

Washington State Register

June 18, 2003

OLYMPIA, WASHINGTON

ISSUE 03-12



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of June 2003 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

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

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 eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **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].

2002-2003

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 -					
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
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02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
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02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
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03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

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;

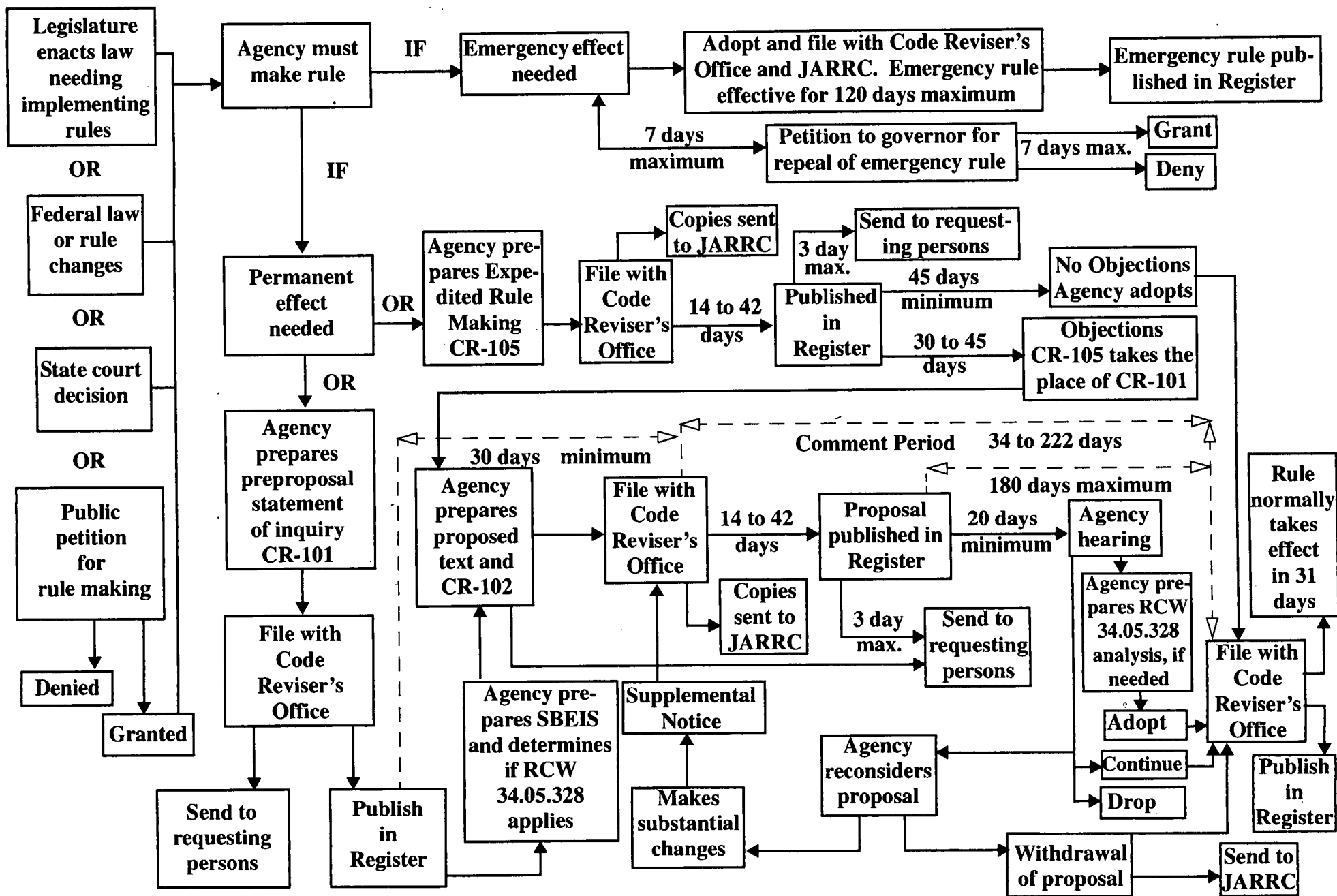
There is less than minor economic impact on business;

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



WSR 03-12-017**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed May 28, 2003, 8:35 a.m.]

Subject of Possible Rule Making: Update of the council's policies and procedures, chapter 51-04 WAC, to correct references and make clarifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.035, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation was passed in the 2003 session changing the model code adopted by reference in Washington state. The council must update their policies and procedures to provide the correct references. The council is also looking to make clarifying amendments to the code amendment procedure.

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 Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

May 9, 2003

Tim Nogler
for Stan Price
Council Chair

WSR 03-12-018**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 28, 2003, 9:07 a.m.]

Subject of Possible Rule Making: Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to WAC 308-57-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

May 23, 2003

D. McCurley, Administrator
Title and Registration Services

WSR 03-12-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 28, 2003, 1:43 p.m.]

Subject of Possible Rule Making: WAC 16-54-155 Exotic Newcastle Disease (END) quarantine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 16.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To prevent the introduction or spread of Exotic Newcastle Disease (END) into Washington state. The virus that causes the disease is highly contagious and is readily spread by contact with infected birds or materials contaminated with the causative virus.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA-APHIS, Veterinary Services (VS). RCW 16.36.100 authorizes the director of the Washington State Department of Agriculture to cooperate with agencies of Washington, other states and the federal government. A general agreement with USDA-APHIS, VS delineates each agency's responsibilities.

Process for Developing New Rule: A serious avian disease known as Exotic Newcastle Disease (END) was first diagnosed in backyard poultry in Los Angeles County, California, October 1, 2002. Control efforts have not yet been successful in eliminating the disease in the quarantined areas. The rule is necessary to carry out the director's duties to protect avian health/public health in the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Kathleen M. Connell, DVM, Acting State Veterinarian, P.O. Box 42577, Olympia, WA 98504-2577, (360) 902-1878, fax (360) 902-2087, e-mail kconnell@agr.wa.gov.

May 27, 2003

Valoria Loveland
Director

NEW SECTION

WAC 16-54-155 Exotic Newcastle Disease (END) quarantine. This section applies to all avian species and commercial traffic originating from END quarantine areas in the United States and to bird exhibits, shows, auctions, public displays and competitions held in Washington State.

(1) Areas under quarantine. The areas under quarantine include all counties and portions of counties declared to be under quarantine for END by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service.

(2) Items under restriction. Birds, poultry, poultry products, poultry waste, vehicles, equipment and materials that could transmit END. Included in the restriction are vehicles that make deliveries of live birds into the quarantine zone and return to Washington State.

(3) No live or dead bird of any type, including poultry, poultry product, material or poultry waste, that could transmit END may be moved into Washington State from the area

under quarantine. An exemption is made for eggs that have met the requirements of 9 CFR 82.8, including washing, sanitizing and packing in new material.

(4) No equipment used for the processing of eggs or for the housing, feeding, watering, entertaining, or otherwise caring for birds of any type may be moved into Washington State from the area under quarantine unless accompanied by a certificate signed by an official of the USDA or the California Department of Food and Agriculture stating the equipment has been cleaned and disinfected according to a protocol established by the USDA.

(5) The driver of a commercial vehicle originating from the area under quarantine who is transporting feed or eggs must provide proof, if asked by an agriculture inspector, of the cleaning and disinfection of the vehicle, trailer, and packing material performed immediately prior to the loading of the vehicle. This proof must be provided in writing and demonstrate that the cleaning and disinfection was performed according to the protocol established by the USDA.

(6) A driver of a vehicle of any type transporting a bird must provide, if asked by any agriculture inspector, an original health certificate issued by an accredited veterinarian within thirty days prior to entry stating the birds are healthy and do not originate from a quarantined area. Photocopies of health certificates must have an original veterinarian signature. National Poultry Improvement Plan (NPIP) forms for movement of poultry may be used by members of NPIP with the certification that the shipment did not originate from a quarantined area.

(7) A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type shall immediately inform the State Veterinarian by mail, facsimile, or electronic mail of a scheduled event. The notification shall include the contact name, mailing address, physical address of the event, and daytime telephone number.

(8) A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type, shall inform the event exhibitors and vendors in writing of this WAC, the current quarantine for END, and the risk of introducing END into Washington State. The promoter also shall require each event exhibitor and vendor to attest in writing that they are not in violation of this WAC. The signed document shall be forwarded to the State Veterinarian within one week of the conclusion of the event.

WSR 03-12-036

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 30, 2003, 8:34 a.m.]

Subject of Possible Rule Making: WAC 180-79A-223 Academic and experience requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.

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: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2003

Larry Davis

Executive Director

WSR 03-12-037

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 30, 2003, 8:35 a.m.]

Subject of Possible Rule Making: WAC 180-24-00701 Regional committee decision making criteria, 180-24-215 Superintendent of Public Instruction staff review of regional committee proposals—When, and 180-24-220 Action by State Board of Education—When.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.315 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2003

Larry Davis

Executive Director

WSR 03-12-052**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY**

[Filed May 30, 2003, 2:56 p.m.]

Subject of Possible Rule Making: Chapter 4-25 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the passage of SHB 1211 rule making is required to implement the new provisions of chapter 18.04 RCW related to (1) workpapers and document retention, (2) RCW 18.04.195(1) requiring self-reporting to the board by licensees (firms and individuals), certificateholders, and nonlicensee owners within thirty days of certain enforcement related actions by federal agencies, state agencies, and nongovernmental professionally related standard-setting entities, (3) raising the maximum fine to \$30,000, (4) requiring firms to notify the board in writing within ninety days of falling out of compliance with ownership requirements, and (5) definitions related to (1), (2), and (3).

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 writing to Dana M. McInturff [McInturff], Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

May 23, 2003

Dana M. McInturff, CPA, CFE
Executive Director

WSR 03-12-054**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed May 30, 2003, 4:26 p.m.]

Subject of Possible Rule Making: MAA anticipates amending medical program rules required by the 2003 legislature. The following rules may be affected: Chapter 388-535 WAC, Dental-related services; chapter 388-475 WAC, Healthcare for workers with disabilities (HWD); WAC 388-505-0110 Medical assistance for adults; chapter 388-544 WAC, Vision and hearing services; chapter 388-438 WAC, Emergency medical assistance; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Required by legislative change.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, MAA Rules Coordinator, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344, e-mail sullikm@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-5429.

May 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-12-055**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed May 30, 2003, 4:28 p.m.]

Subject of Possible Rule Making: Amending WAC 388-76-675 Adult family home minimum licensing requirements—Reporting requirements and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.34.165, 74.34.020, and 74.34.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to comply with the recently passed legislation ESHB 1904 (chapter 230, Laws of 2003)—An act relating to the reporting of incidents by mandated reporters.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa NH Yanagida, Program Manager, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, 1-800-422-3263, fax (360) 438-7903, TTY (360) 493-2637, e-mail yanagln2@dshs.wa.gov.

May 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-12-056**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed May 30, 2003, 4:30 p.m.]

Subject of Possible Rule Making: Amending WAC 388-97-076 Nursing homes—Prevention of abuse and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.34.165, 74.34.020, and 74.34.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to comply with the recently passed legislation ESHB 1904 (chapter 230, Laws of 2003)—An act relating to the reporting of incidents by mandated reporters.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa NH Yanagida, Program Manager, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, 1-800-422-3263, fax (360) 438-7903, TTY (360) 493-2637, e-mail yanagln2@dshs.wa.gov.

May 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-12-081**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed June 3, 2003, 3:30 p.m.]

Subject of Possible Rule Making: Board of Boiler Rules—Substantive, chapter 296-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of Boiler Rules—Substantive, chapter 296-104 WAC, based on actions and requests of the Board of Boiler Rules.

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

Process for Developing New Rule: The Board of Boiler Rules will review and approve all rule changes. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robb Marvin, Secretary to Board of Boiler Rules, P.O. Box 44410, Olympia, WA 98504-4410, phone (360) 902-5270, fax (360) 902-5292, e-mail mrod235@lni.wa.gov.

June 3, 2003

Craig Hopkins, Chair
Board of Boiler Rules

WSR 03-12-083**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY**

[Filed June 4, 2003, 9:10 a.m.]

