04-108
132N-160-050	NEW-P	99-10-044	137- 08-120	PREP	99-14-017	162- 22-020	AMD	99-15-025
132N-160-050	NEW	99-15-017	137- 08-130	PREP	99-14-017	162- 22-025	NEW-P	99-04-108
132N-160-060	NEW-P	99-10-044	137- 08-140	PREP	99-14-017	162- 22-025	NEW	99-15-025
132N-160-060	NEW	99-15-017	137- 08-150	PREP	99-14-017	162- 22-030	REP-P	99-04-108
132N-160-070	NEW-P	99-10-044	137- 08-160	PREP	99-14-017	162- 22-030	REP	99-15-025
132N-160-070	NEW	99-15-017	137- 08-170	PREP	99-14-017	162- 22-035	NEW-P	99-04-108
132N-160-080	NEW-P	99-10-044	137- 56-110	AMD	99-16-078	162- 22-035	NEW	99-15-025
132N-160-080	NEW	99-15-017	162- 04	PREP	99-12-100	162- 22-040	REP-P	99-04-108
132N-160-090	NEW-P	99-10-044	162- 12	PREP	99-12-098	162- 22-040	REP	99-15-025
132N-160-090	NEW	99-15-017	162- 16-020	REP-P	99-04-108	162- 22-045	NEW-P	99-04-108
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132P- 33-010	AMD	99-13-140	162- 16-030	REP-P	99-04-108	162- 22-050	REP-P	99-04-108
132P- 33-020	AMD-P	99-08-019	162- 16-030	REP	99-15-025	162- 22-050	REP	99-15-025
132P- 33-020	AMD	99-13-140	162- 16-040	REP-P	99-04-108	162- 22-060	REP-P	99-04-108
132P- 33-080	AMD-P	99-08-019	162- 16-040	REP	99-15-025	162- 22-060	REP	99-15-025
132P- 33-080	AMD	99-13-140	162- 16-050	REP-P	99-04-108	162- 22-065	NEW-P	99-04-108
132P- 33-100	AMD-P	99-08-019	162- 16-050	REP	99-15-025	162- 22-065	NEW	99-15-025
132P- 33-100	AMD	99-13-140	162- 16-060	REP-P	99-04-108	162- 22-070	REP-P	99-04-108
132P- 33-120	AMD-P	99-08-019	162- 16-060	REP	99-15-025	162- 22-070	REP	99-15-025
132P- 33-120	AMD	99-13-140	162- 16-070	REP-P	99-04-108	162- 22-075	NEW-P	99-04-108
132P- 33-123	NEW-P	99-08-019	162- 16-070	REP	99-15-025	162- 22-075	NEW	99-15-025
132P- 33-123	NEW	99-13-140	162- 16-080	REP-P	99-04-108	162- 22-080	REP-P	99-04-108
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132P- 33-125	NEW	99-13-140	162- 16-090	REP-P	99-04-108	162- 22-090	AMD-P	99-04-108
132P- 33-130	AMD-P	99-08-019	162- 16-090	REP	99-15-025	162- 22-090	AMD	99-15-025
132P- 33-130	AMD	99-13-140	162- 16-100	REP-P	99-04-108	162- 22-100	AMD-P	99-04-108
132P- 33-150	AMD-P	99-08-019	162- 16-100	REP	99-15-025	162- 22-100	AMD	99-15-025
132P- 33-150	AMD	99-13-140	162- 16-110	REP-P	99-04-108	162- 26	PREP	99-12-100
132P- 33-155	NEW-P	99-08-019	162- 16-110	REP	99-15-025	162- 26	PREP	99-13-121
132P- 33-155	NEW	99-13-140	162- 16-120	REP-P	99-04-108	162- 26-010	AMD-P	99-04-108
132P- 33-160	AMD-P	99-08-019	162- 16-120	REP	99-15-025	162- 26-010	AMD	99-15-025
132P- 33-160	AMD	99-13-140	162- 16-130	REP-P	99-04-108	162- 26-020	REP-P	99-04-108
132P- 33-170	AMD-P	99-08-019	162- 16-130	REP	99-15-025	162- 26-020	REP	99-15-025
132P- 33-170	AMD	99-13-140	162- 16-140	REP-P	99-04-108	162- 26-030	REP-P	99-04-108
132P- 33-210	AMD-P	99-08-019	162- 16-140	REP	99-15-025	162- 26-030	REP	99-15-025
132P- 33-210	AMD	99-13-140	162- 16-150	REP-P	99-04-108	162- 26-035	REP-P	99-04-108
132P- 33-220	AMD-P	99-08-019	162- 16-150	REP	99-15-025	162- 26-035	REP	99-15-025
132P- 33-220	AMD	99-13-140	162- 16-160	REP-P	99-04-108	162- 26-040	AMD-P	99-04-108
132P- 33-230	AMD-P	99-08-019	162- 16-160	REP	99-15-025	162- 26-040	AMD	99-15-025
132P- 33-230	AMD	99-13-140	162- 16-170	REP-P	99-04-108	162- 26-050	REP-P	99-04-108
132P- 33-260	AMD-P	99-08-019	162- 16-170	REP	99-15-025	162- 26-050	REP	99-15-025
132P- 33-260	AMD	99-13-140	162- 16-200	NEW-P	99-04-108	162- 26-060	AMD-P	99-04-108
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132P- 33-270	AMD	99-13-140	162- 16-210	NEW-P	99-04-108	162- 26-070	AMD-P	99-04-108
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162-26-100	AMD	99-15-025	173-153-160	NEW-P	99-12-109	173-495-045	AMD-XA	99-13-174
162-26-110	AMD-P	99-04-108	173-153-170	NEW-P	99-12-109	173-495-060	AMD-XA	99-13-174
162-26-110	AMD	99-15-025	173-153-180	NEW-P	99-12-109	173-495-065	AMD-XA	99-13-174
162-26-120	AMD-P	99-04-108	173-153-190	NEW-P	99-12-109	173-495-070	AMD-XA	99-13-174
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162-28	PREP	99-12-098	173-224	PREP	99-11-055	173-548	AMD-P	99-09-092
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162-30-010	AMD-P	99-04-108	173-230-010	AMD-P	99-12-038	173-548-002	NEW-P	99-09-092
162-30-010	AMD	99-15-025	173-230-020	AMD-P	99-12-038	173-548-005	NEW-P	99-09-092
162-30-020	AMD-P	99-04-108	173-230-030	REP-P	99-12-038	173-548-010	AMD-P	99-09-092
162-30-020	AMD	99-15-025	173-230-040	AMD-P	99-12-038	173-548-015	NEW-P	99-09-092
162-38	PREP	99-12-100	173-230-050	REP-P	99-12-038	173-548-020	AMD-P	99-09-092
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162-38-040	AMD	99-15-025	173-230-065	NEW-P	99-12-038	173-548-031	NEW-P	99-09-092
162-38-100	AMD-P	99-04-108	173-230-070	AMD-P	99-12-038	173-548-032	NEW-P	99-09-092
162-38-100	AMD	99-15-025	173-230-080	AMD-P	99-12-038	173-548-033	NEW-P	99-09-092
162-38-105	NEW-P	99-04-108	173-230-090	AMD-P	99-12-038	173-548-034	NEW-P	99-09-092
162-38-105	NEW	99-15-025	173-230-100	AMD-P	99-12-038	173-548-035	NEW-P	99-09-092
162-38-110	AMD-P	99-04-108	173-230-110	AMD-P	99-12-038	173-548-036	NEW-P	99-09-092
162-38-110	AMD	99-15-025	173-230-120	AMD-P	99-12-038	173-548-037	NEW-P	99-09-092
162-38-130	REP-P	99-04-108	173-230-130	AMD-P	99-12-038	173-548-040	AMD-P	99-09-092
162-38-130	REP	99-15-025	173-230-140	AMD-P	99-12-038	173-548-050	AMD-P	99-09-092
162-40	PREP	99-12-098	173-303	PREP	99-10-041	173-548-060	AMD-P	99-09-092
173-16-010	REP-P	99-08-124	173-400	PREP	99-07-093	173-548-070	AMD-P	99-09-092
173-16-020	REP-P	99-08-124	173-400	PREP	99-09-093	173-548-075	NEW-P	99-09-092
173-16-030	REP-P	99-08-124	173-400	PREP	99-10-042	173-548-076	NEW-P	99-09-092
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173-16-050	REP-P	99-08-124	173-400-030	AMD-P	99-12-096	174-280-015	AMD	99-12-024
173-16-060	REP-P	99-08-124	173-400-040	AMD-XA	99-04-097	174-280-030	AMD-P	99-08-030
173-16-064	REP-P	99-08-124	173-400-040	AMD-P	99-12-096	174-280-030	AMD	99-12-024
173-16-070	REP-P	99-08-124	173-400-060	AMD-XA	99-04-097	180-08-015	NEW-P	99-04-079
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173-26-020	AMD-P	99-08-124	173-400-070	AMD-P	99-12-096	180-16-195	AMD	99-10-091
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173-26-100	AMD-P	99-08-124	173-400-075	AMD-P	99-12-096	180-16-215	AMD-P	99-07-069
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173-26-120	AMD-P	99-08-124	173-400-104	AMD-P	99-12-096	180-16-220	AMD	99-10-091
173-26-170	NEW-P	99-08-124	173-400-115	AMD-XA	99-04-097	180-16-221	REP-XR	99-03-001
173-26-180	NEW-P	99-08-124	173-400-115	AMD-P	99-12-096	180-16-221	REP	99-07-054
173-26-190	NEW-P	99-08-124	173-405	PREP	99-07-093	180-16-222	REP-XR	99-03-001
173-26-200	NEW-P	99-08-124	173-406	PREP	99-13-173	180-16-222	REP	99-07-054
173-26-210	NEW-P	99-08-124	173-409	PREP	99-12-093	180-16-226	REP-XR	99-03-001
173-26-220	NEW-P	99-08-124	173-410	PREP	99-07-093	180-16-226	REP	99-07-054
173-26-230	NEW-P	99-08-124	173-415	PREP	99-10-042	180-16-231	REP-XR	99-03-001
173-26-240	NEW-P	99-08-124	173-425	AMD-P	99-07-110	180-16-231	REP	99-07-054
173-26-250	NEW-P	99-08-124	173-425-010	AMD-P	99-07-110	180-16-236	REP-XR	99-03-001
173-26-260	NEW-P	99-08-124	173-425-020	AMD-P	99-07-110	180-16-236	REP	99-07-054
173-153-010	NEW-P	99-12-109	173-425-030	AMD-P	99-07-110	180-16-238	REP-XR	99-03-001
173-153-020	NEW-P	99-12-109	173-425-040	AMD-P	99-07-110	180-16-238	REP	99-07-054
173-153-030	NEW-P	99-12-109	173-425-050	AMD-P	99-07-110	180-16-240	REP-P	99-04-080
173-153-040	NEW-P	99-12-109	173-425-060	AMD-P	99-07-110	180-16-240	REP	99-10-091
173-153-050	NEW-P	99-12-109	173-425-070	AMD-P	99-07-110	180-18-055	NEW-P	99-04-082
173-153-060	NEW-P	99-12-109	173-425-080	AMD-P	99-07-110	180-18-055	NEW-P	99-06-089
173-153-070	NEW-P	99-12-109	173-425-090	REP-P	99-07-110	180-18-055	NEW	99-10-094
173-153-080	NEW-P	99-12-109	173-425-100	REP-P	99-07-110	180-20-011	NEW	99-08-004
173-153-090	NEW-P	99-12-109	173-425-110	REP-P	99-07-110	180-20-034	AMD	99-08-004
173-153-100	NEW-P	99-12-109	173-433	PREP	99-07-093	180-20-035	REP	99-08-004
173-153-110	NEW-P	99-12-109	173-434	PREP	99-07-093	180-20-040	REP	99-08-004
173-153-120	NEW-P	99-12-109	173-481	PREP	99-10-042	180-20-055	REP	99-08-004
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180-20-080	REP	99-08-004	180-78-207	PREP	99-04-087	180-82-346	NEW	99-04-008
180-20-101	AMD	99-08-004	180-78-207	AMD-P	99-07-070	180-82-348	NEW	99-04-008
180-20-111	AMD	99-08-004	180-78-210	PREP	99-04-087	180-82-349	NEW-P	99-04-110
180-20-115	AMD	99-08-004	180-78-210	AMD-P	99-07-070	180-82-349	NEW	99-07-102
180-20-120	AMD	99-08-004	180-78A	PREP	99-16-062	180-82-350	NEW	99-04-008
180-20-150	REP	99-08-004	180-78A	PREP	99-16-063	180-82-352	NEW	99-04-008
180-22-150	PREP	99-04-083	180-79A	PREP	99-16-059	180-82-354	NEW	99-04-008
180-22-150	AMD-P	99-07-065	180-79A	PREP	99-16-062	180-82-355	NEW	99-04-008
180-24	PREP	99-14-086	180-79A-223	PREP	99-06-038	180-82-356	NEW	99-04-008
180-25	PREP	99-06-074	180-79A-223	AMD-P	99-10-003	180-82-360	NEW	99-04-008
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180-27-030	AMD-P	99-14-090	180-79A-380	PREP	99-04-085	180-85-075	AMD	99-14-010
180-27-056	AMD-P	99-14-090	180-79A-380	AMD-P	99-07-066	182-08-095	PREP	99-11-100
180-27-080	AMD-P	99-14-090	180-82	PREP	99-04-109	182-08-095	AMD-P	99-14-082
180-27-082	NEW-W	99-03-026	180-82	PREP	99-12-040	182-12-111	PREP	99-11-099
180-27-083	NEW-W	99-03-026	180-82	PREP	99-16-062	182-12-111	AMD-P	99-14-081
180-27-102	NEW-P	99-14-090	180-82-002	NEW	99-04-008	182-12-119	PREP	99-11-099
180-27-600	AMD-P	99-14-090	180-82-004	NEW	99-04-008	182-12-119	AMD-P	99-14-081
180-27-605	AMD-P	99-14-090	180-82-105	NEW	99-04-008	182-25-010	PREP	99-15-098
180-27-610	AMD-P	99-14-090	180-82-110	NEW	99-04-008	182-25-020	PREP	99-15-099
180-27-615	AMD-P	99-14-090	180-82-115	NEW	99-04-008	182-25-030	PREP	99-08-107
180-29	PREP	99-06-078	180-82-120	NEW	99-04-008	182-25-030	AMD-P	99-12-032
180-29-040	AMD-P	99-10-001	180-82-125	NEW	99-04-008	182-25-030	PREP	99-15-098
180-29-040	AMD-P	99-14-088	180-82-130	NEW	99-04-008	182-25-030	AMD	99-16-022
180-29-066	NEW-P	99-14-088	180-82-200	NEW	99-04-008	182-25-040	PREP	99-05-077
180-29-067	NEW-P	99-14-088	180-82-201	NEW	99-04-008	182-25-040	AMD-P	99-12-032
180-29-075	AMD-P	99-14-088	180-82-202	NEW	99-04-008	182-25-040	PREP	99-15-098
180-29-085	AMD-P	99-14-088	180-82-204	NEW	99-04-008	182-25-040	AMD	99-16-022
180-29-095	PREP	99-04-086	180-82-210	NEW	99-04-008	182-25-085	PREP	99-05-077
180-29-095	AMD-P	99-07-067	180-82-215	NEW	99-04-008	182-25-085	NEW-P	99-08-106
180-29-160	AMD-P	99-14-088	180-82-300	NEW	99-04-008	182-25-085	NEW	99-12-033
180-31	PREP	99-06-077	180-82-302	NEW-W	99-08-081	182-25-090	PREP	99-05-077
180-32	PREP	99-06-076	180-82-304	NEW	99-04-008	182-25-090	AMD-P	99-08-106
180-33	PREP	99-06-075	180-82-306	NEW-W	99-08-081	182-25-090	AMD	99-12-033
180-40	PREP	99-12-015	180-82-308	NEW	99-04-008	182-25-090	PREP	99-15-098
180-40-215	PREP	99-04-084	180-82-310	NEW	99-04-008	182-25-100	AMD	99-07-078
180-40-215	AMD-P	99-07-064	180-82-312	NEW	99-04-008	182-25-105	AMD	99-07-078
180-40-305	PREP	99-12-016	180-82-314	NEW	99-04-008	182-25-110	AMD	99-07-078
180-41-035	PREP	99-04-090	180-82-315	NEW-P	99-04-110	192-04-060	AMD	99-15-069
180-41-035	AMD-P	99-07-073	180-82-315	NEW	99-07-102	192-04-170	AMD	99-08-073
180-51	PREP	99-10-089	180-82-316	NEW	99-04-008	192-04-190	AMD	99-08-073
180-51-050	AMD-P	99-04-081	180-82-317	NEW-P	99-04-110	192-12-005	REP	99-08-073
180-51-050	AMD	99-10-093	180-82-317	NEW	99-07-102	192-12-010	REP-XA	99-13-110
180-51-107	NEW-P	99-04-082	180-82-318	NEW	99-04-008	192-12-015	REP-XA	99-13-113
180-51-107	NEW-P	99-06-089	180-82-319	NEW-P	99-04-110	192-12-035	REP-XR	99-10-005
180-51-107	NEW	99-10-094	180-82-319	NEW	99-07-102	192-12-050	PREP	99-11-088
180-51-110	PREP	99-04-091	180-82-320	NEW	99-04-008	192-12-060	REP-XA	99-13-112
180-51-110	AMD-P	99-07-072	180-82-321	NEW-P	99-04-110	192-12-066	REP-XA	99-13-114
180-51-110	AMD-S	99-14-011	180-82-321	NEW	99-07-102	192-12-070	REP-XA	99-13-115
180-52	PREP	99-10-090	180-82-322	NEW	99-04-008	192-12-072	REP-P	99-05-068
180-52-041	NEW-P	99-14-087	180-82-324	NEW	99-04-008	192-12-074	REP-XA	99-11-091
180-55-085	PREP	99-04-089	180-82-326	NEW	99-04-008	192-12-076	REP-XA	99-11-090
180-55-085	AMD-P	99-07-068	180-82-328	NEW	99-04-008	192-12-080	REP-XR	99-10-006
180-56-245	PREP	99-04-092	180-82-330	NEW	99-04-008	192-12-090	REP-XA	99-11-094
180-56-245	AMD-P	99-07-071	180-82-331	NEW	99-06-005	192-12-100	REP-XA	99-13-116
180-77A	PREP	99-04-046	180-82-332	NEW	99-04-008	192-12-110	REP-XR	99-10-007
180-77A-028	AMD-P	99-07-049	180-82-334	NEW	99-04-008	192-12-115	REP-XR	99-10-008
180-77A-028	AMD	99-12-014	180-82-336	NEW	99-04-008	192-12-130	REP	99-15-069
180-77A-029	AMD-P	99-07-049	180-82-338	NEW-W	99-08-081	192-12-141	REP	99-08-073
180-77A-029	AMD	99-12-014	180-82-339	NEW	99-04-008	192-12-150	REP	99-08-073
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192-12-360	REP-XA	99-13-111	192-310-035	NEW-XA	99-11-092	204-32-040	PREP	99-09-021
192-12-380	REP-XR	99-13-109	192-310-040	NEW-XA	99-11-093	204-32-040	AMD-P	99-13-133
192-15-150	AMD	99-08-073	192-310-050	PREP	99-11-088	204-32-060	PREP	99-09-021
192-16-001	REP-XA	99-11-092	192-310-055	PREP	99-11-089	204-32-060	AMD-P	99-13-133
192-16-002	REP-XR	99-12-108	192-310-060	NEW-XA	99-13-114	204-80-020	AMD	99-02-045
192-16-051	REP-E	99-05-003	192-310-070	NEW-XA	99-13-115	204-90-140	PREP	99-09-049
192-16-051	REP-E	99-13-003	192-310-100	NEW-XA	99-13-116	204-90-140	AMD-P	99-13-135
192-16-051	REP-P	99-13-183	192-320-050	NEW-P	99-05-068	204-96-010	PREP	99-09-048
192-16-052	REP-E	99-05-003	192-320-055	NEW-XA	99-11-091	204-96-010	NEW-P	99-13-134
192-16-052	REP-E	99-13-003	192-320-060	NEW-XA	99-11-090	208-464-010	REP	99-03-009
192-16-052	REP-P	99-13-183	194-22	PREP	99-07-005	208-464-020	REP	99-03-009
192-16-057	REP-E	99-05-003	194-22-010	AMD-XA	99-16-099	208-464-030	REP	99-03-009
192-16-057	REP-E	99-13-003	194-22-020	AMD-XA	99-16-099	208-464-040	REP	99-03-009
192-16-057	REP-P	99-13-183	194-22-120	AMD-XA	99-16-099	208-464-050	REP	99-03-009
192-23-002	REP	99-08-073	194-22-130	AMD-XA	99-16-099	208-464-060	REP	99-03-009
192-23-013	REP	99-08-073	196-23	PREP	99-07-135	208-464-070	REP	99-03-009
192-23-018	REP	99-08-073	196-23	PREP	99-07-136	208-464-080	REP	99-03-009
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192-24-010	REP	99-08-073	196-23-010	NEW	99-15-058	208-480-010	REP	99-03-009
192-24-020	REP	99-08-073	196-23-020	NEW-P	99-10-085	208-480-020	REP	99-03-009
192-24-030	REP-P	99-09-097	196-23-020	NEW	99-15-055	208-480-030	REP	99-03-009
192-24-030	REP	99-13-002	196-23-030	NEW-P	99-10-086	208-480-040	REP	99-03-009
192-100-500	NEW-XA	99-13-110	196-23-030	NEW	99-15-050	208-480-050	REP	99-03-009
192-100-510	NEW-XA	99-13-113	196-23-050	NEW-P	99-10-087	208-480-060	REP	99-03-009
192-110-005	NEW	99-08-073	196-23-050	NEW	99-15-056	208-480-070	REP	99-03-009
192-110-010	NEW	99-15-069	196-24-058	PREP	99-07-134	208-620-020	AMD-XA	99-14-006
192-110-015	NEW	99-08-073	196-24-058	REP-P	99-10-081	208-620-180	AMD-XA	99-14-006
192-110-020	NEW	99-08-073	196-24-058	REP	99-15-052	208-630-015	AMD-XA	99-14-007
192-110-050	NEW	99-08-073	196-24-060	PREP	99-02-073	208-630-025	AMD-XA	99-14-007
192-120-001	NEW	99-08-073	196-24-060	REP-P	99-10-088	208-630-035	AMD-XA	99-14-007
192-120-010	NEW	99-08-073	196-24-060	REP	99-15-051	208-630-100	AMD-XA	99-14-007
192-120-020	NEW	99-08-073	196-24-085	PREP	99-02-071	208-660	PREP	99-16-072
192-120-030	NEW	99-08-073	196-24-090	PREP	99-02-075	220-16-225	AMD	99-08-029
192-120-035	NEW	99-08-073	196-24-090	REP-P	99-10-082	220-16-32000A	NEW-E	99-13-009
192-120-040	NEW	99-08-073	196-24-090	REP	99-15-053	220-16-550	AMD-XA	99-11-098
192-140-005	NEW	99-08-073	196-24-092	PREP	99-02-076	220-16-550	AMD	99-15-081
192-140-010	NEW	99-08-073	196-24-092	REP-P	99-10-083	220-16-55000A	NEW-E	99-10-049
192-140-020	NEW	99-08-073	196-24-092	REP	99-15-054	220-16-55000A	REP-E	99-10-049
192-140-025	NEW	99-08-073	196-24-095	PREP	99-02-077	220-20-016	AMD-XA	99-12-097
192-140-030	NEW	99-08-073	196-24-095	REP-P	99-10-084	220-20-016	AMD-W	99-13-007
192-150-090	NEW	99-08-073	196-24-095	REP	99-15-058	220-20-016	AMD-XA	99-13-008
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192-180-005	NEW	99-13-002	196-24-097	REP-P	99-10-085	220-20-070	AMD-P	99-13-054
192-180-010	NEW-P	99-09-097	196-24-097	REP	99-15-055	220-24-02000H	NEW-E	99-10-037
192-180-010	NEW	99-13-002	196-24-098	PREP	99-02-079	220-24-02000H	REP-E	99-15-014
192-180-015	NEW-P	99-09-097	196-24-098	REP-P	99-10-087	220-24-02000I	REP-E	99-15-014