Subject of Possible Rule Making: WAC 4-25-622 Independence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has serious concerns with the effectiveness of the current regulations governing CPA independence and the recent nationwide decline in confidence with CPAs' ethical standards. The board's goal is to promote the dependability of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises and protect the public interest by requiring that persons who hold themselves out as licensed CPAs or certificateholders conduct themselves in a competent, ethical, and professional manner.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Securities and Exchange Commission (SEC); Washington State Department of Financial Institutions, Securities Division. The board will solicit comment from these regulatory bodies.

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 writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

June 3, 2003

Dana M. McInturff, CPA, CFE
Executive Director

WSR 03-12-084**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed June 4, 2003, 9:48 a.m.]

Subject of Possible Rule Making: The following sections in chapter 16-303 WAC will either be amended or repealed: WAC 16-303-200 Seed program testing fees, 16-303-210 Fees for special seed tests, 16-303-220 Inventory testing for seed germination, 16-303-230 Official seed sampling or similar service, 16-303-240 Fees for blending seed, 16-303-250 Miscellaneous charges for seed services, 16-303-300 Phyto-sanitary certification of seed—Fees, 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees, 16-303-315 Service fee for sod quality seed tags and tagging, 16-303-317 Annual and rough bluegrass quarantine fees, 16-303-320 Certification fees for seed certified by the department except grasses, and 16-303-330 Certification fees for grass seed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.301, 15.49.370(3), chapter 308, Laws of 2003 (HB 1126), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rule amendments will restructure the seed program's fee schedule and increase fees charged for services to a sufficient level to recover current operating costs, finance two additional seed analysts and enhance the program's ability to address future testing requirements of new technology and crops being raised in Washington state. Seed certification fees, laboratory analysis fees and miscellaneous fees for alfalfa, grasses, vegetables and other minor seed crops would be increased in excess of the Office of Financial Management fiscal growth rate factor as authorized in HB 1126 (Relating to seed testing and certification fees), which was passed by the 2003 legislature and signed by the governor on May 14, 2003. Specifically, the proposed rule amendments will:

- Increase the fees in WAC 16-303-200, 16-303-210, 16-303-230, 16-303-250, 16-303-300, 16-303-310, 16-303-315, 16-303-317, and 16-303-320 beyond the OFM fiscal growth rate factor as authorized by chapter 308, Laws of 2003 (HB 1126).
- Condense the fee schedule in WAC 16-303-200 so it is easier to use.
- Amend the fee schedule in WAC 16-303-210 to:
 - Combine some fees; and
 - Repeal other fees related to services no longer requested by industry or for services the seed program is no longer able to provide.
- Repeal WAC 16-303-220 in its entirety.
- Repeal WAC 16-303-230(2) because its content is either addressed in WAC 16-303-250 or will be incorporated into that section.
- Amend WAC 16-303-240 to:
 - Add blending fees for "Grass Option A" and "Grass Option B"; and
 - Delete the reference to "plus cost of a purity and germination test which is required on the official sample of each blend" because the seed program no longer does official sampling on any blend.

- Amend WAC 16-303-250 to:
 - Add a "high priority sample" fee;
 - Incorporate the "standby" fee currently located in WAC 16-303-230(2);
 - Delete the "phone report only" under "preliminary report on germination" because it is redundant; and
 - Delete subsection (2) by incorporating its content into the section's fee schedule.
- Amend WAC 16-303-300 to:
 - Delete the "sampling" fees because they are covered in WAC 16-303-230; and
 - Delete the references to "serology test" and "laboratory analysis of plant material to verify disease" because the seed program does not establish these fees. The seed program may be required, by rule, to have these tests conducted but fees for these tests are established by the WSDA Plant Protection Division.
- Amend WAC 16-303-310 by adding language that clearly identifies the O.E.C.D. assessment charges;
- Amend WAC 16-303-320 to:
 - Include a schedule of certification fees for grass seed with related footnotes; and
 - Delete "except grasses" from the section title because the section will now include grasses.
- Repeal WAC 16-303-330 in its entirety because the fees in this section will be incorporated into WAC 16-303-320.
- Where necessary, clarify the language in the rule sections listed on the CR-101 form under "Subject of possible rule making."

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 proposed rule amendments increasing seed program fees, restructuring program fee schedules and rewriting the listed rule sections as needed will be developed by the WSDA seed program manager with input from the seed industry through the Seed Program Advisory Committee. Interested parties can submit comments to the seed program during the public comment period and can participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone (509) 225-2630, fax (509) 454-4395, e-mail seed@agr.wa.gov.

Robert W. Gore
Assistant Director

WSR 03-12-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed June 4, 2003, 9:50 a.m.]

Subject of Possible Rule Making: The following sections in chapters 16-301 and 16-302 WAC:

- WAC 16-301-005 General seed standards—Definitions, 16-301-010 What publications are adopted in chapters 16-301, 16-302 and 16-303 WAC and where can they be obtained?, and 16-301-055 Tolerances for seed law enforcement;
- WAC 16-302-045 How may a person apply for seed certification in Washington state?, 16-302-110 Completion of seed certification—When may seed be labeled with a seed certification tag, label or seal?, 16-302-150 Eligibility for interagency certification, 16-302-155 Interagency seed certification procedure, 16-302-255 Land requirements for bean seed certification, 16-302-385 Grass seed standards for certification, and 16-302-410 Standards for sod quality seed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.301, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed amendments will:

- Amend the "official seed laboratory" definition in WAC 16-301-005 to include accredited seed laboratories.
- Amend WAC 16-301-010 and 16-301-055 to update Association of Official Seed Certifying Agencies (AOSCA) and Association of Official Seed Analysts (AOSA) adoption dates.
- Amend WAC 16-302-045 to eliminate the requirement for payment to be sent with the application when applying for certification.
- Amend WAC 16-302-110(1) to read that certification tags "must be" attached to a container of certified seed before it is distributed.
- Amend WAC 16-302-110(2) by replacing the words "under the supervision of the certifying agency" with "in accordance with the certifying agencies rules."
- Amend WAC 16-302-150(3) and 16-302-155 (2)(b) to delete the references to "Part C" because there isn't a Part "C" on the interagency certified seed report form;
- Amend WAC 16-302-255(1) by replacing "preceding three years" with "preceding one year."
- Amend WAC 16-302-385 by adding minimum purity requirements for "turf type" fescue and "range/reclamation type" fescue to the fescue section of the table; and to change the pollination type of Indian ricegrass.
- Amend WAC 16-302-410(3) to delete "a ten gram Poa annua check."
- Any other clarifying amendments to these sections that might be necessary.

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 proposed amendments will be developed by the WSDA seed program manager with input from the seed industry through the Seed Program Advisory Committee. Interested parties can also submit comments during the public comment period and can participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program,

21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone (509) 225-2630, fax (509) 454-4395, e-mail seed@agr.wa.gov.

June 4, 2003

Robert W. Gore
Assistant Director

WSR 03-12-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 4, 2003, 9:52 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to implement chapter 13, Laws of 2003 (HB 1101), which amended RCW 22.09.660, and was unanimously passed by the 2003 legislature and signed by Governor Locke on April 14, 2003. The department will implement HB 1101 by amending WAC 16-237-170 Emergency storage situation, to:

- Extend the time period from thirty to one hundred twenty days that grain covered by negotiable receipts can be forwarded during emergency storage situations without canceling or reissuing the negotiable receipt. The one hundred twenty day time period aligns the department's rule with United States Department of Agriculture (USDA) requirements under the Uniform Grain and Rice Storage Agreement.
- Allow for possible extensions of the one hundred twenty day time period. Again, this aligns the department rule with the USDA requirements.
- Require written permission from the depositor and/or the holder of the warehouse receipt before the grain is shipped.

The department will also rewrite WAC 16-237-170 according to clear rule-writing principles that comply with the "clarity" criteria in Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 13, Laws of 2003 (HB 1101), RCW 22.09.020(13), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 16-237-170 Emergency storage situation, are needed to implement chapter 13, Laws of 2003 (HB 1101), which directs the department to establish, by rule, the period of time that grain, during emergency storage situations, can be forwarded for storage without canceling or reissuing the negotiable receipt. In addition to complying with HB 1101, the department's amendments will align state requirements with the provisions of the Commodity Credit Corporation's Uniform Grain and Rice Storage Agreement. The draft amendments may help warehouse operators rotate their inventory to maintain quality and condition, may prevent grain from being piled on the ground outside of storage facilities, and may reduce potential risk of loss to producers and depositors who store commodities in public licensed warehouses. Finally, the amendments have been written according to clear rule-writing principles to comply with Executive Order 97-02 criteria for clarity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The USDA and the Commodity Credit Corporation. The warehouse audit program has provided these agencies with copies of the draft amendments to WAC 16-237-170 for their review and comment.

Process for Developing New Rule: The draft rule amendments have been developed as a result of industry input, especially from the Warehouse Audit Advisory Committee. Copies of the draft rule amendments can be obtained from and comments regarding them can be sent to Don Michelbook at the address listed below. Once the draft amendments are finalized, interested parties can submit comments during the public comment period and can participate during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Don Michelbook, Program Manager, Washington State Department of Agriculture, Warehouse Audit Program, P.O. Box 11559, Spokane, WA 99211, phone (509) 533-2488, fax (509) 533-2486, e-mail dmichelbook@agr.wa.gov.

June 4, 2003

Robert W. Gore
Assistant Director

WSR 03-12-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed June 4, 2003, 10:13 a.m.]

Subject of Possible Rule Making: Adopt rules to implement chapter 258, Laws of 2003 requiring registration of nursing technicians. WAC 246-840-010 Definitions, 246-840-840 Nursing technicians, 246-840-850 Use of nomenclature, 246-840-860 Nursing technician criteria, 246-840-870 Functions of the nursing technician, 246-840-880 and 246-840-890 Responsibilities of the employing facility; and rescinding WAC 246-840-900 Responsibilities of the nurse administrator.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 258, Laws of 2003.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 258, Laws of 2003 requires the registration of nurse technicians. These rules will be amended to enact and comply with the new law.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra N. Pitzler, P.O. Box 47864,

Olympia, WA 98504-7864, phone (360) 236-4723, fax (360) 236-4738, e-mail Kendra.Pitzler@doh.wa.gov.

May 23, 2003

Joanna Boatman, RN
Nursing Commission Chair

WSR 03-12-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 4, 2003, 11:00 a.m.]

Subject of Possible Rule Making: The department, working with industry stakeholders and other interested parties, will develop rules to implement chapter 397, Laws of 2003 (ESHB 1754), which relates to the slaughter of chickens (*Gallus domesticus*). ESHB 1754 requires that the department issue a special temporary permit regulating "the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm, and for such sale."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.07 RCW, chapter 397, Laws of 2003 (ESHB 1754), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement chapter 397, Laws of 2003 (ESHB 1754), which was passed unanimously by the 2003 legislature and signed by the governor on May 20, 2003. Specifically, the department must adopt rules establishing the requirements for the special temporary permit authorized in ESHB 1754. Those requirements must be generally patterned after those established by WAC 246-215-190 Temporary food service establishments, but must be tailored specifically to the slaughter, preparation and sale activities identified in ESHB 1754. The requirements must include, but are not limited to:

- Cooling procedures, when applicable;
- Sanitary facilities, equipment and utensils;
- Clean water;
- Washing and other hygienic practices; and
- Waste water disposal.

The department's special temporary rules must also identify the length of time the permit is valid.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the WSDA food safety program is the sole regulator of this subject, the program will use the telephone, e-mail, the United States mail and stakeholder meetings to keep the United States Department of Agriculture, the Washington State Department of Health and interested county health departments informed on the project's progress.

Process for Developing New Rule: Food safety program staff will develop proposed rules regarding the required temporary special permit. The Washington State Department of Agriculture will request suggestions and participation from the Food Safety Advisory Committee, the Washington State Department of Health, interested county health departments

and the Small Farms and Direct Marketing Advisory Board as well as ideas from other interested parties. Once the proposed rule language is developed, interested parties will be able to comment during the public comment period and participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Pressley, Assistant Program Manager, Food Safety Program, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860, e-mail jpressley@agr.wa.gov, fax (360) 902-2087.