192-180-015	NEW	99-13-002	196-24-098	REP	99-15-056	220-24-02000I	NEW-E	99-15-014
192-180-020	NEW-P	99-09-097	196-24-100	PREP	99-02-072	220-24-02000I	REP-E	99-16-053
192-180-020	NEW	99-13-002	196-24-100	AMD-P	99-10-088	220-24-02000J	REP-E	99-16-053
192-180-025	NEW-P	99-09-097	196-24-100	AMD	99-15-051	220-24-02000J	NEW-E	99-16-053
192-180-025	NEW	99-13-002	196-25-040	PREP	99-02-074	220-24-04000A	NEW-E	99-16-016
192-180-030	NEW-P	99-09-097	196-25-040	AMD-P	99-10-080	220-32-05100J	NEW-E	99-04-059
192-180-030	NEW	99-13-002	196-25-040	AMD	99-15-057	220-32-05100J	REP-E	99-04-059
192-200-020	NEW	99-08-073	196-25-050	NEW-P	99-10-082	220-32-05100K	NEW-E	99-07-009
192-210-005	NEW-E	99-05-003	196-25-050	NEW	99-15-053	220-32-05100K	REP-E	99-07-009
192-210-005	NEW-E	99-13-003	196-25-060	NEW-P	99-10-083	220-32-05500T	REP-E	99-09-016
192-210-005	NEW-P	99-13-183	196-25-060	NEW	99-15-054	220-32-05500T	NEW-E	99-09-016
192-210-010	NEW-E	99-05-003	196-25-100	NEW-P	99-10-081	220-32-05500U	REP-E	99-11-001
192-210-010	NEW-E	99-13-003	196-25-100	NEW	99-15-052	220-32-05500U	NEW-E	99-11-001
192-210-010	NEW-P	99-13-183	196-26-020	PREP	99-02-070	220-32-05500U	REP-E	99-12-045
192-210-015	NEW-E	99-05-003	196-26-020	AMD-P	99-08-132	220-32-05500V	NEW-E	99-12-045
192-210-015	NEW-E	99-13-003	196-26-020	AMD	99-12-036	220-32-05500V	REP-E	99-13-079
192-210-015	NEW-P	99-13-183	204-10-020	PREP	99-09-049	220-32-05500W	NEW-E	99-13-079
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220-33-01000R	REP-E	99-14-016	220-47-41200A	NEW-E	99-16-017	220-55-05500A	NEW-E	99-06-007
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220-33-03000M	REP-E	99-11-002	220-47-427	AMD-W	99-13-007	220-55-075	REP	99-03-029
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220-47-304	AMD-W	99-12-086	220-52-04000J	REP-E	99-10-011	220-56-11500A	REP-E	99-10-049
220-47-304	AMD-XA	99-12-097	220-52-04000K	NEW-E	99-10-023	220-56-11500A	NEW-E	99-10-049
220-47-304	AMD-W	99-13-007	220-52-04000K	REP-E	99-10-023	220-56-11500A	REP-E	99-14-048
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222- 22-090	AMD-C	99-09-078	226- 16-020	NEW-E	99-13-157	230- 40-070	AMD-P	99-08-093
222- 24-010	AMD-C	99-09-078	226- 16-040	NEW-P	99-13-156	230- 40-120	AMD-P	99-08-093
222- 24-020	AMD-C	99-09-078	226- 16-040	NEW-E	99-13-157	230- 40-125	AMD-P	99-08-093
222- 24-030	AMD-C	99-09-078	226- 16-050	NEW-P	99-13-156	230- 40-125	REP-P	99-09-096
222- 24-035	AMD-C	99-09-078	226- 16-050	NEW-E	99-13-157	230- 40-125	AMD-P	99-09-096
222- 24-040	AMD-C	99-09-078	226- 16-100	NEW-P	99-13-156	230- 40-125	AMD	99-13-102
222- 24-050	AMD-E	99-07-075	226- 16-100	NEW-E	99-13-157	230- 40-130	AMD-P	99-08-093
222- 24-050	AMD-E	99-08-078	226- 16-110	NEW-P	99-13-156	230- 40-150	REP-P	99-08-093
222- 24-050	AMD-C	99-09-078	226- 16-110	NEW-E	99-13-157	230- 40-160	REP-P	99-08-093
222- 24-050	AMD-E	99-16-081	226- 16-150	NEW-P	99-13-156	230- 40-200	AMD-P	99-08-093
222- 24-060	AMD-C	99-09-078	226- 16-150	NEW-E	99-13-157	230- 40-225	AMD-P	99-08-093
222- 30-010	AMD-C	99-09-078	226- 16-160	NEW-P	99-13-156	230- 40-400	AMD-P	99-08-093
222- 30-020	AMD-C	99-09-078	226- 16-160	NEW-E	99-13-157	230- 40-550	NEW-P	99-08-093
222- 30-040	AMD-E	99-07-075	226- 16-170	NEW-P	99-13-156	230- 40-552	NEW-P	99-08-093
222- 30-040	AMD-E	99-08-078	226- 16-170	NEW-E	99-13-157	230- 40-554	NEW-P	99-08-093
222- 30-040	AMD-E	99-16-081	226- 16-180	NEW-P	99-13-156	230- 40-556	NEW-P	99-08-093
222- 30-070	AMD-C	99-09-078	226- 16-180	NEW-E	99-13-157	230- 40-558	NEW-P	99-08-093
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222- 38-030	AMD-C	99-09-078	226- 16-200	NEW-E	99-13-157	230- 40-562	NEW-P	99-08-093
222- 46-055	NEW-C	99-09-078	226- 20-010	NEW-P	99-13-156	230- 40-564	NEW-P	99-08-093
222- 46-060	AMD-C	99-09-078	226- 20-010	NEW-E	99-13-157	230- 40-566	NEW-P	99-08-093
222- 46-065	AMD-C	99-09-078	226- 20-020	NEW-P	99-13-156	230- 40-568	NEW-P	99-08-093
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226- 01-020	NEW-E	99-13-157	226- 20-040	NEW-P	99-13-156	230- 40-810	NEW-P	99-08-093
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226- 01-040	NEW-P	99-13-156	226- 20-050	NEW-E	99-13-157	230- 40-825	NEW-P	99-08-093
226- 01-040	NEW-E	99-13-157	226- 20-060	NEW-P	99-13-156	230- 40-830	NEW-P	99-08-093
226- 01-050	NEW-P	99-13-156	226- 20-060	NEW-E	99-13-157	230- 40-833	NEW-P	99-08-093
226- 01-050	NEW-E	99-13-157	230- 02-109	NEW-P	99-08-093	230- 40-835	NEW-P	99-08-093
226- 01-060	NEW-P	99-13-156	230- 02-110	AMD-P	99-08-093	230- 40-840	NEW-P	99-08-093
226- 01-060	NEW-E	99-13-157	230- 02-145	NEW-P	99-08-094	230- 40-845	NEW-P	99-08-093
226- 01-070	NEW-P	99-13-156	230- 02-145	NEW	99-11-078	230- 40-850	NEW-P	99-08-093
226- 01-070	NEW-E	99-13-157	230- 02-380	AMD-P	99-13-206	230- 40-855	NEW-P	99-08-093
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226- 02-010	NEW-E	99-13-157	230- 02-425	AMD-P	99-08-093	230- 40-865	NEW-P	99-08-093
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226- 02-020	NEW-E	99-13-157	230- 04-022	AMD-P	99-08-093	230- 40-875	NEW-P	99-08-093
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226- 02-030	NEW-E	99-13-157	230- 04-140	AMD-P	99-08-093	230- 40-885	NEW-P	99-08-093
226- 02-040	NEW-P	99-13-156	230- 04-203	AMD-P	99-08-093	230- 40-890	NEW-P	99-08-093
226- 02-040	NEW-E	99-13-157	230- 04-204	AMD-P	99-08-093	230- 40-900	REP-P	99-08-093
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226- 02-060	NEW-E	99-13-157	230- 08-090	AMD-P	99-08-093	232- 12-001	AMD	99-08-029
226- 02-070	NEW-P	99-13-156	230- 12-050	AMD-P	99-08-093	232- 12-017	AMD	99-08-024
226- 02-070	NEW-E	99-13-157	230- 12-072	NEW-P	99-08-093	232- 12-01701	AMD	99-08-024
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226- 02-080	NEW-E	99-13-157	230- 12-345	NEW	99-12-082	232- 12-024	AMD-P	99-13-194
226- 02-090	NEW-P	99-13-156	230- 20-058	NEW	99-03-103	232- 12-047	AMD-P	99-05-064
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226- 02-100	NEW-P	99-13-156	230- 20-115	AMD	99-11-078	232- 12-054	AMD-P	99-05-064
226- 02-100	NEW-E	99-13-157	230- 20-125	AMD-P	99-08-094	232- 12-054	AMD-W	99-10-112
226- 02-110	NEW-P	99-13-156	230- 20-125	AMD	99-11-078	232- 12-068	AMD-P	99-13-194
226- 02-110	NEW-E	99-13-157	230- 20-230	AMD-P	99-08-094	232- 12-069	REP	99-03-029
226- 12-010	NEW-P	99-13-156	230- 20-230	AMD	99-11-078	232- 12-072	NEW	99-03-029
226- 12-010	NEW-E	99-13-157	230- 20-242	AMD-P	99-08-094	232- 12-072	AMD-P	99-13-054
226- 12-040	NEW-P	99-13-156	230- 20-242	AMD	99-11-078	232- 12-134	AMD-P	99-13-194
226- 12-040	NEW-E	99-13-157	230- 40-010	AMD-P	99-08-093	232- 12-137	REP-P	99-13-194
226- 12-080	NEW-P	99-13-156	230- 40-010	AMD	99-13-103	232- 12-141	AMD-P	99-13-194
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232- 12-242	AMD-P	99-13-194	232- 28-61900J	NEW-E	99-12-001	236- 48-024	AMD-XA	99-10-069
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232- 12-619	AMD	99-08-029	232- 28-61900M	REP-E	99-13-099	236- 48-036	AMD-XA	99-10-069
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232- 12-619	AMD	99-15-081	232- 28-61900N	NEW-E	99-13-099	236- 48-036	AMD	99-15-070
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232- 16-140	AMD-P	99-13-194	232- 32-020	REP-P	99-05-076	236- 48-051	REP	99-13-138
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232- 16-810	AMD	99-10-102	232- 32-030	REP	99-11-003	236- 48-061	REP	99-13-138
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236-48-254	REP	99-13-138	246-25-131	RECOD	99-04-049	246-221-170	AMD-P	99-12-130
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236-48-300	REP	99-13-138	246-25-140	RECOD	99-04-049	246-221-260	AMD-P	99-12-130
236-49-001	AMD-XA	99-10-069	246-25-145	RECOD	99-04-049	246-221-260	AMD	99-15-105
236-49-001	AMD	99-15-070	246-25-150	RECOD	99-04-049	246-221-265	AMD	99-05-013
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236-49-010	AMD	99-15-070	246-25-160	RECOD	99-04-049	246-222-030	AMD	99-05-012
236-49-020	AMD-XA	99-10-069	246-25-165	RECOD	99-04-049	246-231-001	NEW-P	99-12-130
236-49-020	AMD	99-15-070	246-25-170	RECOD	99-04-049	246-231-001	NEW	99-15-105
236-49-030	REP-XR	99-10-068	246-25-175	RECOD	99-04-049	246-231-005	NEW-P	99-12-130
236-49-030	REP	99-13-138	246-25-180	RECOD	99-04-049	246-231-005	NEW	99-15-105
236-49-040	REP-XR	99-10-068	246-100-016	AMD-P	99-12-083	246-231-010	NEW-P	99-12-130