June 4, 2003

Kathryn Kravit-Smith
Assistant Director

curement, Department of General Administration, P.O. Box 41017, Olympia, WA 98504-1017, (360) 902-7283, fax (360) 586-4944; or Martin Casey, Rules Coordinator, Department of General Administration, P.O. [Box] 41000, Olympia, WA 98504-1000, (360) 902-7208, fax (360) 586-5898.

June 3, 2003

Grant Fredericks
Deputy Director
for R. D. Fukai
Director

WSR 03-12-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF GENERAL ADMINISTRATION

[Filed June 4, 2003, 11:19 a.m.]

Subject of Possible Rule Making: Competitive contracting procedures for purchasing services traditionally performed by public employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.06.142 (4)(d).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Personnel System Reform Act of 2002 requires the adoption of rules to establish procedures to ensure the fair and objective submittal and evaluation of bids, and the determination of a competitive marketplace for services traditionally and historically performed by public employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Personnel (DOP) and the Office of Financial Management (OFM) are also responsible for implementation of elements of the Personnel System Reform Act of 2002. These agencies will be engaged and consulted throughout the rule-making process. An executive team comprised of the directors of DOP, OFM and the Department of General Administration (GA) will provide overall coordination and oversight.

Process for Developing New Rule: Research and rule drafting from established models and incorporating best practices where found.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. GA will be soliciting input from interested parties through:

- Public meetings.
- Website located at <http://www.ga.wa.gov/competitive-contracting>.
- E-mail access to submit ideas/comments/concerns available through website.
- Written correspondence.

Persons interested in participating in the rule development process may contact Jack Zeigler, Office of State Pro-

WSR 03-11-091
PROPOSED RULES
NORTHWEST AIR
POLLUTION AUTHORITY

[Filed May 21, 2003, 9:58 a.m.]

Original Notice.

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

Title of Rule: Northwest Air Pollution Authority (NWAPA) regulation.

Purpose: The regulation amendments will allow the NWAPA to establish a new source review program that is approvable into the state implementation plan (SIP).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Summary: AMENDATORY SECTIONS:

Section 104, update state and federal regulations that are adopted by reference to include recently promulgated NSPS and NESHAP regulations.

Section 122, clarify applicability of appeals from orders and notices.

Section 133, increase the maximum civil penalty from \$13,000 per day to \$14,000 per day to account for inflation.

Section 200, add, delete and revise terms related to the new source review program in order to be more consistent with those found in chapter 173-400 WAC.

Section 300, rewrite this new source review section to be more consistent with the state program found in chapter 173-400 WAC.

Section 301, delete portions pertaining to new source review as they are now being addressed in section 300 and clarify requirements for temporary sources.

Section 324, clarify registration and new source review fee applicability and update fee schedules.

Section 501, add additional fees for fire training permits and correct a citation to another section of the regulation.

SECTIONS TO REPEAL:

Section 302, rules pertaining to new source review are now being addressed in section 300.

Section 310, rules pertaining to new source review are now being addressed in section 300.

Name of Agency Personnel Responsible for Drafting: Dan Mahar, 1600 South Second Street, Mount Vernon, WA, (360) 428-1617 ext. 203; Implementation and Enforcement: James B. Randles, 1600 South Street, Mount Vernon, WA, (360) 428-1617 ext. 208.

Name of Proponent: Northwest Air Pollution Authority, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The proposed amendments do not represent significant legislative action because they are being made to achieve consis-

tency with statewide new source review programs established under chapter 173-400 WAC and the Washington SIP.

Hearing Location: Northwest Air Pollution Authority, 1600 South Second Street, Mount Vernon, WA 98273, on July 10, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Scott Alison by June 26, 2003, (360) 428-1617 ext. 200.

Submit Written Comments to: James B. Randles, Northwest Air Pollution Authority, 1600 South Second Street, Mount Vernon, WA 98273, fax (360) 428-1620, by July 10, 2003.

Date of Intended Adoption: July 10, 2003.

May 20, 2003

James B. Randles

Control Officer

Northwest Air Pollution Authority - July 10, 2003 Regulation Amendments

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation of the Authority, is hereby adopted by reference and made part of the Regulation of the Authority. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.05) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400 (except -035, -099, -100, -101, -102, -104, -110, -114, -116), WAC 173-401, ((WAC 173-405, WAC 173-410, WAC 173-415)), WAC 173-420, WAC 173-421, WAC 173-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC 173-435, WAC 173-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC 173-492, WAC 173-495, and WAC 173-802.

104.2 All provisions of the following federal rules that are in effect as of July 1, ((2000)) 2003 are hereby adopted by reference and made part of the Regulation of the Authority: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, BBBB, CCCC, DDDD; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, J, L, M, N, O, P, V, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, ((S)), T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, ((LL)), OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, TTT, UUU, VVV, XXX, AAAA, CCCC, GGGG, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, VVVV, XXXX, YYYY,

QQQQQ; and 40 CFR 72, 73, 74, 75, 76, 77 and 78 (Acid Rain Program).

Amended: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997, May 14, 1998, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 122 - APPEALS FROM ORDERS OR VIOLATIONS

122.1 Any order or notice (~~(of violation)~~) issued by the Board or Control Officer shall become final unless, no later than thirty (30) days after the date that notice and order are served, the person aggrieved by the order or notice of violation appeals to the Hearings Board as provided by State Law.

PASSED: January 8, 1969 Amended: July 8, 1970, July 10, 2003

AMENDATORY SECTION

SECTION 133 - CIVIL PENALTY

133.1 In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, any of the rules in force under such chapters, including the Regulation of the Northwest Air Pollution Authority shall be liable for a civil penalty in an amount of not more than fourteen thousand dollars (\$14,000) (~~(thirteen thousand dollars (\$13,000))~~) per day per violation. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order shall be liable for a civil penalty of not more than fourteen thousand dollars (\$14,000) (~~(thirteen thousand dollars (\$13,000))~~) for each day of continued noncompliance.

AMENDED: November 14, 1984, April 14, 1993, September 8, 1993, October 13, 1994, February 8, 1996, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003

AMENDATORY SECTION

SECTION 200 - DEFINITIONS

ACTUAL EMISSIONS - The actual rate of emissions of a pollutant from an emission unit, as determined in accordance with a) through c) of this definition.

a) In general, the actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal stationary source operation. The Authority shall allow the use of a different time period upon

a determination by the Authority that it is more representative of normal stationary source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b) The Authority may presume that stationary source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

ADVERSE IMPACT ON VISIBILITY - Adverse impact on visibility is defined in WAC 173-400-117.

AGRICULTURAL OPERATION - ((Means)) The growth of crops, the raising of fowl, animals or bees as a gainful occupation.

AIR CONTAMINANT - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

~~((AIR CONTAMINANT SOURCE - Is a point or point from which one or more contaminants originate))~~

AIR POLLUTION - ((Is)) 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. For the purposes of this regulation, 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.

AIR QUALITY OBJECTIVE - The concentration and exposure time of one or more air contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

ALLOWABLE EMISSIONS - The emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a) The applicable standards as in 40 CFR Part 60, 61 or 63;

b) Any applicable SIP emissions limitation including those with a future compliance date; or

c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

AMBIENT AIR - The surrounding outside air.

AMBIENT AIR QUALITY STANDARD - An established concentration, exposure time and frequency of occurrence of one or more air contaminant(s) in the ambient air which shall not be exceeded.

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide 40 CFR Part

58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.

ATTAINMENT AREA - ((Means)) A geographic area designated by EPA at 40 CFR Part 81(((in effect on July 1, 2000))) as having attained the National Ambient Air Quality Standard for a given criteria pollutant. ((An area is in attainment for only the pollutants for which the area meets the NAAQS))).

AUTHORITY - Northwest Air Pollution Authority (NWAPA). With regard to new source review, Authority shall include any other designated permitting agency.

BEGIN ACTUAL CONSTRUCTION - In general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) - An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "Best Available Control Technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990. ((means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Authority, 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 Authority 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.))

BEST AVAILABLE RETROFIT TECHNOLOGY (BART) - An emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the stationary source, the remaining useful life of the stationary source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

BOARD - Board of Directors of the NWAPA.

BUBBLE - A set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and WAC 173-400-120.

BUSINESS ESTABLISHMENT - A facility and/or place where commercial and/or professional dealings are conducted.

CATALYTIC CRACKING UNIT - A petroleum refinery cracking unit of the fluid or compact moving bed type consisting of a reactor, regenerator and fractionating tower and, where employed, a carbon monoxide boiler.

CLASS I AREA - Any area designated under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- | | |
|---------------------------------|----------------------------------|
| a) Alpine Lakes Wilderness; | f) North Cascades National Park; |
| b) Glacier Peak Wilderness; | g) Olympic National Park; |
| c) Goat Rocks Wilderness; | h) Pasayten Wilderness; and |
| d) Mount Adams Wilderness; | i) Spokane Indian Reservation. |
| e) Mount Rainier National Park; | |

COMBUSTION and INCINERATION UNITS ((EQUIPMENT)) - Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning. ((Any device which includes a chamber where combustion takes place and for which a flue, vent, or chimney is required for the venting of the products of combustion from a boiler, furnace, incinerator, stove, heater, industrial furnace, etc.))

COMMENCED - a) Commenced as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

1) begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or

2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.

b) For the purpose of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

COMMERCIAL COMPOSTING FACILITY - A facility that is operated for the purpose of selling or off-site distribution of compost produced via the controlled biological degradation of organic material.

COMPLAINANT - Any person who files a complaint.

CONCEALMENT - Any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

CONTROL FACILITY - Includes any treatment works, control devices and disposal systems, machinery equipment, structures, property or any part of accessories thereof, installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste which, if released to the outdoor atmosphere, could cause air pollution.

CONTROL OFFICER - Air Pollution Control Officer of the NWAPA.

CRITERIA POLLUTANT - A pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O3) sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

DAYLIGHT HOURS - The hours between official sunrise and official sunset.

ECOLOGY - The Washington State Department of Ecology (WDOE).

EMISSION - ~~A release of air contaminants into the ambient air ((The act of releasing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant, or the material released into the atmosphere)).~~

EMISSION REDUCTION CREDIT (ERC) - A credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION POINT - The location (place in horizontal plane and vertical elevation) from which an emission enters the atmosphere.

EMISSION STANDARD and EMISSION LIMITATION - A requirement established under the Federal Clean Air Act or chapter 70.94 RCW which 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 stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW ((Limitation on the release of one or more contaminants to the ambient air)).

EMISSIONS UNIT - Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 RCW ((or)), chapter 70.98 RCW or Regulation of the Authority.

EQUIPMENT - Any stationary or portable device or any part thereof capable of causing the emission of any contaminant into the atmosphere or ambient air.

EXCESS EMISSIONS - Emissions of an air pollutant in excess of any applicable emission standard.

EXISTING STATIONARY FACILITY (FACILITY) - Is defined in WAC 173-400-151 ((A stationary source of air pollutants which has the potential to emit two hundred fifty

tens per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.))

FEDERAL CLEAN AIR ACT (FCAA) - The Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

FEDERAL CLASS I AREA - Any federal land that is classified or reclassified Class I area. The following areas are the Class I areas in Washington state:

- | | |
|--|---|
| a) <u>Alpine Lakes Wilderness;</u> | d) <u>North Cascades National Park;</u> |
| b) <u>Glacier Peak Wilderness;</u> | g) <u>Olympic National Park; and</u> |
| c) <u>Goat Rocks Wilderness;</u> | h) <u>Pasayten Wilderness</u> |
| e) <u>Mount Adams Wilderness;</u> | |
| f) <u>Mount Rainier National Park;</u> | |

FEDERAL LAND MANAGER - The secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.

FEDERALLY ENFORCEABLE - All limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091

FIELD GRASSES - Canary grass, bromegrass, oatgrass, timothy, ryegrass, wheatgrass, and orchard grass planted for seed production.

FIRE CHIEF - A state, county, or city fire marshal, city fire chief, chief of each County Fire Protection District or authorized forestry officials from the Washington State Department of Natural Resources.