236-49-040	REP	99-13-138	246-100-036	AMD-P	99-12-083	246-231-010	NEW	99-15-105
236-49-055	AMD-XA	99-10-069	246-100-041	AMD-P	99-12-083	246-231-030	NEW-P	99-12-130
236-49-055	AMD	99-15-070	246-100-042	AMD-XA	99-06-091	246-231-030	NEW	99-15-105
236-49-060	AMD-XA	99-10-069	246-100-042	AMD	99-11-037	246-231-040	NEW-P	99-12-130
236-49-060	AMD	99-15-070	246-100-043	NEW-P	99-12-083	246-231-040	NEW	99-15-105
236-49-061	REP-XR	99-10-068	246-100-072	AMD-P	99-12-083	246-231-050	NEW-P	99-12-130
236-49-061	REP	99-13-138	246-100-076	AMD-P	99-12-083	246-231-050	NEW	99-15-105
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245-02-010	DECOD	99-04-049	246-100-208	AMD-P	99-12-083	246-231-070	NEW-P	99-12-130
245-02-020	DECOD	99-04-049	246-100-209	AMD-P	99-12-083	246-231-070	NEW	99-15-105
245-02-025	DECOD	99-04-049	246-100-236	AMD-P	99-12-083	246-231-080	NEW-P	99-12-130
245-02-030	DECOD	99-04-049	246-205-990	AMD-P	99-07-120	246-231-080	NEW	99-15-105
245-02-035	DECOD	99-04-049	246-205-990	AMD	99-12-022	246-231-090	NEW-P	99-12-130
245-02-040	DECOD	99-04-049	246-217	AMD	99-13-019	246-231-090	NEW	99-15-105
245-02-045	DECOD	99-04-049	246-217-001	REP-P	99-08-097	246-231-100	NEW-P	99-12-130
245-02-050	DECOD	99-04-049	246-217-001	REP	99-13-019	246-231-100	NEW	99-15-105
245-02-100	DECOD	99-04-049	246-217-002	REP-P	99-08-097	246-231-110	NEW-P	99-12-130
245-02-110	DECOD	99-04-049	246-217-002	REP	99-13-019	246-231-110	NEW	99-15-105
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245-02-120	DECOD	99-04-049	246-217-005	NEW	99-13-019	246-231-120	NEW	99-15-105
245-02-125	DECOD	99-04-049	246-217-010	AMD-P	99-08-097	246-231-130	NEW-P	99-12-130
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246-231-200	NEW	99-15-105	246-290-451	NEW	99-07-021	246-318-280	REP	99-04-052
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246-232-001	AMD	99-15-105	246-290-460	AMD	99-07-021	246-318-300	REP	99-04-052
246-232-040	AMD-P	99-12-130	246-290-470	AMD	99-07-021	246-318-310	REP	99-04-052
246-232-040	AMD	99-15-105	246-290-480	AMD	99-07-021	246-318-320	REP	99-04-052
246-232-060	AMD-P	99-12-130	246-290-490	AMD	99-07-021	246-318-330	REP	99-04-052
246-232-060	AMD	99-15-105	246-290-495	NEW	99-07-021	246-318-350	REP	99-04-052
246-232-090	AMD-P	99-12-130	246-290-601	AMD	99-07-021	246-318-370	REP	99-04-052
246-232-090	AMD	99-15-105	246-290-610	REP	99-07-021	246-318-380	REP	99-04-052
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246-235-075	AMD	99-15-105	246-290-630	AMD	99-07-021	246-318-400	REP	99-04-052
246-243-040	AMD	99-05-012	246-290-630	AMD	99-10-076	246-318-420	REP	99-04-052
246-243-090	AMD	99-05-012	246-290-632	AMD	99-07-021	246-318-440	REP	99-04-052
246-244-040	AMD-P	99-12-130	246-290-634	AMD	99-07-021	246-318-450	REP	99-04-052
246-244-040	AMD	99-15-105	246-290-636	AMD	99-07-021	246-318-500	REP	99-04-052
246-244-060	AMD-P	99-12-130	246-290-638	AMD	99-07-021	246-318-510	REP	99-04-052
246-244-060	AMD	99-15-105	246-290-640	AMD	99-07-021	246-318-520	REP	99-04-052
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246-254-053	AMD	99-13-085	246-290-652	AMD	99-07-021	246-318-540	REP	99-04-052
246-254-070	AMD-P	99-07-120	246-290-654	AMD	99-07-021	246-318-550	REP	99-04-052
246-254-070	AMD	99-12-022	246-290-660	AMD	99-07-021	246-318-560	REP	99-04-052
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246-254-080	AMD	99-12-022	246-290-664	AMD	99-07-021	246-318-580	REP	99-04-052
246-254-090	AMD-P	99-07-120	246-290-666	AMD	99-07-021	246-318-590	REP	99-04-052
246-254-090	AMD	99-12-022	246-290-668	AMD	99-07-021	246-318-600	REP	99-04-052
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246-282-990	AMD	99-12-022	246-290-676	AMD	99-07-021	246-318-640	REP	99-04-052
246-290-001	AMD	99-07-021	246-290-678	AMD	99-07-021	246-318-650	REP	99-04-052
246-290-002	NEW	99-07-021	246-290-686	AMD	99-07-021	246-318-660	REP	99-04-052
246-290-010	AMD	99-07-021	246-290-690	AMD	99-07-021	246-318-670	REP	99-04-052
246-290-020	AMD	99-07-021	246-290-691	NEW	99-07-021	246-318-680	REP	99-04-052
246-290-025	AMD	99-07-021	246-290-692	AMD	99-07-021	246-318-690	REP	99-04-052
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246-290-105	NEW	99-07-021	246-310-990	PREP	99-05-011	246-318-760	REP	99-04-052
246-290-110	AMD	99-07-021	246-316-990	PREP-W	99-04-048	246-318-770	REP	99-04-052
246-290-115	REP	99-07-021	246-318-010	REP	99-04-052	246-318-780	REP	99-04-052
246-290-120	AMD	99-07-021	246-318-013	REP	99-04-052	246-318-790	REP	99-04-052
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246-290-130	AMD	99-07-021	246-318-017	REP	99-04-052	246-318-810	REP	99-04-052
246-290-132	NEW	99-07-021	246-318-020	REP	99-04-052	246-318-820	REP	99-04-052
246-290-135	AMD	99-07-021	246-318-025	REP	99-04-052	246-318-830	REP	99-04-052
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246-290-200	AMD	99-07-021	246-318-033	REP	99-04-052	246-318-850	REP	99-04-052
246-290-220	AMD	99-07-021	246-318-035	REP	99-04-052	246-318-860	REP	99-04-052
246-290-221	NEW	99-07-021	246-318-040	REP	99-04-052	246-318-870	REP	99-04-052
246-290-222	NEW	99-07-021	246-318-042	REP	99-04-052	246-318-990	REP	99-04-052
246-290-230	AMD	99-07-021	246-318-150	REP	99-04-052	246-318-99902	REP	99-04-052
246-290-235	NEW	99-07-021	246-318-155	REP	99-04-052	246-318-99910	REP	99-04-052
246-290-240	REP	99-07-021	246-318-160	REP	99-04-052	246-320-001	NEW	99-04-052
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246-290-310	AMD	99-07-021	246-318-190	REP	99-04-052	246-320-045	NEW	99-04-052
246-290-320	AMD	99-07-021	246-318-200	REP	99-04-052	246-320-065	NEW	99-04-052
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246-290-416	NEW	99-07-021	246-318-240	REP	99-04-052	246-320-145	NEW	99-04-052
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246-320-225	NEW	99-04-052	246-359-010	NEW	99-03-065	246-560-050	AMD	99-03-043
246-320-245	NEW	99-04-052	246-359-020	NEW	99-03-065	246-560-060	AMD	99-03-043
246-320-265	NEW	99-04-052	246-359-030	NEW	99-03-065	246-560-065	NEW	99-03-043
246-320-285	NEW	99-04-052	246-359-040	NEW	99-03-065	246-560-070	REP	99-03-043
246-320-305	NEW	99-04-052	246-359-050	NEW	99-03-065	246-560-075	NEW	99-03-043
246-320-325	NEW	99-04-052	246-359-060	NEW	99-03-065	246-560-077	NEW	99-03-043
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246-320-365	NEW	99-04-052	246-359-080	NEW	99-03-065	246-562	PREP	99-15-101
246-320-385	NEW	99-04-052	246-359-090	NEW	99-03-065	246-650-990	AMD-P	99-16-115
246-320-405	NEW	99-04-052	246-359-100	NEW	99-03-065	246-650-991	NEW-P	99-16-115
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246-320-535	NEW	99-04-052	246-359-150	NEW	99-03-065	246-802-990	AMD	99-08-101
246-320-545	NEW	99-04-052	246-359-160	NEW	99-03-065	246-808-101	REP-XR	99-03-061
246-320-555	NEW	99-04-052	246-359-170	NEW	99-03-065	246-808-301	REP-XR	99-03-061
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246-320-595	NEW	99-04-052	246-359-220	NEW	99-03-065	246-808-350	REP-XR	99-03-061
246-320-605	NEW	99-04-052	246-359-230	NEW	99-03-065	246-808-360	REP-XR	99-03-061
246-320-615	NEW	99-04-052	246-359-240	NEW	99-03-065	246-808-370	REP-XR	99-03-061
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246-320-645	NEW	99-04-052	246-359-310	NEW	99-03-065	246-808-640	REP-XR	99-03-061
246-320-655	NEW	99-04-052	246-359-320	NEW	99-03-065	246-808-990	AMD-P	99-02-057
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246-320-675	NEW	99-04-052	246-359-340	NEW	99-03-065	246-810-990	AMD-P	99-02-057
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246-320-745	NEW	99-04-052	246-359-440	NEW	99-03-065	246-811-045	NEW	99-13-084
246-320-755	NEW	99-04-052	246-359-500	NEW	99-03-065	246-811-046	NEW-P	99-09-100
246-320-765	NEW	99-04-052	246-359-510	NEW	99-03-065	246-811-046	NEW	99-13-084
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246-320-795	NEW	99-04-052	246-359-540	NEW	99-03-065	246-811-048	NEW-P	99-09-100
246-320-805	NEW	99-04-052	246-359-550	NEW	99-03-065	246-811-048	NEW	99-13-084
246-320-815	NEW	99-04-052	246-359-560	NEW	99-03-065	246-811-049	NEW-P	99-09-100
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246-358-600	NEW-P	99-08-098	246-359-590	NEW	99-03-065	246-811-075	NEW	99-13-084
246-358-600	NEW	99-12-006	246-359-600	NEW	99-03-065	246-811-080	NEW-P	99-09-100
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246-358-610	NEW	99-12-006	246-359-710	NEW	99-03-065	246-811-990	NEW-P	99-09-100
246-358-620	NEW-P	99-08-098	246-359-720	NEW	99-03-065	246-811-990	NEW	99-13-084
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246-358-630	NEW	99-12-006	246-359-750	NEW	99-03-065	246-822-990	AMD-P	99-02-057
246-358-640	NEW-P	99-08-098	246-359-760	NEW	99-03-065	246-822-990	AMD	99-08-101
246-358-640	NEW	99-12-006	246-359-800	NEW	99-03-065	246-828-045	NEW	99-08-102
246-358-650	NEW-P	99-08-098	246-359-990	NEW	99-03-065	246-828-061	NEW-P	99-11-036
246-358-650	NEW	99-12-006	246-360-990	PREP	99-10-077	246-828-105	AMD-XA	99-08-096
246-358-660	NEW-P	99-08-098	246-560-001	AMD	99-03-043	246-828-110	REP	99-07-020
246-358-660	NEW	99-12-006	246-560-002	NEW	99-03-043	246-828-120	REP	99-07-020
246-358-670	NEW-P	99-08-098	246-560-010	AMD	99-03-043	246-828-130	REP	99-07-020
246-358-670	NEW	99-12-006	246-560-011	NEW	99-03-043	246-828-140	REP	99-07-020
246-358-680	NEW-P	99-08-098	246-560-025	NEW	99-03-043	246-828-150	REP	99-07-020
246-358-680	NEW	99-12-006	246-560-035	NEW	99-03-043	246-828-160	REP	99-07-020

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246-828-190	REP	99-07-020	246-919-630	NEW-P	99-07-121	251-01-420	REP-P	99-02-054
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296-31-030	AMD-XA	99-16-112	296-50-020	REP	99-16-085	296-54-51160	NEW-P	99-08-072
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296-54-523	AMD-P	99-08-072	296-54-591	AMD-P	99-08-072	296-62-07153	NEW	99-10-071
296-54-525	REP-P	99-08-072	296-54-593	AMD-P	99-08-072	296-62-07154	NEW	99-10-071
296-54-527	AMD-P	99-08-072	296-54-59310	NEW-P	99-08-072	296-62-07155	NEW	99-10-071
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296-62-31410	NEW	99-07-097	296-78-550	AMD-P	99-15-086	296-79-27005	AMD-P	99-06-071
296-62-31415	NEW	99-07-097	296-78-555	REP-P	99-15-086	296-79-27005	AMD	99-16-083
296-62-31420	NEW	99-07-097	296-78-665	AMD	99-10-071	296-79-27007	AMD-P	99-06-071
296-62-31425	NEW	99-07-097	296-78-71019	AMD	99-10-071	296-79-27007	AMD	99-16-083
296-62-31430	NEW	99-07-097	296-79	PREP	99-02-083	296-79-27009	AMD-P	99-06-071
296-62-31435	NEW	99-07-097	296-79-010	AMD-P	99-06-071	296-79-27009	AMD	99-16-083
296-62-31440	NEW	99-07-097	296-79-010	AMD	99-16-083	296-79-27011	AMD-P	99-06-071
296-62-31445	NEW	99-07-097	296-79-011	NEW-P	99-06-071	296-79-27011	AMD	99-16-083
296-62-31450	NEW	99-07-097	296-79-011	NEW	99-16-083	296-79-27013	AMD-P	99-06-071
296-62-31455	NEW	99-07-097	296-79-020	AMD-P	99-06-071	296-79-27013	AMD	99-16-083
296-62-31460	NEW	99-07-097	296-79-020	AMD	99-16-083	296-79-27015	AMD-P	99-06-071
296-62-31465	NEW	99-07-097	296-79-030	AMD-P	99-06-071	296-79-27015	AMD	99-16-083
296-62-31470	NEW	99-07-097	296-79-030	AMD	99-16-083	296-79-280	AMD-P	99-06-071
296-62-3152	AMD	99-07-097	296-79-040	AMD-P	99-06-071	296-79-280	AMD	99-16-083
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296-62-3180	AMD	99-07-097	296-79-050	AMD-P	99-06-071	296-79-290	AMD	99-16-083
296-62-3190	AMD	99-07-097	296-79-050	AMD	99-16-083	296-79-29001	AMD-P	99-06-071
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296-62-410	NEW	99-07-097	296-79-060	REP	99-16-083	296-79-29003	AMD-P	99-06-071
296-62-41001	NEW	99-07-097	296-79-070	AMD-P	99-06-071	296-79-29003	AMD	99-16-083
296-62-41003	NEW	99-07-097	296-79-070	AMD	99-16-083	296-79-29005	AMD-P	99-06-071
296-62-41010	NEW	99-07-097	296-79-080	AMD-P	99-06-071	296-79-29005	AMD	99-16-083
296-62-41011	NEW	99-07-097	296-79-080	AMD	99-16-083	296-79-29007	AMD-P	99-06-071
296-62-41013	NEW	99-07-097	296-79-090	AMD-P	99-06-071	296-79-29007	AMD	99-16-083
296-62-41015	NEW	99-07-097	296-79-090	AMD	99-16-083	296-79-29009	AMD-P	99-06-071
296-62-41017	NEW	99-07-097	296-79-100	AMD-P	99-06-071	296-79-29009	AMD	99-16-083
296-62-41019	NEW	99-07-097	296-79-100	AMD	99-16-083	296-79-29011	AMD-P	99-06-071
296-62-41020	NEW	99-07-097	296-79-110	AMD-P	99-06-071	296-79-29011	AMD	99-16-083
296-62-41021	NEW	99-07-097	296-79-110	AMD	99-16-083	296-79-29013	AMD-P	99-06-071
296-62-41023	NEW	99-07-097	296-79-120	AMD-P	99-06-071	296-79-29013	AMD	99-16-083
296-62-41025	NEW	99-07-097	296-79-120	AMD	99-16-083	296-79-29015	AMD-P	99-06-071
296-62-41025	AMD-XA	99-12-089	296-79-130	AMD-P	99-06-071	296-79-29015	AMD	99-16-083
296-62-41030	NEW	99-07-097	296-79-130	AMD	99-16-083	296-79-29017	AMD-P	99-06-071
296-62-41031	NEW	99-07-097	296-79-140	AMD-P	99-06-071	296-79-29017	AMD	99-16-083
296-62-41033	NEW	99-07-097	296-79-140	AMD	99-16-083	296-79-29019	REP-P	99-06-071
296-62-41035	NEW	99-07-097	296-79-150	AMD-P	99-06-071	296-79-29019	REP	99-16-083
296-62-41040	NEW	99-07-097	296-79-150	AMD	99-16-083	296-79-29021	AMD-P	99-06-071
296-62-41041	NEW	99-07-097	296-79-160	AMD-P	99-06-071	296-79-29021	AMD	99-16-083
296-62-41042	NEW	99-07-097	296-79-160	AMD	99-16-083	296-79-29023	AMD-P	99-06-071
296-62-41043	NEW	99-07-097	296-79-170	AMD-P	99-06-071	296-79-29023	AMD	99-16-083
296-62-41044	NEW	99-07-097	296-79-170	AMD	99-16-083	296-79-29025	REP-P	99-06-071
296-62-41045	NEW	99-07-097	296-79-180	AMD-P	99-06-071	296-79-29025	REP	99-16-083
296-62-41046	NEW	99-07-097	296-79-180	AMD	99-16-083	296-79-29027	AMD-P	99-06-071
296-62-41047	NEW	99-07-097	296-79-180	AMD	99-16-083	296-79-29027	AMD	99-16-083
296-62-41060	NEW	99-07-097	296-79-190	AMD-P	99-06-071	296-79-29029	AMD-P	99-06-071
296-62-41061	NEW	99-07-097	296-79-190	AMD	99-16-083	296-79-29029	AMD	99-16-083
296-62-41063	NEW	99-07-097	296-79-200	AMD-P	99-06-071	296-79-29029	AMD	99-16-083
296-62-41063	NEW	99-07-097	296-79-200	AMD	99-16-083	296-79-29031	AMD-P	99-06-071
296-62-41080	NEW	99-07-097	296-79-210	AMD-P	99-06-071	296-79-29031	AMD	99-16-083
296-62-41081	NEW	99-07-097	296-79-210	AMD	99-16-083	296-79-29033	AMD-P	99-06-071
296-62-41082	NEW	99-07-097	296-79-210	AMD	99-16-083	296-79-29033	AMD	99-16-083
296-62-41084	NEW	99-07-097	296-79-220	AMD-P	99-06-071	296-79-29035	AMD-P	99-06-071
296-62-41085	NEW	99-07-097	296-79-220	AMD	99-16-083	296-79-29035	AMD	99-16-083
296-62-41086	NEW	99-07-097	296-79-230	AMD-P	99-06-071	296-79-29037	AMD-P	99-06-071
296-63	PREP	99-02-083	296-79-230	AMD	99-16-083	296-79-29037	AMD	99-16-083
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296-67	PREP	99-02-083	296-79-260	AMD	99-16-083	296-79-31003	AMD	99-16-083
296-78	PREP	99-02-083	296-79-270	AMD-P	99-06-071	296-79-31005	REP-P	99-06-071
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296-79-31011	REP	99-16-083	296-125-019	REP-XR	99-12-113	296-150F-0320	AMD-P	99-08-129
296-79-31013	REP-P	99-06-071	296-125-019	REP	99-15-071	296-150F-0320	AMD	99-13-010
296-79-31013	REP	99-16-083	296-125-0212	NEW-W	99-09-081	296-150F-0605	NEW-P	99-08-129
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296-86A-020	AMD	99-12-080	296-150C-0140	NEW-P	99-08-129	296-150F-0615	NEW-P	99-08-129
296-86A-025	AMD-P	99-08-128	296-150C-0140	NEW	99-13-010	296-150F-0615	NEW	99-13-010
296-86A-025	AMD	99-12-080	296-150C-0320	AMD-P	99-08-129	296-150F-0620	NEW-P	99-08-129
296-86A-028	AMD-P	99-08-128	296-150C-0320	AMD	99-13-010	296-150F-0620	NEW	99-13-010
296-86A-028	AMD	99-12-080	296-150C-0330	REP-XR	99-16-113	296-150F-0625	NEW-P	99-08-129
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296-86A-030	AMD	99-12-080	296-150C-0805	NEW	99-13-010	296-150F-3000	AMD-P	99-08-128
296-86A-040	AMD-P	99-08-128	296-150C-0810	AMD-P	99-08-129	296-150F-3000	AMD	99-12-080
296-86A-040	AMD	99-12-080	296-150C-0810	AMD	99-13-010	296-150M	PREP	99-05-078
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296-86A-060	AMD	99-12-080	296-150C-0960	AMD	99-13-010	296-150M-0020	AMD	99-13-010
296-86A-070	AMD-P	99-08-128	296-150C-1080	AMD-P	99-08-129	296-150M-0120	NEW-P	99-08-129
296-86A-070	AMD	99-12-080	296-150C-1080	AMD	99-13-010	296-150M-0120	NEW	99-13-010
296-86A-073	AMD-P	99-08-128	296-150C-1345	NEW-P	99-08-129	296-150M-0140	NEW-P	99-08-129
296-86A-073	AMD	99-12-080	296-150C-1345	NEW	99-13-010	296-150M-0140	NEW	99-13-010
296-86A-074	AMD-P	99-08-128	296-150C-1545	NEW-P	99-08-129	296-150M-0306	AMD-P	99-08-129
296-86A-074	AMD	99-12-080	296-150C-1545	NEW	99-13-010	296-150M-0306	AMD	99-13-010
296-86A-075	AMD-P	99-08-128	296-150C-1580	AMD-P	99-08-129	296-150M-0309	NEW-P	99-08-129
296-86A-075	AMD	99-12-080	296-150C-1580	AMD-W	99-13-011	296-150M-0309	NEW	99-13-010