FUEL BURNING EQUIPMENT - ~~((Means))~~ Equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

FUGITIVE DUST - A particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS - Emissions which ~~((do not pass and which))~~ could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HEARINGS BOARD - The state Pollution Control Hearings Board or equivalent local hearings board as set forth in RCW 43.21B.

HOG FUEL BOILER - A boiler that utilizes wood, commonly called "hog fuel", as one source of fuel.

INCINERATOR - A furnace ~~((or facility))~~ used primarily for the thermal destruction of waste ((for the destruction of waste burning)).

INPUT HEAT CAPACITY - Is the maximum actual or design heat capacity, whichever is greater, stated in BTU/hr. generated by the stationary source and shall be expressed using the higher heating value of the fuel unless otherwise specified.

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

LOWEST ACHIEVABLE EMISSION RATE (LAER) - For any stationary source that rate of emissions which reflects the more stringent of:

a) the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

b) the most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards.

MAJOR MODIFICATION - a) "Major modification" as it applies to stationary sources subject to requirements for new stationary sources in nonattainment areas, is defined in WAC 173-400-112. b) "Major modification" as it applies to stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

MAJOR STATIONARY SOURCE - a) "Major stationary source" as it applies stationary sources subject to requirements for new stationary sources in nonattainment areas is defined in WAC 173-400-112. b) "Major stationary source" as it applies stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

MANDATORY CLASS I FEDERAL AREA - any area defined in Section 162(a) of the Federal Clean Air Act. The following areas are the mandatory Class I federal areas in Washington state:

- | | |
|--|---|
| a) <u>Alpine Lakes Wilderness;</u> | f) <u>North Cascades National Park;</u> |
| b) <u>Glacier Peak Wilderness;</u> | g) <u>Olympic National Park; and</u> |
| c) <u>Goat Rocks Wilderness;</u> | h) <u>Pasayten Wilderness</u> |
| d) <u>Mount Adams Wilderness;</u> | |
| e) <u>Mount Rainier National Park;</u> | |

MASKING - The mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIALS HANDLING - The handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

MERCURY - The element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.

MERCURY ORE - A mineral mined specifically for its mercury content.

MERCURY CHLOR-ALKALI CELL - A device which is basically composed of an electrolyzer section and a denuder (decomposer) section and utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

MODIFICATION - Any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

MULTIPLE CHAMBER INCINERATOR - Any incinerator consisting of two or more combustion chambers in series, employing adequate design parameters necessary for maximum combustion of the material to be burned.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) - An ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) - The federal rules in 40 CFR Part 61.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES - The federal rules in 40 CFR Part 63.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) - Shall be referred to as NPDES.

NATURAL CONDITIONS - naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

~~((NEW CONSTRUCTION—It shall be deemed new construction and new source standards shall apply when: (1) equipment and facilities are made and/or used for the first time at a specific location or site, or (2) existing equipment or facilities are modified or altered and the cost thereof is: (a) equal to 50% or greater of replacement cost or (b) less than 50% of replacement cost but may result in an increase in the total air contaminant emissions compared to the original or present emissions.))~~

NET EMISSIONS INCREASE - a) Net emissions increase as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112. b) Net emissions increase as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

NEW SOURCE - a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in

the emission of any air contaminant not previously emitted; and b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) - The federal rules in 40 CFR Part 60.

NONATTAINMENT AREA - ((Means)) A geographic area designated by EPA ((the Environmental Protection Agency)) at 40 CFR Part 81((in effect on July 1, 2000)) as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment ((for)) only for the pollutants for which the area has been designated nonattainment ((that exceed the NAAQS)).

NONHIGHWAY MOBILE SOURCE - A source which is neither used on nor does ordinarily travel on the public roadways and is powered by an internal combustion or other type engine. These sources include, but are not limited to, farm tractors, bulldozers, earthmovers, ships, boats, railroad locomotives and non-commercial aircraft.

NONROAD ENGINE - a) Except as discussed in b) of this definition, a nonroad engine is any internal combustion engine:

1) in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

2) in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

3) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

b) An internal combustion engine is not a nonroad engine if:

1) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

2) the engine is regulated by a New Source Performance Standard (NSPS) promulgated under section 111 of the Federal Clean Air Act; or

3) the engine otherwise included in (a)(3) of this definition remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. As seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

NOTICE OF CONSTRUCTION APPLICATION - A written application to permit construction of a new source, ((or)) modification of an existing stationary source or

replacement or substantial alternation of control technology at an existing stationary source.

ODOR - That property or a substance which allows its detections by the sense of smell and/or taste.

ODOR SOURCE - Any source that incurs two verified odor nuisance complaints within a twelve month time period. Odor nuisance complaints are verified by a NWAPA representative according to the criteria of the NWAPA Regulation Sections 530.1 and 535.3.

OPACITY - ((Opacity means)) The degree to which an object seen through a plume is obscured, stated as a percentage ((emission reduces the transmission of light and obscures the view of any object in the background)).

ORDER - Any order issued by the Authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

ORDER OF APPROVAL, ((or)) APPROVAL ORDER or ORDER OF APPROVAL TO CONSTRUCT (OAC) - A regulatory order issued by the Authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

OWNER, OPERATOR, or AGENT - Includes the person who leases, supervises or operates the equipment or control facility.

OZONE DEPLETING SUBSTANCE - Substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

PARTICLE - A small discrete mass of solid or liquid matter.

PARTICULATE MATTER or PARTICULATES - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers ((Small discrete masses of liquid or solid, exclusive of uncombined water)).

PARTS PER MILLION (PPM) - parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

PATHOLOGICAL WASTE - Human and animal remains consisting of carcasses, organs and solid organic wastes, consisting of up to 85% moisture, 5% incombustible solids.

PERMITTING AGENCY - Ecology or the local air pollution control authority with jurisdiction over the source.

PERSON - ((Means and includes)) An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

PETROLEUM LIQUIDS - Petroleum condensate, and any finished intermediate product manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Number 2-D and 4-D as specified in A.S.T.M. D975-68.

PM-10 - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by

an equivalent method designated in accordance with 40 CFR Part 53.

PM-10 EMISSIONS - Finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

~~((PORTABLE EQUIPMENT - Equipment designated to be transported from place to place for temporary operation.))~~

PORTLAND CEMENT PLANT - Any facility manufacturing Portland cement by either the wet or dry process.

POTENTIAL TO EMIT - The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on 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. Secondary emissions do not count in determining the potential to emit of a stationary source.

PREVENTION OF SIGNIFICANT DETEORATION (PSD) - The program in WAC 173-400-141.

PROCESS - A physical and/or chemical modification or treatment of a material from its previous state or condition.

REASONABLY ATTRIBUTABLE - Attributable by visual observation or any other technique the state deems appropriate.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - The lowest emission limit that a particular stationary source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or source category taking into account the impact of the stationary 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. RACT requirements for any stationary source or source category shall be adopted only after notice and opportunity for comment are afforded.

REFUSE - Putrescible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and industrial wastes including waste disposal in industrial salvage.

REFUSE BURNING EQUIPMENT - Equipment designed to burn (refuse) waste material, scrap or combustion remains.

REGISTRATION - Registration shall mean the process of identifying, delineating and itemizing all air contaminant sources within the jurisdiction of the Authority including the making of periodic reports, as required, by the persons operating or responsible for such sources and may contain information concerning location, size, height of contaminant outlets, processes employed, nature of the contaminant emis-

sions and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

REGULATORY ORDER - An order issued by an Authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or the NWAPA Regulation.

SIGNIFICANT - a) "Significant," as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112. b) "Significant" as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113 ((means, in reference to a net emission increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any of the following rates

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine Particulate matter (PM-10)	15
Volatile organic compounds (VOCs)	40
Lead	0.6
Flourides	3
Sulfuric acid mist	7
Hydrogen sulfide (H2S)	10
Total reduced sulfur (including H2S)	10
Municipal waste combustor organics (measured as total tetra through octa chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO2 and hydrogen chloride)	40

)):

SMOKE - Gas borne particulate matter in a sufficient amount to be observable.

SOLID WASTE - ((Means)) All putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials, which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes. Solid waste does not include wood waste or sludge from waste water treatment plants.

SOURCE - All of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be

considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

SOURCE CATEGORY - All sources of the same type or classification.

STACK - Any point in a stationary source designed to emit solids, liquids, or gases into the air, including a pipe or duct ((Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants)).

STACK HEIGHT - The height of an emission point measured from the ground-level elevation at the base of the stack.

STANDARD CONDITIONS - ((Standard condition is)) A temperature of 20 degrees C (68 degrees F) and a pressure of 760 mm (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS - That amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of 68 degrees F.

STATE ACT - Washington Clean Air Act (RCW 70.94) and RCW 43.21A and 43.21B.

STATE IMPLEMENTATION PLAN (SIP) or Washington SIP - Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing National Ambient Air Quality Standards.

STATIONARY SOURCE - Any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

STRAW - All vegetative material of agricultural origin other than seed removed by swathing, combining or cutting.

SULFURIC ACID PLANT - Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

SYNTHETIC MINOR - Any stationary source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

TON - Short ton or 2000 pounds (a long ton is considered 2240 pounds).

TOTAL SUSPENDED PARTICULATE - Particulate matter as measured by the method described in 40 CFR Part 50 Appendix B ((as in effect on July 1, 1988)).

TOXIC AIR POLLUTANT (TAP) or TOXIC AIR CONTAMINANT - Any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollut-

ant does not include particulate matter and volatile organic compounds as generic classes of compounds.

TRUE VAPOR PRESSURE - The equilibrium pressure exerted by a hydrocarbon at storage conditions.

TURF GRASSES - All blue grasses, fescues, and bentgrass planted for seed production.

~~((UNAVOIDABLE EXCESS EMISSIONS - Air contaminants emitted in excess of a standard that are excused are not subject to penalty by reason that the event(s) meet the criteria in WAC 173-400-107(4), (5), (6)))~~

UNCLASSIFIABLE AREA - An area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR Part 81.

~~((U.S.))~~ UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - Shall be referred to as EPA. ~~((known as EPA in this regulation))~~

VOLATILE ORGANIC COMPOUND (VOC) - Any carbon compound that participates in atmospheric photochemical reactions. a) Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate and perfluorocarbon compounds that fall into these classes:

1) Cyclic, branched, or linear completely fluorinated alkanes;

2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

3) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by Ecology, the Authority, or EPA.

c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, Ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of Ecology or the Authority, the amount of negligibly-reactive compounds in the source's emissions.

WOOD WASTE BURNER - A sheet metal or other type of enclosure to form a truncated cone or a single chamber cylindrically shaped incinerator line or constructed of suitable refractory material which employs controlled fuel feed, tangential overfire and underfire air supply system, and is designed and used for the disposal of wood and bark wastes by incineration.