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296-104-002	PREP	99-05-021	296-150C-1620	REP-XR	99-16-113	296-150M-0610	AMD-P	99-08-129
296-104-010	PREP	99-05-021	296-150C-1630	REP-XR	99-16-113	296-150M-0610	AMD	99-13-010
296-104-015	PREP	99-05-021	296-150C-1640	REP-XR	99-16-113	296-150M-0614	NEW-P	99-08-129
296-104-017	PREP	99-05-021	296-150C-1650	REP-XR	99-16-113	296-150M-0614	NEW	99-13-010
296-104-018	PREP	99-05-021	296-150C-1660	REP-XR	99-16-113	296-150M-0615	NEW-P	99-08-129
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296-104-030	PREP	99-05-021	296-150C-1690	REP-XR	99-16-113	296-150M-0640	AMD	99-13-010
296-104-035	PREP	99-05-021	296-150C-1700	REP-XR	99-16-113	296-150M-0655	NEW-P	99-08-129
296-104-040	PREP	99-05-021	296-150C-1710	REP-XR	99-16-113	296-150M-0655	NEW	99-13-010
296-104-045	PREP	99-05-021	296-150C-1720	REP-XR	99-16-113	296-150M-3000	AMD-P	99-08-128
296-104-050	PREP	99-05-021	296-150C-1730	REP-XR	99-16-113	296-150M-3000	AMD	99-12-080
296-104-055	PREP	99-05-021	296-150C-1740	REP-XR	99-16-113	296-150P	PREP	99-05-078
296-104-060	PREP	99-05-021	296-150C-1750	REP-XR	99-16-113	296-150P-0020	AMD-P	99-08-129
296-104-065	PREP	99-05-021	296-150C-1751	REP-XR	99-16-113	296-150P-0020	AMD	99-13-010
296-104-100	PREP	99-05-021	296-150C-1752	REP-XR	99-16-113	296-150P-0050	NEW-P	99-08-129
296-104-102	PREP	99-05-021	296-150C-1753	REP-XR	99-16-113	296-150P-0050	NEW	99-13-010
296-104-105	PREP	99-05-021	296-150C-1754	REP-XR	99-16-113	296-150P-0140	NEW-P	99-08-129
296-104-107	PREP	99-05-021	296-150C-1755	REP-XR	99-16-113	296-150P-0140	NEW	99-13-010
296-104-110	PREP	99-05-021	296-150C-1756	REP-XR	99-16-113	296-150P-3000	AMD-P	99-08-128
296-104-115	PREP	99-05-021	296-150C-1757	REP-XR	99-16-113	296-150P-3000	AMD	99-12-080
296-104-125	PREP	99-05-021	296-150C-1758	REP-XR	99-16-113	296-150R	PREP	99-05-078
296-104-130	PREP	99-05-021	296-150C-1759	REP-XR	99-16-113	296-150R-0020	AMD-P	99-08-129
296-104-135	PREP	99-05-021	296-150C-1760	REP-XR	99-16-113	296-150R-0020	AMD	99-13-010
296-104-140	PREP	99-05-021	296-150C-1770	REP-XR	99-16-113	296-150R-0050	NEW-P	99-08-129
296-104-145	PREP	99-05-021	296-150C-1780	REP-XR	99-16-113	296-150R-0050	NEW	99-13-010
296-104-150	PREP	99-05-021	296-150C-1790	REP-XR	99-16-113	296-150R-0140	NEW-P	99-08-129
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296-104-160	PREP	99-05-021	296-150C-1820	REP-XR	99-16-113	296-150R-3000	AMD	99-12-080
296-104-165	PREP	99-05-021	296-150C-1830	REP-XR	99-16-113	296-150T-0010	NEW-P	99-08-130
296-104-170	PREP	99-05-021	296-150C-3000	AMD-P	99-08-128	296-150T-0010	NEW	99-12-079
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296-150T-0050	NEW-P	99-08-130	296-150T-3000	NEW	99-12-079	296-150V-1460	NEW-P	99-13-200
296-150T-0050	NEW	99-12-079	296-150V-0010	NEW-P	99-13-200	296-150V-1470	NEW-P	99-13-200
296-150T-0070	NEW-P	99-08-130	296-150V-0020	NEW-P	99-13-200	296-150V-1530	NEW-P	99-13-200
296-150T-0070	NEW	99-12-079	296-150V-0030	NEW-P	99-13-200	296-150V-1540	NEW-P	99-13-200
296-150T-0080	NEW-P	99-08-130	296-150V-0040	NEW-P	99-13-200	296-150V-1550	NEW-P	99-13-200
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296-150T-0100	NEW-P	99-08-130	296-150V-0060	NEW-P	99-13-200	296-150V-1570	NEW-P	99-13-200
296-150T-0100	NEW	99-12-079	296-150V-0070	NEW-P	99-13-200	296-150V-1580	NEW-P	99-13-200
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296-150T-0140	NEW	99-12-079	296-150V-0220	NEW-P	99-13-200	296-155	PREP	99-12-037
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296-150T-0230	NEW-P	99-08-130	296-150V-0340	NEW-P	99-13-200	296-155-17337	AMD	99-10-071
296-150T-0230	NEW	99-12-079	296-150V-0350	NEW-P	99-13-200	296-155-17341	AMD	99-10-071
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296-150T-0250	NEW	99-12-079	296-150V-0390	NEW-P	99-13-200	296-155-17351	REP	99-10-071
296-150T-0300	NEW-P	99-08-130	296-150V-0400	NEW-P	99-13-200	296-155-17353	REP	99-10-071
296-150T-0300	NEW	99-12-079	296-150V-0410	NEW-P	99-13-200	296-155-17355	REP	99-10-071
296-150T-0320	NEW-P	99-08-130	296-150V-0415	NEW-P	99-13-200	296-155-17357	REP	99-10-071
296-150T-0320	NEW	99-12-079	296-150V-0500	NEW-P	99-13-200	296-155-17359	REP	99-10-071
296-150T-0340	NEW-P	99-08-130	296-150V-0510	NEW-P	99-13-200	296-155-174	AMD	99-10-071
296-150T-0340	NEW	99-12-079	296-150V-0520	NEW-P	99-13-200	296-155-17613	AMD	99-10-071
296-150T-0350	NEW-P	99-08-130	296-150V-0530	NEW-P	99-13-200	296-155-17625	AMD	99-10-071
296-150T-0350	NEW	99-12-079	296-150V-0540	NEW-P	99-13-200	296-155-17635	REP	99-10-071
296-150T-0380	NEW-P	99-08-130	296-150V-0550	NEW-P	99-13-200	296-155-17652	AMD	99-10-071
296-150T-0380	NEW	99-12-079	296-150V-0560	NEW-P	99-13-200	296-155-17656	REP	99-10-071
296-150T-0390	NEW-P	99-08-130	296-150V-0580	NEW-P	99-13-200	296-155-220	AMD	99-10-071
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296-150T-0400	NEW-P	99-08-130	296-150V-0700	NEW-P	99-13-200	296-155-367	AMD	99-10-071
296-150T-0400	NEW	99-12-079	296-150V-0710	NEW-P	99-13-200	296-155-615	AMD-P	99-16-084
296-150T-0410	NEW-P	99-08-130	296-150V-0720	NEW-P	99-13-200	296-155-655	AMD	99-10-071
296-150T-0410	NEW	99-12-079	296-150V-0800	NEW-P	99-13-200	296-155-655	AMD-XA	99-12-089
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296-150T-0500	NEW	99-12-079	296-150V-0950	NEW-P	99-13-200	296-155-730	AMD	99-10-071
296-150T-0510	NEW-P	99-08-130	296-150V-1040	NEW-P	99-13-200	296-200A-900	AMD-P	99-08-128
296-150T-0510	NEW	99-12-079	296-150V-1070	NEW-P	99-13-200	296-200A-900	AMD	99-12-080
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296-150T-0520	NEW	99-12-079	296-150V-1100	NEW-P	99-13-200	296-301	PREP	99-06-040
296-150T-0530	NEW-P	99-08-130	296-150V-1110	NEW-P	99-13-200	296-301-020	AMD-XA	99-12-089
296-150T-0530	NEW	99-12-079	296-150V-1120	NEW-P	99-13-200	296-301-020	AMD	99-12-091
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315- 11A-166	REP	99-16-007	352- 12-010	AMD	99-04-117	363-116-300	AMD-P	99-08-075
315- 11A-167	REP-XR	99-10-031	352- 12-020	AMD	99-04-117	363-116-300	AMD	99-12-027
315- 11A-167	REP	99-16-007	352- 12-030	AMD	99-04-117	365- 18-010	NEW-S	99-04-072
315- 11A-168	REP-XR	99-10-031	352- 12-040	AMD	99-04-117	365- 18-020	NEW-S	99-04-072
315- 11A-168	REP	99-16-007	352- 12-050	AMD	99-04-117	365- 18-030	NEW-S	99-04-072
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315- 11A-170	REP-XR	99-10-031	352- 32-070	PREP	99-06-042	365- 18-060	NEW-S	99-04-072
315- 11A-170	REP	99-16-007	352- 32-070	AMD-P	99-10-065	365- 18-070	NEW-S	99-04-072
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315- 11A-178	REP	99-16-007	356- 05-207	AMD-P	99-02-053	365-140-050	AMD-P	99-10-114
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388-290-125	NEW-P	99-08-121	388-310-0400	AMD	99-10-027	388-320-235	REP-P	99-11-085
388-290-125	NEW	99-14-023	388-310-0500	AMD-P	99-05-071	388-320-235	REP	99-15-065
388-290-1250	NEW-P	99-08-121	388-310-0500	AMD	99-10-027	388-320-240	REP-P	99-11-085
388-290-1300	NEW-P	99-08-121	388-310-0600	AMD-P	99-05-071	388-320-240	REP	99-15-065
388-290-1350	NEW-P	99-08-121	388-310-0600	AMD	99-10-027	388-320-350	REP-P	99-03-076
388-290-1375	NEW-P	99-08-121	388-310-0700	AMD-P	99-05-071	388-320-350	REP	99-06-044
388-290-1400	NEW-P	99-08-121	388-310-0700	AMD	99-10-027	388-320-360	REP-P	99-03-076
388-290-150	NEW-P	99-08-121	388-310-0700	AMD	99-10-027	388-320-360	REP	99-06-044
388-290-150	NEW	99-14-023	388-310-0800	AMD-P	99-05-071	388-320-360	REP	99-06-044
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388-290-200	NEW	99-14-023	388-310-0800	AMD	99-14-043	388-320-370	REP	99-06-044
388-290-250	NEW	99-14-023	388-310-0900	AMD-P	99-05-071	388-320-375	NEW-P	99-03-076
388-290-260	NEW	99-14-023	388-310-0900	AMD	99-10-027	388-320-375	NEW	99-06-044
388-290-270	NEW-P	99-08-121	388-310-1000	AMD-P	99-05-071	388-320-375	REP-P	99-11-085
388-290-280	NEW-P	99-08-121	388-310-1000	AMD	99-10-027	388-320-375	REP	99-15-065
388-290-300	NEW-P	99-08-121	388-310-1050	AMD-P	99-05-071	388-320-450	REP-P	99-11-085
388-290-300	NEW	99-14-023	388-310-1050	AMD	99-10-027	388-320-450	REP	99-15-065
388-290-350	NEW-P	99-08-121	388-310-1100	AMD-P	99-05-071	388-320-460	REP-P	99-11-085
388-290-350	NEW	99-14-023	388-310-1100	AMD	99-10-027	388-320-460	REP	99-15-065
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388-290-375	NEW	99-14-023	388-310-1200	AMD	99-10-027	388-330-020	PREP	99-07-039
388-290-400	NEW-P	99-08-121	388-310-1200	AMD	99-10-027	388-330-030	PREP	99-07-039
388-290-400	NEW	99-14-023	388-310-1300	AMD-P	99-05-072	388-330-030	PREP	99-07-039
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388-290-450	NEW	99-14-023	388-310-1400	AMD	99-10-027	388-330-050	PREP	99-07-039
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388-290-475	NEW	99-14-023	388-310-1500	AMD-P	99-05-071	388-400	PREP	99-07-105
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388-290-750	NEW	99-14-023	388-320-030	REP-P	99-11-085	388-408-0015	AMD	99-14-045
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388-418-0030	AMD	99-16-024	388-450-0220	AMD	99-16-024	388-501-0165	PREP	99-08-041
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388-450-0160	AMD	99-16-024	388-478-0080	AMD-P	99-08-118	388-527-2735	REP	99-11-076
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388-527-2750	AMD	99-11-076	388-550-1050	PREP	99-06-087	388-550-5200	AMD-P	99-09-087
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388-527-2752	REP	99-11-076	388-550-1050	AMD	99-14-039	388-550-5250	PREP	99-06-083
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388-527-2790	AMD	99-11-076	388-550-2521	NEW-P	99-14-038	388-550-5350	PREP	99-06-083
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388-543-1100	NEW-W	99-08-080	388-550-4500	PREP	99-06-084	388-551-1340	NEW-P	99-05-073
388-543-1200	NEW-W	99-08-080	388-550-4500	AMD-P	99-09-091	388-551-1340	NEW	99-09-007
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388-543-1400	NEW-W	99-08-080	388-550-4500	AMD-P	99-13-050	388-551-1350	NEW	99-09-007
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388-543-1700	NEW-W	99-08-080	388-550-4800	AMD-P	99-09-090	388-551-1400	NEW-P	99-05-073
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388-543-2200	NEW-W	99-08-080	388-550-5000	PREP	99-06-083	388-551-1500	NEW	99-09-007
388-543-2300	NEW-W	99-08-080	388-550-5000	AMD-P	99-09-087	388-551-1510	NEW-P	99-05-073
388-543-2400	NEW-W	99-08-080	388-550-5000	AMD	99-14-040	388-551-1510	NEW	99-09-007
388-543-2500	NEW-W	99-08-080	388-550-5100	PREP	99-06-083	388-551-1520	NEW-P	99-05-073
388-543-2600	NEW-W	99-08-080	388-550-5100	AMD-P	99-09-087	388-551-1520	NEW	99-09-007
388-543-2700	NEW-W	99-08-080	388-550-5100	AMD	99-14-025	388-551-1530	NEW-P	99-05-073
388-543-2800	NEW-W	99-08-080	388-550-5110	PREP	99-06-083	388-551-1530	NEW	99-09-007
388-543-2900	NEW-W	99-08-080	388-550-5110	NEW-P	99-09-087	388-551-2000	NEW-P	99-11-053
388-543-3000	NEW-W	99-08-080	388-550-5110	NEW-W	99-13-125	388-551-2000	NEW	99-16-069
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388-890-0645	NEW-P	99-12-030	388-890-1090	NEW-P	99-12-030	390-14-025	AMD-P	99-09-065
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468-06-040	AMD	99-07-013	474-10-020	NEW	99-03-004	480-09-200	AMD	99-05-031
468-12	PREP	99-04-042	474-10-030	NEW	99-03-004	480-09-210	AMD	99-05-031
468-34-010	AMD-W	99-08-082	474-10-040	NEW	99-03-004	480-09-220	AMD	99-05-031
468-34-020	AMD-W	99-08-082	474-10-050	NEW	99-03-004	480-09-230	AMD	99-05-031
468-34-100	AMD-W	99-08-082	474-10-060	NEW	99-03-004	480-09-337	NEW-S	99-12-112
468-34-120	AMD-W	99-08-082	474-10-070	NEW	99-03-004	480-09-340	AMD	99-05-031
468-34-150	AMD-W	99-08-082	474-10-080	NEW	99-03-004	480-09-390	AMD	99-05-031
468-34-330	AMD-W	99-08-082	474-10-090	NEW	99-03-004	480-09-400	AMD	99-05-031
468-38-110	AMD-P	99-05-006	474-10-100	NEW	99-03-004	480-09-410	AMD	99-05-031
468-38-110	AMD	99-08-025	478-140	AMD-P	99-08-056	480-09-420	AMD	99-05-031
468-38-150	REP-XR	99-04-058	478-140	AMD	99-12-110	480-09-425	AMD	99-05-031
			478-140-010	AMD-P	99-08-056	480-09-426	AMD	99-05-031

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-09-430	AMD	99-05-031	480-66-100	NEW-P	99-15-083	480-110-036	REP-S	99-12-112
480-09-440	AMD	99-05-031	480-66-110	NEW-P	99-15-083	480-110-041	REP-W	99-07-053
480-09-460	AMD	99-05-031	480-66-120	NEW-P	99-15-083	480-110-041	REP-S	99-12-112
480-09-465	AMD	99-05-031	480-66-140	NEW-P	99-15-083	480-110-046	REP-W	99-07-053
480-09-466	AMD	99-05-031	480-66-150	NEW-P	99-15-083	480-110-046	REP-S	99-12-112
480-09-467	AMD	99-05-031	480-66-160	NEW-P	99-15-083	480-110-051	REP-W	99-07-053
480-09-470	AMD	99-05-031	480-66-170	NEW-P	99-15-083	480-110-051	REP-S	99-12-112
480-09-475	AMD	99-05-031	480-66-200	NEW-P	99-15-083	480-110-056	REP-W	99-07-053
480-09-500	AMD	99-05-031	480-66-210	NEW-P	99-15-083	480-110-056	REP-S	99-12-112
480-09-510	AMD	99-05-031	480-66-220	NEW-P	99-15-083	480-110-061	REP-W	99-07-053
480-09-600	AMD	99-05-031	480-66-230	NEW-P	99-15-083	480-110-061	REP-S	99-12-112
480-09-610	AMD	99-05-031	480-66-300	NEW-P	99-15-083	480-110-066	REP-W	99-07-053
480-09-620	AMD	99-05-031	480-66-310	NEW-P	99-15-083	480-110-066	REP-S	99-12-112
480-09-700	AMD	99-05-031	480-66-320	NEW-P	99-15-083	480-110-071	REP-W	99-07-053
480-09-705	AMD	99-05-031	480-66-330	NEW-P	99-15-083	480-110-071	REP-S	99-12-112
480-09-710	AMD	99-05-031	480-66-400	NEW-P	99-15-083	480-110-076	REP-W	99-07-053
480-09-720	AMD	99-05-031	480-66-410	NEW-P	99-15-083	480-110-076	REP-S	99-12-112
480-09-730	AMD	99-05-031	480-66-420	NEW-P	99-15-083	480-110-081	REP-W	99-07-053
480-09-735	AMD	99-05-031	480-66-430	NEW-P	99-15-083	480-110-081	REP-S	99-12-112
480-09-736	AMD	99-05-031	480-66-440	NEW-P	99-15-083	480-110-086	REP-W	99-07-053
480-09-740	AMD	99-05-031	480-66-450	NEW-P	99-15-083	480-110-086	REP-S	99-12-112
480-09-745	AMD	99-05-031	480-66-460	NEW-P	99-15-083	480-110-091	REP-W	99-07-053
480-09-750	AMD	99-05-031	480-66-470	NEW-P	99-15-083	480-110-091	REP-S	99-12-112
480-09-751	AMD	99-05-031	480-66-480	NEW-P	99-15-083	480-110-096	REP-W	99-07-053
480-09-760	AMD	99-05-031	480-66-490	NEW-P	99-15-083	480-110-096	REP-S	99-12-112
480-09-770	AMD	99-05-031	480-66-500	NEW-P	99-15-083	480-110-101	REP-W	99-07-053
480-09-780	AMD	99-05-031	480-66-510	NEW-P	99-15-083	480-110-101	REP-S	99-12-112
480-09-800	AMD	99-05-031	480-66-520	NEW-P	99-15-083	480-110-111	REP-W	99-07-053
480-09-810	AMD	99-05-031	480-66-600	NEW-P	99-15-083	480-110-111	REP-S	99-12-112
480-09-815	AMD	99-05-031	480-66-620	NEW-P	99-15-083	480-110-116	REP-W	99-07-053
480-09-820	AMD	99-05-031	480-70	PREP	99-08-012	480-110-116	REP-S	99-12-112
480-09-830	REP	99-05-031	480-70-055	AMD-XA	99-14-079	480-110-121	REP-W	99-07-053
480-12-100	REP-W	99-08-085	480-75-005	AMD-XA	99-14-079	480-110-121	REP-S	99-12-112
480-12-370	RE-AD	99-08-026	480-90	PREP	99-08-052	480-110-126	REP-W	99-07-053
480-12-375	REP	99-08-026	480-92-011	AMD	99-05-016	480-110-126	REP-S	99-12-112
480-12-375	REP-W	99-08-085	480-92-016	NEW	99-05-016	480-110-131	REP-W	99-07-053
480-14-060	AMD-XA	99-14-079	480-92-021	AMD	99-05-016	480-110-131	REP-S	99-12-112
480-15-040	AMD-XA	99-14-079	480-92-031	AMD	99-05-016	480-110-136	REP-W	99-07-053
480-30-015	AMD-XA	99-14-079	480-92-041	NEW	99-05-016	480-110-136	REP-S	99-12-112
480-31-100	AMD-XA	99-14-079	480-92-050	AMD	99-05-016	480-110-141	REP-W	99-07-053
480-31-120	AMD-XA	99-14-079	480-92-060	AMD	99-05-016	480-110-141	REP-S	99-12-112
480-31-130	AMD-XA	99-14-079	480-92-070	AMD	99-05-016	480-110-146	REP-W	99-07-053
480-31-140	AMD-XA	99-14-079	480-92-080	AMD	99-05-016	480-110-146	REP-S	99-12-112
480-40-015	AMD-XA	99-14-079	480-92-090	AMD	99-05-016	480-110-151	REP-W	99-07-053
480-60-010	AMD-P	99-15-083	480-92-100	AMD	99-05-016	480-110-151	REP-S	99-12-112
480-60-012	NEW-P	99-15-083	480-92-110	AMD	99-05-016	480-110-156	REP-W	99-07-053
480-60-014	NEW-P	99-15-083	480-93-010	AMD-XA	99-14-079	480-110-156	REP-S	99-12-112
480-60-020	AMD-P	99-15-083	480-100	PREP	99-08-105	480-110-161	REP-W	99-07-053
480-60-030	AMD-P	99-15-083	480-110-011	REP-W	99-07-053	480-110-161	REP-S	99-12-112
480-60-035	NEW-P	99-15-083	480-110-011	REP-S	99-12-112	480-110-166	REP-W	99-07-053
480-60-040	AMD-P	99-15-083	480-110-016	REP-W	99-07-053	480-110-166	REP-S	99-12-112
480-60-050	AMD-P	99-15-083	480-110-016	REP-S	99-12-112	480-110-171	REP-W	99-07-053
480-60-060	AMD-P	99-15-083	480-110-018	REP-W	99-07-053	480-110-171	REP-S	99-12-112
480-60-070	REP-P	99-15-083	480-110-018	REP-S	99-12-112	480-110-176	REP-W	99-07-053
480-60-080	AMD-P	99-15-083	480-110-021	REP-W	99-07-053	480-110-176	REP-S	99-12-112
480-60-090	AMD-P	99-15-083	480-110-021	REP-S	99-12-112	480-110-205	NEW-S	99-12-112