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

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 300 - NEW SOURCE REVIEW

~~300.1 (It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source or emission unit, except those sources that are excluded in Section 300.3, unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Authority.~~

~~300.2 Notwithstanding any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the following new sources:~~

~~(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Woodstoves);~~

~~(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);~~

~~(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2.~~

~~300.3 Except when part of a new major stationary source as defined in WAC 173-400-030 or major modifica-~~

~~tion as defined in WAC 173-400-030 in a nonattainment area, the following air contaminant sources do not need to submit a "Notice of Construction and Application for Approval" approved by the Authority prior to construction, installation, establishment, or modification:~~

~~a) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.~~

~~b) A project with combined aggregate heat inputs of combustion units, less than or equal to all of the following:~~

~~(1) 500,000 Btu/hr using coal with \leq 0.5% sulfur or other fuels with \leq 0.5% sulfur;~~

~~(2) 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;~~

~~(3) 400,000 Btu/hr wood waste or paper;~~

~~(4) 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with \leq 0.05% sulfur;~~

~~(5) 4,000,000 Btu/hr using natural gas, propane, or LPG.~~

~~e) Insecticide, pesticide, or fertilizer spray equipment.~~

~~d) Stationary internal combustion engines less than 250 kw or 335 hp in size.~~

~~e) Laboratory equipment used exclusively for chemical or physical analyses.~~

~~f) Laundry dryers without control equipment.~~

~~g) Dryers or ovens used solely to accelerate evaporation.~~

~~h) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.~~

~~i) Storage tanks:~~

~~1) that do not store substances capable of emitting air contaminants; or~~

~~2) that store volatile organic liquids having at true vapor pressure less than 1.5 psia; or~~

~~3) with a rated capacity equal to or less than 6,000 gallons storing volatile organic liquids; or~~

~~4) with a rated capacity equal to or less than 20,000 gallons storing petroleum liquids.~~

~~j) Sanitary or storm drainage systems.~~

~~k) Welding, brazing, or soldering equipment.~~

~~l) Asphalt roofing and laying equipment (not including manufacturing or storage).~~

~~m) Restaurants and other retail food preparing establishments.~~

~~n) Gasoline stations without Stage II vapor recovery.~~

~~o) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).~~

~~p) Retail printing operations (not including web presses).~~

~~q) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.~~

~~r) Sources or emission units not listed above that have the potential to emit (uncontrolled) less than the following air pollutants:~~

~~s) Sources of toxic air pollutants listed as exempt from new source review in Chapter 173-460-040 WAC.~~

~~t) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced, the type of air pollution control device, and potential to contribute to air~~

pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

300.4 Each "Notice of Construction and Application for Approval" shall be submitted on forms provided by the Authority and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 324.2, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 301.

300.5 A "Notice of Construction and Application for Approval" is incomplete until the Authority has received a fee as shown in Section 324.2.

300.6 Within 30 days of receipt of a "Notice of Construction and Application for Approval", the Authority shall notify the applicant in writing if any additional information is necessary to complete the application.

300.7 The Authority shall provide public notice prior to approval or denial of a Notice of Construction if a new or modified source will result in a significant emissions increase. The public notice shall provide for a thirty day period to receive written comments. No final decision will be made on any "Notice of Construction and Application for Approval" until the comment period has ended and all comments have been considered.

300.8 The applicant, any interested governmental entity, any group, or any person may request a public hearing within the 30 day public notice period published as provided above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Authority deems reasonable. The Authority shall provide at least 30 days prior notice of any hearing.

300.9 Control technology determinations issued pursuant to 40 CFR Part 63 Subpart B shall be administered in accordance with procedures specified therein.

300.10 A completed State Environmental Policy Act Guidelines "Environmental Checklist" shall be submitted on forms provided by the Authority in accordance with Chapter 197-10-365 WAC and Section 312 of this regulation, as part of the required "Notice of Construction and Application for Approval".)

300.1 A Notice of Construction or PSD permit application must be filed by the owner or operator and an Order of Approval or PSD permit issued by the Authority prior to the establishment of any new source, except for:

a) Those stationary sources exempt under NWAPA 300.4 (categorical) and NWAPA 300.5 (emission thresholds); and

b) Relocation of any temporary source operating in accordance with NWAPA Section 301.

For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in NWAPA Section 200, and "new source" shall include any "modification" to an existing "stationary source", as those terms are defined in NWAPA Section 200.

300.2 Regardless of any other subsection of this section, a Notice of Construction or PSD permit application must be filed and an order of approval or PSD permit issued by the Authority prior to establishment of any of the following new sources:

a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except Part AAA, Wood stoves (in effect on February 20, 2001);

b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants) (in effect on February 20, 2001), except for asbestos demolition and renovation projects subject to 40 CFR 61.145;

c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories) (in effect on February 20, 2001);

d) Any project that qualifies as a new major stationary source, or a major modification;

e) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

300.3 New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing stationary source or modified and the air contaminants whose emissions would increase as a result of the modification; provided, however, that review of a major modification must comply with WAC 173-400-112 and/or 173-400-113, as applicable.

300.4 Emission unit and activity exemptions.

Except as provided in NWAPA 300.1 and 300.2 of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction application.

a) Maintenance/construction:

1) Cleaning and sweeping of streets and paved surfaces;

2) Concrete application, and installation;

3) Dredging wet spoils handling and placement;

4) Paving application and maintenance, excluding asphalt plants;

5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

6) Plumbing installation, plumbing protective coating application and maintenance activities;

7) Roofing application;

8) Insulation application and maintenance, excluding products for resale;

9) Janitorial services and consumer use of janitorial products.

b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks therefore it is recommended that the owner or operator contact the Authority to determine the exemption status of storage tanks prior to their installation.

1) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

2) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

3) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

4) Process and white water storage tanks;

5) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

6) Operation, loading and unloading of storage tanks, less than or equal to 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21° C;

7) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

8) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

c) A project with combined aggregate heat input capacity of combustion units, less than or equal to all of the following:

1) Less than or equal to 500,000 Btu/hr using coal with less than or equal to 0.5% sulfur or other fuels with less than or equal to 0.5% sulfur;

2) Less than or equal to 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

3) Less than or equal to 400,000 Btu/hr wood waste or paper;

4) Less than 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with less than or equal to 0.05% sulfur;

5) Less than or equal to 4,000,000 Btu/hr using natural gas, propane, or LPG.

Note: the heat input capacity of each combustion unit shall be based on the higher heating value of fuel to be used.

d) Material handling:

1) Continuous digester chip feeders;

2) Grain elevators not licensed as warehouses or dealers by either the Washington State Department of Agriculture or the U.S. Department of Agriculture;

3) Storage and handling of water based lubricants for metal working where organic content of the lubricant is less than or equal to 10%;

4) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling

point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

e) Water treatment:

1) Septic sewer systems, not including active wastewater treatment facilities;

2) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

3) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

4) Process water filtration system and demineralizer vents;

5) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

6) Demineralizer tanks;

7) Alum tanks;

8) Clean water condensate tanks.

f) Environmental chambers and laboratory equipment:

1) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

2) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

3) Installation or modification of a single laboratory fume hood;

4) Laboratory calibration and maintenance equipment.

g) Monitoring/quality assurance/testing:

1) Equipment and instrumentation used for quality control/assurance or inspection purpose;

2) Hydraulic and hydrostatic testing equipment;

3) Sample gathering, preparation and management;

4) Vents from continuous emission monitors and other analyzers.

h) Miscellaneous:

1) Single-family residences and duplexes;

2) Plastic pipe welding;

3) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

4) Comfort air conditioning;

5) Flares used to indicate danger to the public;

6) Natural and forced air vents and stacks for bathroom/toilet activities;

7) Personal care activities;

8) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

9) Tobacco smoking rooms and areas;

10) Noncommercial smokehouses;

11) Blacksmith forges for single forges;

12) Vehicle maintenance activities, not including vehicle surface coating;

13) Vehicle or equipment washing (see c) of this subsection for threshold for boilers);

14) Wax application;

15) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

16) Ozone generators and ozonation equipment;

17) Solar simulators;

18) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

19) Electrical circuit breakers, transformers, or switching equipment installation or operation;

20) Pulse capacitors;

21) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

22) Fire suppression equipment;

23) Recovery boiler blow-down tank;

24) Screw press vents;

25) Drop hammers or hydraulic presses for forging or metal working;

26) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

27) Kraft lime mud storage tanks and process vessels;

28) Lime grits washers, filters and handling;

29) Lime mud filtrate tanks;

30) Lime mud water;

31) Stock cleaning and pressurized pulp washing down process of the brown stock washer;

32) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

33) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;

34) Surface coating, aqueous solution or suspension containing less than or equal to 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

35) Cleaning and stripping activities and equipment using solutions having less than or equal to 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

36) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

300.5 Exemptions Based on Emissions Thresholds

a) Except as provided in NWAPA 300.1 and 300.2 of this section and in this subsection:

1) A new emissions unit that has an uncontrolled potential to emit below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

2) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with the Authority thirty (30) days prior to beginning actual construction on the project. If the Authority determines that the project will have more than a de Minimus impact on air quality as defined in 300.5 d), the Authority shall require the filing of a Notice of

Construction or PSD permit application. The Authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below. In accordance with NWAPA 324.2, a filing and NOC applicability determination fee shall apply when the Authority issues a written determination that a project is exempt from new source review.

c) The owner or operator may begin actual construction on the project thirty-one (31) days after the Authority receives the project summary, unless the Authority notifies the owner or operator within thirty (30) days that the proposed new source requires a Notice of Construction or PSD permit application.

d) Exemption threshold table:

POLLUTANT THRESHOLD LEVEL (ton per year)

1) Total Suspended Particulates: 1.25

2) PM-10: 0.75

3) Sulfur Oxides: 2.0

4) Nitrogen Oxides: 2.0

5) Volatile Organic Compounds: total 2.0

6) Carbon Monoxide: 5.0

7) Lead: 0.005

8) Ozone Depleting Substances: total 1.0 (in effect on July 1, 2000)

9) Toxic Air Pollutants: as specified in chapter 173-460 WAC.

300.6 The Control Officer may require that a new source, that would otherwise be exempt under this section, submit a Notice of Construction application and be granted approval as specified in this section. This discretionary determination shall be based on the nature of air pollution emissions from the stationary source and its potential effect on health, economic and social factors, or physical effects on property. Upon request, the proponent shall submit to the Control Officer, appropriate information as necessary to make this determination.

300.7 Notice of Construction - Submittal Requirements

Each Notice of Construction application shall:

a) be submitted on forms provided by the Authority;

b) be accompanied by the appropriate fee specified in NWAPA 324.2;

c) be accompanied by a completed State Environmental Policy Act (SEPA) checklist consistent with WAC 197-10-365 and NWAPA Section 312; and

d) include a BACT analysis, as defined at the time of submittal, except where the Federal Clean Air Act requires LAER; and

e) An applicant filing a Notice of Construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, shall send a copy of the application to the responsible federal land manager.

300.8 Notice of Construction - Completeness Determination.

a) Within thirty (30) days after receiving a Notice of Construction or PSD permit application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of additional information necessary to complete the application.

b) For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a

completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

c) For a project subject to PSD review under WAC 173-400-141, a completeness determination includes a determination that the application provides all information required to conduct the PSD review.

300.9 Notice of Construction - Final Determination

a) Within sixty (60) days of receipt of a complete Notice of Construction or PSD permit application, the Authority shall either issue a final decision on the application or initiate public notice under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

b) A person seeking approval to construct or modify a stationary source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction or PSD permit application required by this section. A Notice of Construction or PSD permit application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD permit application under WAC 173-400-141, a notice of nonattainment area construction application for a major modification in a nonattainment area, or a Notice of Construction application for a major stationary source in a nonattainment area must also comply with WAC 173-400-171.

c) Every final determination on a Notice of Construction or PSD permit application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

d) If the new source is a major stationary source or the change is a major modification, the application shall be processed in accordance with the applicable sections of WAC 173-400-112, 113, 117 and 171. The permitting agency shall:

1) Submit any control technology determination included in a final Order of Approval or PSD permit to the RACT/BACT/LAER clearinghouse maintained by EPA; and

2) Send a copy of the final Order of Approval or PSD permit to EPA.

300.10 Order of Approval - Appeals

An Order of Approval or PSD permit, any conditions contained in an Order of Approval or PSD permit, or the denial of a Notice of Construction or PSD permit application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. The Authority shall promptly mail copies of each order approving or denying a Notice of Construction or PSD permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

300.11 Order of Approval - Time Limitations.

An Order of Approval or PSD permit becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may

extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

300.12 Order of Approval - Change of Conditions.

a) The owner or operator may request, at any time, a change in conditions of an Order of Approval or PSD permit and the Authority may approve the request provided the Authority finds that:

1) The change in conditions will not cause the stationary source to exceed an emissions standard;

2) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

3) The change will not adversely impact the ability of Ecology or the Authority to determine compliance with an emissions standard;

4) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

5) The revised order meets the requirements of this section and WAC 173-400-110, 173-400-112, 173-400-113 and 173-400-141, as applicable.

b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a Notice of Construction application, that application must be acted upon using the timelines found in NWAPA 300.8 and NWAPA 300.9 and the fee schedule found in NWAPA 324.