480-60-99002	REP-P	99-15-083	480-110-023	REP-W	99-07-053	480-110-215	NEW-S	99-12-112
480-60-99003	REP-P	99-15-083	480-110-023	REP-S	99-12-112	480-110-225	NEW-S	99-12-112
480-62	PREP	99-08-053	480-110-026	REP-W	99-07-053	480-110-235	NEW-S	99-12-112
480-62-090	AMD-XA	99-14-079	480-110-026	REP-S	99-12-112	480-110-245	NEW-S	99-12-112
480-66-010	REP-P	99-15-083	480-110-028	REP-W	99-07-053	480-110-255	NEW-S	99-12-112
480-66-020	REP-P	99-15-083	480-110-028	REP-S	99-12-112	480-110-265	NEW-S	99-12-112
480-66-030	REP-P	99-15-083	480-110-031	REP-W	99-07-053	480-110-275	NEW-S	99-12-112
480-66-040	REP-P	99-15-083	480-110-031	REP-S	99-12-112	480-110-285	NEW-S	99-12-112
480-66-050	REP-P	99-15-083	480-110-032	REP-W	99-07-053	480-110-295	NEW-S	99-12-112
480-66-060	REP-P	99-15-083	480-110-032	REP-S	99-12-112	480-110-305	NEW-S	99-12-112
480-66-070	REP-P	99-15-083	480-110-036	REP-W	99-07-053	480-110-315	NEW-S	99-12-112

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-110-325	NEW-S	99-12-112	480-121-030	AMD-P	99-07-106	480-123-540	NEW-W	99-13-095
480-110-335	NEW-S	99-12-112	480-121-030	AMD	99-13-097	480-123-550	NEW-W	99-13-095
480-110-345	NEW-S	99-12-112	480-121-040	AMD-P	99-07-106	480-123-560	NEW-W	99-13-095
480-110-355	NEW-S	99-12-112	480-121-040	AMD	99-13-097	480-123-570	NEW-W	99-13-095
480-110-365	NEW-S	99-12-112	480-121-050	REP-P	99-07-106	480-140	PREP	99-09-028
480-110-375	NEW-S	99-12-112	480-121-050	AMD	99-13-097	480-143-010	REP-P	99-03-074
480-110-385	NEW-S	99-12-112	480-121-060	NEW-P	99-07-106	480-143-010	REP	99-08-055
480-110-395	NEW-S	99-12-112	480-121-060	NEW	99-13-097	480-143-020	REP-P	99-03-074
480-110-405	NEW-S	99-12-112	480-121-070	NEW-P	99-07-106	480-143-020	REP	99-08-055
480-110-415	NEW-S	99-12-112	480-121-070	NEW	99-13-097	480-143-030	REP-P	99-03-074
480-110-425	NEW-S	99-12-112	480-121-080	NEW-P	99-07-106	480-143-030	REP	99-08-055
480-110-435	NEW-S	99-12-112	480-121-090	NEW-P	99-07-106	480-143-040	REP-P	99-03-074
480-110-445	NEW-S	99-12-112	480-121-100	NEW-P	99-07-106	480-143-040	REP	99-08-055
480-110-455	NEW-S	99-12-112	480-123-015	NEW-W	99-13-095	480-143-050	REP-P	99-03-074
480-110-465	NEW-S	99-12-112	480-123-020	NEW-W	99-13-095	480-143-050	REP	99-08-055
480-110-475	NEW-S	99-12-112	480-123-030	NEW-W	99-13-095	480-143-060	REP-P	99-03-074
480-110-485	NEW-S	99-12-112	480-123-040	NEW-W	99-13-095	480-143-060	REP	99-08-055
480-110-495	NEW-S	99-12-112	480-123-050	NEW-W	99-13-095	480-143-070	REP-P	99-03-074
480-110-500	NEW-W	99-07-053	480-123-060	NEW-W	99-13-095	480-143-070	REP	99-08-055
480-110-510	NEW-W	99-07-053	480-123-070	NEW-W	99-13-095	480-143-080	REP-P	99-03-074
480-110-520	NEW-W	99-07-053	480-123-080	NEW-W	99-13-095	480-143-080	REP	99-08-055
480-110-530	NEW-W	99-07-053	480-123-085	NEW-W	99-13-095	480-143-100	NEW-P	99-03-074
480-110-540	NEW-W	99-07-053	480-123-090	NEW-W	99-13-095	480-143-100	NEW	99-08-055
480-110-550	NEW-W	99-07-053	480-123-100	NEW-W	99-13-095	480-143-110	NEW-P	99-03-074
480-110-560	NEW-W	99-07-053	480-123-110	NEW-W	99-13-095	480-143-110	NEW	99-08-055
480-110-570	NEW-W	99-07-053	480-123-120	NEW-W	99-13-095	480-143-120	NEW-P	99-03-074
480-110-580	NEW-W	99-07-053	480-123-130	NEW-W	99-13-095	480-143-120	NEW	99-08-055
480-110-590	NEW-W	99-07-053	480-123-140	NEW-W	99-13-095	480-143-130	NEW-P	99-03-074
480-110-600	NEW-W	99-07-053	480-123-150	NEW-W	99-13-095	480-143-130	NEW	99-08-055
480-110-610	NEW-W	99-07-053	480-123-160	NEW-W	99-13-095	480-143-140	NEW-P	99-03-074
480-110-620	NEW-W	99-07-053	480-123-170	NEW-W	99-13-095	480-143-140	NEW	99-08-055
480-110-630	NEW-W	99-07-053	480-123-180	NEW-W	99-13-095	480-143-150	NEW-P	99-03-074
480-110-640	NEW-W	99-07-053	480-123-190	NEW-W	99-13-095	480-143-150	NEW	99-08-055
480-110-650	NEW-W	99-07-053	480-123-200	NEW-W	99-13-095	480-143-160	NEW-P	99-03-074
480-110-660	NEW-W	99-07-053	480-123-210	NEW-W	99-13-095	480-143-160	NEW	99-08-055
480-110-670	NEW-W	99-07-053	480-123-220	NEW-W	99-13-095	480-143-170	NEW-P	99-03-074
480-110-680	NEW-W	99-07-053	480-123-230	NEW-W	99-13-095	480-143-170	NEW	99-08-055
480-110-690	NEW-W	99-07-053	480-123-240	NEW-W	99-13-095	480-143-180	NEW-P	99-03-074
480-110-700	NEW-W	99-07-053	480-123-250	NEW-W	99-13-095	480-143-180	NEW	99-08-055
480-110-710	NEW-W	99-07-053	480-123-260	NEW-W	99-13-095	480-143-190	NEW-P	99-03-074
480-110-720	NEW-W	99-07-053	480-123-270	NEW-W	99-13-095	480-143-190	NEW	99-08-055
480-110-730	NEW-W	99-07-053	480-123-280	NEW-W	99-13-095	480-143-200	NEW-P	99-03-074
480-110-740	NEW-W	99-07-053	480-123-290	NEW-W	99-13-095	480-143-200	NEW	99-08-055
480-110-750	NEW-W	99-07-053	480-123-300	NEW-W	99-13-095	480-143-210	NEW-P	99-03-074
480-110-760	NEW-W	99-07-053	480-123-310	NEW-W	99-13-095	480-143-210	NEW	99-08-055
480-110-770	NEW-W	99-07-053	480-123-320	NEW-W	99-13-095	480-143-990	REP-P	99-03-074
480-110-780	NEW-W	99-07-053	480-123-330	NEW-W	99-13-095	480-143-990	REP	99-08-055
480-110-790	NEW-W	99-07-053	480-123-340	NEW-W	99-13-095	480-146-010	REP-P	99-03-073
480-120	PREP	99-09-027	480-123-350	NEW-W	99-13-095	480-146-010	REP	99-08-054
480-120-052	NEW	99-10-013	480-123-360	NEW-W	99-13-095	480-146-020	REP-P	99-03-073
480-120-058	NEW	99-10-013	480-123-370	NEW-W	99-13-095	480-146-020	REP	99-08-054
480-120-139	AMD-P	99-07-107	480-123-380	NEW-W	99-13-095	480-146-030	REP-P	99-03-073
480-120-139	AMD	99-11-070	480-123-390	NEW-W	99-13-095	480-146-030	REP	99-08-054
480-120-144	NEW	99-05-015	480-123-400	NEW-W	99-13-095	480-146-040	REP-P	99-03-073
480-120-151	NEW	99-05-015	480-123-410	NEW-W	99-13-095	480-146-040	REP	99-08-054
480-120-152	NEW	99-05-015	480-123-420	NEW-W	99-13-095	480-146-050	REP-P	99-03-073
480-120-153	NEW	99-05-015	480-123-430	NEW-W	99-13-095	480-146-050	REP	99-08-054
480-120-154	NEW	99-05-015	480-123-440	NEW-W	99-13-095	480-146-060	REP-P	99-03-073
480-121	AMD-P	99-07-106	480-123-450	NEW-W	99-13-095	480-146-060	REP	99-08-054
480-121	AMD	99-13-097	480-123-460	NEW-W	99-13-095	480-146-070	REP-P	99-03-073
480-121-010	AMD-P	99-07-106	480-123-470	NEW-W	99-13-095	480-146-070	REP	99-08-054
480-121-010	AMD	99-13-097	480-123-480	NEW-W	99-13-095	480-146-080	REP-P	99-03-073
480-121-015	NEW	99-13-097	480-123-490	NEW-W	99-13-095	480-146-080	REP	99-08-054
480-121-020	AMD-P	99-07-106	480-123-500	NEW-W	99-13-095	480-146-090	REP-P	99-03-073
480-121-020	AMD	99-13-097	480-123-510	NEW-W	99-13-095	480-146-090	REP	99-08-054
480-121-023	NEW	99-13-097	480-123-520	NEW-W	99-13-095	480-146-091	REP-P	99-03-073
480-121-026	NEW	99-13-097	480-123-530	NEW-W	99-13-095	480-146-091	REP	99-08-054

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-146-095	REP-P	99-03-073	490-500-185	REP-P	99-12-030	490-500-530	PREP	99-06-081
480-146-095	REP	99-08-054	490-500-190	PREP	99-06-081	490-500-530	REP-P	99-12-030
480-146-200	REP-P	99-03-073	490-500-190	REP-P	99-12-030	490-500-542	PREP	99-06-081
480-146-200	REP	99-08-054	490-500-200	PREP	99-06-081	490-500-542	REP-P	99-12-030
480-146-210	REP-P	99-03-073	490-500-200	REP-P	99-12-030	490-500-545	PREP	99-06-081
480-146-210	REP	99-08-054	490-500-205	PREP	99-06-081	490-500-545	REP-P	99-12-030
480-146-220	REP-P	99-03-073	490-500-205	REP-P	99-12-030	490-500-555	PREP	99-06-081
480-146-220	REP	99-08-054	490-500-257	PREP	99-06-081	490-500-555	REP-P	99-12-030
480-146-230	REP-P	99-03-073	490-500-257	REP-P	99-12-030	490-500-560	PREP	99-06-081
480-146-230	REP	99-08-054	490-500-260	PREP	99-06-081	490-500-560	REP-P	99-12-030
480-146-240	NEW-P	99-03-073	490-500-260	REP-P	99-12-030	490-500-580	PREP	99-06-081
480-146-240	NEW	99-08-054	490-500-270	PREP	99-06-081	490-500-580	REP-P	99-12-030
480-146-250	NEW-P	99-03-073	490-500-270	REP-P	99-12-030	490-500-590	PREP	99-06-081
480-146-250	NEW	99-08-054	490-500-275	PREP	99-06-081	490-500-590	REP-P	99-12-030
480-146-260	NEW-P	99-03-073	490-500-275	REP-P	99-12-030	490-500-600	PREP	99-06-081
480-146-260	NEW	99-08-054	490-500-300	PREP	99-06-081	490-500-600	REP-P	99-12-030
480-146-270	NEW-P	99-03-073	490-500-300	REP-P	99-12-030	490-500-605	PREP	99-06-081
480-146-270	NEW	99-08-054	490-500-325	PREP	99-06-081	490-500-605	REP-P	99-12-030
480-146-280	NEW-P	99-03-073	490-500-325	REP-P	99-12-030	490-500-615	PREP	99-06-081
480-146-280	NEW	99-08-054	490-500-350	PREP	99-06-081	490-500-615	REP-P	99-12-030
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