300.13 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.

a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the Authority. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

b) For projects not otherwise reviewable under NWAPA Section 300, the Authority may:

1) Require that the owner or operator employ RACT for the affected emission unit;

2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

3) Prescribe other requirements as authorized by chapter 70.94 RCW.

c) Within thirty (30) days of receipt of a Notice of Construction application under this section the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty (30) days of receipt of a complete Notice of Construction application under this section the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

d) Construction shall not "commence," as defined in NWAPA Section 200, on a project subject to review under this section until the Authority issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty (30) days of receipt of a complete Notice of Construction application.

e) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

300.14 Incorporation of State NSR Regulations

In order to facilitate complete implementation of this section, WAC 173-400-112, 113, 117 and 171 are hereby incorporated by reference.

PASSED: November 12, 1998 Amended: November 12, 1999, March 9, 2000, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 301 - TEMPORARY SOURCES ((~~ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION~~))

((301.1 Within 60 days of receipt of a complete "Notice of Construction and Application for Approval", or as promptly as possible after the close of the public comment period if subject to the public notice requirements of Section 300 of this Regulation, the Board or Control Officer shall issue an Order of Approval or an Order to Prevent Construction. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required by Section 322 of this Regulation provided that any such application shall be processed in accordance with the operating permit program procedures and deadlines.))

((301.2 An Order of Approval may provide such conditions of operation as are reasonably necessary to assure compliance with all applicable emission standards and regulations.))

((301.3 No Order of Approval shall be issued unless the "Notice of Construction and Application for Approval" demonstrates to the Board or Control Officer that:))

((a) the operation of the source at the location proposed will not cause or contribute to a violation of an ambient air quality standard;))

((b) the source will meet the requirements of all applicable emission standards;))

((c) best available control technology is employed for the installation of new sources and emission units and the modification of existing sources and emission units; and))

((d) reasonably available control technology is employed for the replacement of existing control equipment.))

((e) the source complies with all applicable federally mandated air pollution control programs.))

((301.4 No Order of Approval shall be issued for a new or modified source of toxic air contaminants unless the "Notice of Construction and Application for Approval" demonstrates to the Board or Control Officer that:))

((a) the increased toxic air pollutant emissions from the source are sufficiently low to protect human health and safety from carcinogenic and/or other toxic effects pursuant to Chapter 173-460-070 WAC; or))

((b) the emissions from the source will not cause air pollution that exceeds the criteria identified in Chapter 173-460-090 WAC or Chapter 173-460-100 WAC and receives approval from the Department of Ecology.))

((301.5 An Order of Approval to Construct shall expire if the owner or operator has failed to commence construction of the source within 12 months of the date of its issuance or if construction is discontinued for a period of more than 12 months. The Control Officer may extend the time limit if it is determined that the project still employs BACT.))

((301.6 An Order to Prevent Construction shall set forth the objections in detail with references to the provisions of this Regulation that would not be met. Such Order shall become final unless, no later than 15 days after the date the Order is served, the applicant petitions for a reconsideration of the Order, with reasons for the reconsideration. The Control Officer shall consider the petition, and shall, within 30 days, give written Order of Approval or final disapproval of the Notice of Construction setting forth the reasons for disapproval.))

((301.7 It shall be unlawful for an owner or operator of a source or emission unit to not abide by the operating and reporting conditions in the Order of Approval.))

((301.8 Portable or temporary sources. For sources not exempted under 300.3, which locate temporarily at particular sites within the Authority's jurisdiction, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing:))

((a) The owner(s) or operator(s) notifies the Authority of the intent to operate within the jurisdiction of the Authority at least 15 days prior to starting operation and pays the appropriate fee identified in Section 324.1. Advanced notification may be waived by the Control Officer. Notification can be made after the fact for equipment utilized for emergency purposes, and))

((b) The owner(s) or operator(s) supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations, and))

((c) The operation will not cause a violation of ambient air quality standards, and;))

~~((d) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.))~~

~~((e) Permission to operate shall not exceed 90 operating days in any calendar year anywhere within the jurisdiction of the NWAPA. The Authority may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct has been issued by the Authority. For the purpose of this section an operating day shall be considered any time equipment operates within a consecutive 24-hour period.))~~

~~((f) All asphalt and soil desorption plants shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington.))~~

~~((g) Portable or temporary sources shall comply with all applicable air pollution rules and regulations.))~~

~~((h) Based on source type and emission quantity portable or temporary sources may be subject to new source review at the discretion of the Control Officer.))~~

~~((i) Relocation to a new site within the NWAPA jurisdiction requires payment of a fee in accordance with Section 324.2.))~~

~~((301.9 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in an attainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-113. The definition of a "major stationary source" and "major modification" for the purposes of 301.9 shall be as defined in WAC 173-400-113.))~~

~~((301.10 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in a nonattainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-112. The definition of a "major stationary source" and "major modification" for the purposes of 301.10 shall be as defined in WAC 173-400-112.))~~

301.1 This section applies to temporary sources not exempt under NWAPA 300.4 or 300.5, which locate temporarily at sites within the jurisdiction of the Authority. The regulation of nonroad engines under this section is subject to the limitations as set forth in 40 CFR Appendix A to Subpart A of 89 - State Regulation of Nonroad Internal Combustion Engines. The owner or operator of a temporary source shall be allowed to operate at a temporary location without filing a Notice of Construction application or, for nonroad engines, obtaining a regulatory order from the Authority providing that:

a) The owner or operator notifies the Authority each calendar year of the intent to operate within the jurisdiction of the Authority at least fifteen (15) days prior to starting operation and pays the appropriate fees identified in NWAPA Section 324.1;

b) The owner or operator notifies the Authority of the intent to relocate within the jurisdiction of the Authority at least fifteen (15) days prior to relocation;

c) The owner or operator supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations;

d) The operation does not cause a violation of ambient air quality standards;

e) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards;

f) The temporary source operates in compliance with all applicable air pollution rules and regulations;

g) A temporary source that is considered a major stationary source within the meaning of WAC 173-400-113 shall also comply with the requirements in WAC 173-400-141;

h) Except for nonroad engines, all temporary sources shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington. The temporary source shall operate in compliance with the conditions set forth in the Order of Approval to Construct. Any reports required by the Order of Approval to Construct shall be submitted to the Authority;

i) Permission to operate shall not exceed ninety (90) operating days in any calendar year anywhere within the jurisdiction of the NWAPA. The Authority may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct, or for nonroad engines, a regulatory order, has been issued by the Authority. For the purpose of this section, an operating day shall be considered any time equipment operates within a calendar day; and

j) Except for nonroad engines, based on the source type and emission quantity, temporary sources may be subject to new source review at the discretion of the Control Officer.

PASSED: November 12, 1998

AMENDED: March 9, 2000, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

SECTION 302 - NOTICE OF COMPLETION

Within 30 days of completion of the installation or modification of an air contaminant source subject to the provisions of Section 300 of this Regulation, the owner, operator or applicant shall file a Notice of Completion in writing with the Authority. Each Notice of Completion shall specify the date upon which operation of the source has commenced or will commence.

REPEALER

SECTION 310 - APPROVAL TO OPERATE REQUIRED

310.1 Any person operating an air contaminant source or emission unit in compliance with the terms of an Order of Approval for a Notice of Construction shall receive a Certificate of Approval to Operate from the Authority within one

year of start-up unless an alternate schedule is approved by the Control Officer. This provision does not apply to sources or emission units existing prior to February 8, 1996.

310.2 Any Certificate of Approval to Operate or Approval of Construction is subject to review at the end of one year of operation of the facility. If in that time, the facility or item which was approved has not been implemented or other action taken towards operation and/or completion of the project, the Certificate of Approval to Operate or Approval of Construction is revoked except as otherwise provided in Section 301. The owner or applicant may refile at any time under the provisions of this Section.

Passed: January 4, 1970 Amended: February 14, 1973, August 9, 1978, April 14, 1993, February 8, 1996

AMENDATORY SECTION

SECTION 324 - FEES

324.1 Annual Registration Fees

a) The Authority shall levy annual registration program fees as set forth in Section ~~((324.1(b) below for services provided in))~~ 324.1(c) to cover the costs of administering the registration program. ~~((Fees received under the registration program shall not exceed the cost of administering the program.))~~

b) Upon assessment by the Authority, registration fees are due and payable. A source shall be assessed a late penalty in the amount of twenty-five percent (25%) of the registration fee for failure to pay the registration fee within thirty (30) days after the due date. The late penalty shall be in addition to the registration fee.

c) ~~((Fees))~~ All registered air pollution sources shall pay the appropriate registration fee(s) listed in Section 324.1.

REGISTERED SOURCES	((2001	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Wastewater treatment plants w/sludge incinerators	\$535	<u>\$555</u>	<u>\$575</u>	<u>\$595</u>	<u>\$615</u>
((Portable or)) Temporary sources	\$320	<u>\$330</u>	<u>\$340</u>	<u>\$350</u>	<u>\$360</u>
((Permanent asphalt plants and)) Thermal soil desorption units	\$640	<u>\$660</u>	<u>\$680</u>	<u>\$700</u>	<u>\$725</u>
Odor source	\$640	<u>\$660</u>	<u>\$680</u>	<u>\$700</u>	<u>\$725</u>
Petroleum coke handling facility	\$1,280	<u>\$1,320</u>	<u>\$1,360</u>	<u>\$1,400</u>	<u>\$1,445</u>
Perchloroethylene dry cleaners	\$160	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>	<u>\$180</u>
Gasoline stations and Bulk plants	\$160	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>	<u>\$180</u>
Chrome plating	\$160	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>	<u>\$180</u>
Volatile Organic Compound Storage Tanks					
> or = 6000 gallons, < 40,000 gallons	\$220	<u>\$230</u>	<u>\$240</u>	<u>\$250</u>	<u>\$260</u>
> or = 40,000 gallons	\$535	<u>\$555</u>	<u>\$575</u>	<u>\$595</u>	<u>\$615</u>
Other sources as determined by the Control Officer	\$160	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>	<u>\$180</u>
FOR SOURCES NOT LISTED ABOVE: ACTUAL EMISSIONS OF TOTAL CRITERIA AND TOXIC AIR POLLUTANTS					
< 10 Tons per year	\$160	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>	<u>\$180</u>
> or = 10 tons per year, < 25 tons per year	\$800	<u>\$825</u>	<u>\$850</u>	<u>\$875</u>	<u>\$905</u>
> or = 25 tons per year, < 50 tons per year	\$1,595	<u>\$1,645</u>	<u>\$1,695</u>	<u>\$1,745</u>	<u>\$1,800</u>
> or = 50 tons per year	\$2,655	<u>\$2,735</u>	<u>\$2,820</u>	<u>\$2,905</u>	<u>\$2,995</u>
ADDITIONAL FEES					
Each source test required	\$320	<u>\$330</u>	<u>\$340</u>	<u>\$350</u>	<u>\$360</u>
Operation of a Continuous Emission or Opacity Monitor (per CEM or COM)	\$320	<u>\$330</u>	<u>\$340</u>	<u>\$350</u>	<u>\$360</u>
Each <u>stationary</u> source subject to NSPS or NESHAP (per subpart) except dry cleaners((;)) and chrome platers ((and portable or temporary sources)))	\$535	<u>\$555</u>	<u>\$575</u>	<u>\$595</u>	<u>\$615</u>
Synthetic minor designation	\$535	<u>\$555</u>	<u>\$575</u>	<u>\$595</u>	<u>\$615</u>
Odor Source	\$640	<u>\$660</u>)	<u>\$680</u>	<u>\$700</u>	<u>\$725</u>

324.2 New Source Review Fees

a) ~~((Fees))~~ New source review fees listed in Section 324.2 shall be submitted with each Notice of Construction (NOC) application or request for a NOC applicability determination.

	((2001	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
FILING FEE	\$110	<u>\$115</u>	<u>\$120</u>	<u>\$125</u>	<u>\$130</u>

PROPOSED

NSR FEES IN ADDITION TO THE FILING FEE: for each piece of equipment or control equipment					
General (not classified below)	\$535	\$555	\$575	\$595	\$615
Fuel Burning Equipment (as an aggregate)					
> or = 0.5 MM Btu/hr, but <10 MM Btu/hr	\$270	\$280	\$290	\$300	\$310
> or = 10 MM Btu/hr, but <100 MM Btu/hr	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
> or = 100 MM Btu/hr, but <250 MM Btu/hr	\$10,600	\$10,920	\$11,250	\$11,590	\$11,940
> or = 250 MM Btu/hr, but <500 MM Btu/hr	\$15,920	\$16,400	\$16,900	\$17,410	\$17,935
> or = 500 MM Btu/hr, but < 1000 MM Btu/hr	\$26,500	\$27,350	\$28,200	\$29,050	\$29,925
> or = 1000 MM Btu/hr	\$42,450	\$43,720	\$45,100	\$46,455	\$47,850
Minor ((Notice)) <u>Order of Approval to Construct</u> (ion) change	\$270	\$280	\$290	\$300	\$310
Asphalt plant	\$800	\$825	\$850	\$875	\$905
Coffee roaster	\$270	\$280	\$290	\$300	\$310
Dry cleaner and Chrome plater	\$160	\$165	\$170	\$175	\$180
Gasoline stations and Bulk plants	\$320	\$330	\$340	\$350	\$360
Refuse burning equipment					
< 6 tons per day	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
> or = 6 tons per day, but < 12 tons per day	\$3,185	\$3,285	\$3,385	\$3,490	\$3,595
> or = 12 tons per day, but < 250 tons per day	\$21,220	\$21,860	\$22,520	\$23,195	\$23,890
> or = 250 tons per day	\$42,440	\$43,715	\$45,030	\$46,380	\$47,775
Paint spray booth	\$160	\$165	\$170	\$175	\$180
Volatile Organic Compounds Storage Tanks					
< 40,000 gallons	\$320	\$330	\$340	\$350	\$360
> or = 40,000 gallons	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Soil thermal desorption unit	\$800	\$825	\$850	\$875	\$905
((Relocation of portable or temporary source to a new site within the NWAPA jurisdiction))	\$320	\$330	((340))		
Other sources as determined by the Control Officer	\$160	\$165	\$170	\$175	\$180
ADDITIONAL FEES					
Synthetic minor determination (WAC 173-400-091)	\$800	\$825	\$850	\$875	\$905
SEPA threshold determination (NWAPA lead agency, 14-day comment period)	\$270	\$280	\$290	\$300	\$310
Air toxics review	\$430	\$445	\$460	\$475	\$490
Major <u>stationary</u> source, major modification, PSD thresholds	\$2,125	\$2,190	\$2,260	\$2,330	\$2,400
PSD applicability analysis	\$3,200	\$3,300	\$3,400	\$3,505	\$3,610
Each ((emission units)) <u>stationary</u> source subject to NSPS <u>excluding subparts Dc and AAA</u> or NESHAP (per subpart) except dry cleaners and chrome platers	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Public notice (plus publication fee)	\$220	\$230	\$240	\$250	\$260
Public hearing (plus publication fee)	\$535	\$555	\$575	\$595	\$615
NOC applicability determination	\$220	\$230	\$240	\$250	\$260
Each CEM or alternate monitoring device installed	\$535	\$555	\$575	\$595	\$615
Each source test (per pollutant, per unit) required in NOC	\$535	\$555	\$575	\$595	\$615
Bubble application	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Netting analysis	\$535	\$555	\$575	\$595	\$615
Non-exempt units under Title IV acid rain program	\$2500	\$2600))	\$2,700	\$2,785	\$2,870

PROPOSED

PROPOSED

324.3 Variance Fee. \$3,000.00 (~~(\$1,000.00)~~)

324.4 Issuance of Emission Reduction Credits. \$850.00 (~~(\$500.00)~~)

324.5 (~~(New Source Review)~~) Plan and examination, filing, SEPA review, and emission reduction credit fees (~~(and other applicable fees)~~) may be reduced at the discretion of the Control Officer by up to 75 percent for existing stationary sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

PASSED: November 12, 1998

Amended: November 12, 1999, June 14, 2001, July 10, 2003

Reviser's note: The typographical error in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 325—TRANSFER

325.1 A registration, regulatory order, approval to construct, operate or use any article, machine, equipment, (~~(facility))~~ or other contrivance, (~~(the use of which may cause emission of air contaminants.)~~) shall not be transferable, whether by operation of law or otherwise, either from one location to another(~~(s))~~ or from one piece of equipment to another(~~(s) or from one person to another.~~ P)) provided that, registered sources which are designed to be portable and are moved from one location to another, may retain the same registration so long as they (~~(remain within the jurisdiction of the authority))~~ abide by the requirements of NWAPA Sections 300 and 301.

Passed: February 4, 1970 Amended: February 14, 1973, July 10, 2003

Reviser's note: The typographical error in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 502 - OUTDOOR BURNING

502.5 OUTDOOR BURNING PERMIT PROGRAM/REQUIREMENTS

C. FEES.

1. Permitting agencies may charge a fee for any permit issued, provided that a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires.

2. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing a permit program.

TYPE OF PERMIT	FEE
Annual training (single location)	\$250.00/year
Extinguisher Training	<u>\$25.00/training exercise</u>
Structure training	<u>\$50.00/training exercise</u>

Weed abatement	\$25.00 minimum/up to ten acres per location. \$2.00/acre thereafter.
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502.7 ADDITIONAL REQUIREMENTS FOR LAND CLEARING BURNING. The following "best available burning practices" shall be used when land clearing burns are conducted on land not subject to the Forest Protection Assessment (RCW 76.04.610). Land clearing burning conducted on lands subject to the Forest Protection Assessment is regulated by the Washington Department of Natural Resources under WAC 332-24-201.

G. Outdoor fires for the purpose of land clearing burning must have a written permit from the appropriate fire permitting agency. Notwithstanding the restrictions listed in Sections 502.6(A) through 502.6(~~(G))~~(F) above, all land clearing fires must meet any additional conditions listed on the permit and all other applicable air pollution regulations.

PASSED; June 14, 2001 Amended: July 10, 2003

WSR 03-12-009

PROPOSED RULES

TRANSPORTATION IMPROVEMENT

BOARD

[Filed May 22, 2003, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-038.

Title of Rule: Project development and miscellaneous housekeeping changes.

Purpose: Revise regional distribution of urban pedestrian safety and mobility program funds, revise small city program increase rules, and make miscellaneous housekeeping changes.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Summary: Removes references to obsolete financial accounts, removes references to project milestones that are no longer utilized, revise the way funds are distributed in the urban pedestrian safety and mobility program, and repeal WAC 479-12-260 so small city program increases can be treated in accordance with WAC 479-05-240.

Reasons Supporting Proposal: Proposed changes were developed after a lengthy review process. Changes simplify project development and management.

Name of Agency Personnel Responsible for Drafting: Richard Struna, 505 Union Avenue S.E., Olympia, WA 98501-1428, (360) 586-1155; Implementation and Enforcement: Stevan Gorcester, 505 Union Avenue S.E., Olympia, WA 98501-1428, (360) 586-1139.

Name of Proponent: Washington State Transportation Improvement Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: 1. The urban pedestrian safety and mobility program distributes a portion of its funds to "projects of statewide sig-

nificance." The proposed changes would distribute these funds regionally based on population.

2. WAC 479-12-260 Increases in small city program projects is repealed. Increases on projects funded from the small city program will be treated in accordance with existing WAC.

3. Remaining changes are housekeeping in nature.

Proposal Changes the Following Existing Rules: 1. Urban pedestrian safety and mobility funds will be distributed regionally, removing references to a portion of funding for "projects of statewide significance."

2. While WAC 479-12-260 will be repealed, increases in small city program projects will be treated in accordance with existing WAC.

3. Remaining changes delete reference to obsolete financial accounts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Transportation Improvement Board funding is offered only to local governments. Proposed changes do not affect the level of funding.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Red Lion Hotel Vancouver at the Quay, 100 Columbia Street, Vancouver, WA 98660, on July 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Eileen Bushman by July 18, 2003.

Submit Written Comments to: Stevan Gorcester, Executive Director, P.O. Box 40901, Olympia, WA 98504-0901, fax (360) 586-1165, by July 18, 2003.

Date of Intended Adoption: July 25, 2003.

May 16, 2003

Stevan Gorcester
Executive Director

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-01-010 Organization of transportation improvement board. The transportation improvement board is a twenty-one member board, organized under the provisions of chapter 269, Laws of 1995. The board administers the urban arterial trust account((;)) and the transportation improvement account((; and public transportation systems account)). The board evaluates petitions requesting any additions to or deletions from the state highway system and forwards recommendations to the legislature. ((The board selects projects for the STP statewide competitive program and the enhancement program and forwards the recommended list to the legislature.)) Board membership is defined in RCW 47.26.121.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-01-050 Administration costs. The board costs for necessary staff services and facilities that are attributable to the urban arterial trust account((;)) and the transportation improvement account((; and public transportation systems account)) shall be paid ((in proportion to the anticipated

expenditures of the accounts)) as determined by the biennial appropriation.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-05-010 Time and place for submission of proposed transportation improvement board projects. Prospectuses for ((~~pre-design or~~)) design phase shall be requested by the board after:

(1) Submitted project applications have been evaluated as to priority;

(2) The legislative appropriation authority has been reviewed and capacity to authorize additional projects determined.

Prospectuses for ((~~pre-design phase or~~)) design phase shall be received by the board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt is approved by the director.

Prospectuses for the construction phase shall be received by the twentieth day of the month preceding the month in which construction project authorization is proposed unless a later receipt date is approved by the director.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-05-050 Procedures for project approval. ((~~Pre-design, d~~)) Design proposals and related construction projects authorized by the board for financial assistance shall be selected for authorization based upon the following factors:

The proposed project scope shall include improvements that will address or mitigate the items for which the project was selected.

The board shall evaluate the project scope and may reduce the project scope if the scope exceeds that which is necessary to address or mitigate items.

The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project shall be evaluated on the availability and source of matching funds.

(2) Construction prospectuses for projects previously approved for design and right of way funding by the board shall be required to be accompanied by the following information demonstrating the readiness of the project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency, that an environmental impact analysis has been conducted and an environmental impact statement including the conformity with the state and Federal Clean Air Acts or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification that all right of way required for the project is available or if right of way remains to be acquired that the agency has obtained a possession and use agreement on the parcels in question.

(c) A certification from the legislative body that the project is completely designed and ready to be advertised for bids.

(d) The date the project will be advertised for bids.

(e) Each construction project prospectus shall identify changes between the scope of work of the proposed project and the work contemplated in the current six-year transportation program or the project design prospectus. An explanation and justification for such changes shall also be included.

(f) The board shall consider adjustments to the amount previously requested in accordance with the board's rule on increases in transportation improvement board funds.

AMENDATORY SECTION (Amending WSR 01-19-040, filed 9/14/01)

WAC 479-05-240 Procedure to request increase in board funds. The amount of funds approved will be based upon the amount requested at ~~((design approval))~~ project application. This amount may be adjusted from the amount shown in the project application with adequate justification. Board fund increases are not approved at ~~((pre-design and))~~ design phase.

Local agencies may request an increase in funds over the amount set forth in the ~~((design phase))~~ application, at the construction phase, bid opening or contract completion of a project in accordance with the following procedures:

(1) At the construction phase all requests shall be reviewed by the director. The director shall report the findings to the board for its review, consideration and final action. The board shall not grant a request for increase at this phase if:

(a) The requested increase is to pay for an expansion of the scope of the work that is beyond the work required to accomplish the intent of the project as approved at the design phase.

(b) The granting of the request will obligate funding beyond the level acceptable to the board or will in any way adversely affect authorized funds previously approved by the board.

(2) Request for increases at bid opening shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction phase of the project.

(3) Requests for increases in funds submitted to the board at contract completion shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction approval phase of the project.

(4) If the director or the board, as the case may be, does not approve the request of a local agency for an increase, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the authorized amount, and subject to approval by the director, reduce the scope of the project while retaining a usable and functional improvement.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-12-430 Apportionment of funds to pedestrian safety and mobility program regions. Of the funds obligated to pedestrian safety and mobility projects within urban areas, ~~((forty percent will be allocated to projects on a statewide basis and then, at least fifteen percent will be allocated to projects in the east region, at least fifteen percent to projects in the west region, and approximately thirty percent to projects in the Puget Sound region))~~ the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of urban areas in a region bears to the statewide population for urban areas as last determined by the office of financial management.

Of the funds obligated to pedestrian safety and mobility projects within small cities, the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the statewide population for cities under five thousand as last determined by the office of financial management.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 479-12-260 Increases in small city program projects.

WSR 03-12-042

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed May 30, 2003, 11:45 a.m.]

This is to advise that the Washington State Department of Agriculture is withdrawing WSR 03-06-101 filed March 5, 2003, regarding the Dry pea and lentil marketing order—Assessment.

William E. Brookreson
Deputy Director

WSR 03-12-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Rehabilitative Services Administration)
 [Filed June 2, 2003, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-112.

Title of Rule: Chapter 388-805 WAC, Certification requirements for chemical dependency service providers.

Purpose: Establishes the level of quality and patient care standards for chemical dependency service providers seeking certification by DSHS/Division of Alcohol and Substance Abuse (DASA).

Statutory Authority for Adoption: RCW 70.96A.090.

Statute Being Implemented: Chapter 70.96A RCW.

Summary: 1. DASA is proposing amendments to chapter 388-805 WAC. The key new rules and amendments proposed will implement:

a. 42 C.F.R., Part 8, Certification of Opioid Treatment Programs, effective May 18, 2001, which include major changes to the federal requirements adopted by the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration.

b. RCW 70.96A.400 - [70.96A.]420, effective July 22, 2001 (chapter 242, Laws of 2001), amended by the 2001 Washington state legislature.

In response, emergency WAC adoptions were submitted to the Code Reviser's Office on March 8, 2002, July 5, 2002, November 1, 2002, and February 28, 2003, effective for one hundred twenty days each. The emergency rules amended Washington state administrative codes to recognize CSAT certification standards and implement the changes made to RCW 70.96A.400, [70.96A.]410, and [70.96A.]420.

2. In addition, DASA stakeholders recommended using the American Society of Addiction Medicine, Patient Placement Criteria (PPC), primarily for patient placement, continued service, and discharge criteria. The proposed WAC revision reduces regulatory use of PPC for treatment planning activities. Other revisions include:

a. A new WAC section is proposed to require agencies to report critical incidents to DASA within 48 hours of the critical incident.

b. Language to clarify the requirements for outcomes evaluation, outpatient treatment requirements for patients convicted of DUI or physical control pursuant to chapter 46.61 RCW, and definitions of court ordered treatment in WAC 388-805-330.

c. Language to revise the WAC section on fees collected by DASA for change of agency ownership applications.

d. Language to revise ADATSA assessment center certification and ADATSA requirements.

e. Language to acknowledge faith-based programs.

f. Language to recognize Chemical Dependency Professionals as Alcohol/Drug School Instructors.

g. Language to correct inaccurate WAC section citations and typographical errors.

3. In addition, other sections of this chapter were subject to review and amendment deemed appropriate as required by Governor Locke's Executive Order 97-02 on regulatory improvement.

Proposed amended and new rules in chapter 388-805

WAC: Amending WAC 388-805-005 What definitions are important throughout this chapter?, 388-805-010 What chemical dependency services are certified by the department?, 388-805-015 How do I apply for certification as a chemical dependency service provider?, 388-805-030 What are the requirements for opiate treatment substitution treatment program certification? (amended caption and rule text), 388-805-065 How does the department determine disqualification or denial of an application?, 388-805-075 How do I apply for an exemption?, 388-805-085 What are the fees for agency certification?, 388-805-090 May certification fees be waived?, 388-805-100 What do I need to do to maintain agency certification?, 388-805-120 How does the department assess penalties?, 388-805-130 How does the department suspend or revoke certification?, 388-805-140 What are the requirements for a provider's governing body?, 388-805-145 What are the key responsibilities required of an agency administrator?, 388-805-150 What must be included in an agency administration manual?, 388-805-205 What are agency personnel file requirements?, 388-805-210 What are the responsibilities for approved supervisors of persons who are in training to become a chemical dependency professional? (caption and text amended), 388-805-220 What are the requirements to be a probation assessment officer?, 388-805-250 What are the requirements to be an information school instructor?, 388-805-300 What must be included in the agency clinical manual?, 388-805-305 What are patient's rights requirements in certified agencies?, 388-805-310 What are the requirements for chemical dependency assessments?, 388-805-315 What are the requirements for treatment, continuing care, transfer, and discharge plans?, 388-805-320 What are the requirements for a patient record system?, 388-805-325 What are the requirements for patient record content?, 388-805-350 What are the requirements for outcome evaluation?, 388-805-400 What are the requirements for detoxification providers?, 388-805-410 What are the requirements for detox staffing and services?, 388-805-500 What are the requirements for residential providers?, 388-805-520 What are the requirements for youth behavior management? (caption and text amended), 388-805-530 What are the requirements for incentive inpatient services? 388-805-540 What are the requirements for recovery house services?, 388-805-550 What are the requirements for long-term treatment services?, 388-805-600 What are the requirements for outpatient providers?, 388-805-610 What are the requirements for intensive outpatient treatment services?, 388-805-625 What are the requirements for outpatient services for persons subject to RCW 46.61.5056?, 388-805-700 What are the requirements for opiate substitution treatment program providers? (caption and text amended), 388-805-710 What are the requirements for opiate substitution treatment medical management?, 388-805-720 What are the requirements for drug testing in opiate substitution treatment? (caption and text amended), 388-805-730 What are the requirements for opiate

PROPOSED

substitution treatment dispensaries?, 388-805-740 What are the requirements for opiate substitution treatment counseling?, 388-805-750 What are the requirements for opiate substitution treatment take-home medications?, 388-805-800 What are the requirements for ADATSA assessment services? (caption and text amended), 388-805-810 What are the requirements for DUI assessment providers?, 388-805-820 What are the requirements for alcohol and other drug information school? and 388-805-850 What are the requirements for treatment accountability for safer communities (TASC) providers and services? (caption and text amended); and new sections WAC 388-805-035 What are the responsibilities for the department when an applicant applies for approval of an opiate substitution treatment program?, 388-805-040 How does the department determine there is a need in the community for opiate substitution treatment?, and 388-805-715 What are the requirements for opiate substitution medication management?

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis Malmer, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8086, (877) 301-4557 (toll free).

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

Rule is necessary because of federal law, 42 C.F.R., Part 8.

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

Proposal Changes the Following Existing Rules: See Summary above.

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

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Department of Social and Health Services (DSHS), Division of Alcohol and Substance Abuse (DASA) is proposing to revise chapter 388-805 WAC, Certification requirements for chemical dependency service providers.

The purpose of this chapter is to describe the standards and processes necessary for certifying chemical dependency treatment service providers.

The proposed amendments to this chapter include:

- The Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs, on January 17, 2001, effective May 18, 2001. The federal rules made changes to the federal requirements for certifying opiate substitution treatment programs.
- The 2001 Washington state legislature amended RCW 70.96A.400-[70.96A.]420, effective July 22, 2001.

In response, emergency WAC adoptions were submitted to the Code Reviser's Office on March 8, 2002, July 5, 2002, November 1, 2002, and February 28, 2003, effective for one hundred twenty days each. The emergency rules amended Washington state administrative codes to recognize CSAT certification standards and implement the changes made to RCW 70.96A.400, [70.96A.]410, and [70.96A.]420.

- DASA stakeholders recommended using the American Society of Addiction Medicine, Patient Placement Criteria (PPC), primarily for patient placement, continued service, and discharge criteria. The proposed WAC revision reduces regulatory use of PPC for treatment planning activities.
- A new WAC section is proposed to require agencies to report critical incidents to DASA within 48 hours of the critical incident.
- Language is proposed to clarify the requirements for outcomes evaluation, outpatient treatment requirements for patients convicted of DUI or physical control pursuant to chapter 46.61 RCW, and definitions of court ordered treatment in WAC 388-805-330.
- Language is proposed to revise the WAC section on fees collected by DASA for change of agency ownership applications.
- Language is proposed to revise ADATSA assessment center certification and ADATSA requirements.
- Language is proposed to acknowledge faith-based programs.
- Language is proposed to recognize chemical dependency professionals as alcohol/drug information school instructors.
- Language is proposed to correct inaccurate WAC section citations and typographical errors.
- In addition, other sections of this chapter were subject to review and amendment deemed appropriate as required by Governor Locke's Executive Order 97-02 on regulatory improvement.

This chapter has been rewritten in plain English, using a question and answer format to make it more understandable to our customers. Unnecessary rules have been eliminated and others have been clarified.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses and that it outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business. DASA has analyzed the proposed amendments to its rules and has determined that small businesses will not be impacted by these changes.

INDUSTRY ANALYSIS: DASA is responsible for certifying chemical dependency treatment agencies. As part of its monitoring, DASA keeps a current internal database that identifies all certified agencies. Since internal industry information can be obtained at a more accurate level than is required by chapter 19.85 RCW, it is unnecessary to conduct an industry analysis using the four-digit standard industrial classification (SIC) codes.

DASA previously determined that there were one hundred twenty-six existing agencies (private and for-profit) that meet the criteria for small businesses under RCW 19.85.020. In 2003, DASA decided to consider economic impacts on all DASA certified agencies (private, for-profit, and public

funded) therefore the industry analysis includes five hundred eighteen certified agencies.

INVOLVEMENT OF SMALL BUSINESSES AND OTHER DASA CERTIFIED AGENCIES: Many small businesses have been involved in writing the proposed rules and in ascertaining the costs associated with proposed rule changes. DASA engaged assistance of a writing group, which included representation from small businesses. DASA met and talked several times with a number of small businesses to consider costs that would impact their businesses.

Attached to this document is a list of the WAC Revision Committee members who participated in determining the costs associated with new rules [no further information supplied by agency].

COST OF COMPLIANCE: To consider costs of compliance, DASA elected to look at cost per patient. This is because:

- Patients drive the businesses that provide chemical dependency treatment and so using the cost per patient is a more accurate depiction of costs than costs per employee;
- Business decisions and planning are based on the number of patients served; and,
- The number of patients also influences the total amount that the most significant proposed changes will cost.

The costs of proposed rule changes fall in one main area. With proposed changes to WAC 388-805-030 through 388-805-040, and 388-805-700 through 388-805-750, opiate substitution treatment programs will experience increased costs as a result of changes in federal rule 42 C.F.R. Part 8, which requires OTPs to become accredited by a nationally recognized accreditation body. A number of Washington state OTPs have elected to become accredited by DASA and therefore were able to offset the initial costs of accreditation because DASA received a federal grant on April 15, 2002, to assist these agencies in meeting accreditation requirements.

CONCLUSION: DASA, in collaboration with the members of the WAC Revision Committee of 2003, have given careful consideration to the impact on small businesses and other DASA certified agencies of proposed rules in chapter 388-805 WAC, Certification requirements for chemical dependence service providers. In accordance with the Regulatory Fairness Act, chapter 19.85 RCW, DASA has analyzed impacts on small businesses and other DASA certified agencies and has determined that the costs of implementing revisions to chapter 388-805 WAC will generally be reduced.

OTPs will experience increased costs as a result of changes in federal rule 42 C.F.R. Part 8, which requires OTPs to become accredited by a nationally recognized accreditation body. A number of Washington state OTPs have elected to become accredited by DASA. Therefore, the initial costs of accreditation were offset because DASA received a federal grant on April 15, 2002, to assist these agencies in meeting accreditation requirements.

DASA recognizes that there are costs associated with rule making on all DASA certified agencies to change policy and procedure manuals after implementation of new or revised rules.

The majority of the rule changes, however, offer cost and time savings by eliminating, reducing, or streamlining requirements.

A copy of the statement may be obtained by writing to Dennis W. Malmer, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 438-8086, fax (360) 438-8057, toll free (877) 301-4557, e-mail malmedw@dshs.wa.gov.

RCW 34.05.328 applies to this rule adoption. A copy of the cost benefit analysis may be obtained by contacting the person in Name of Agency Personnel above.

Hearing Location: Blake Office Park (East) (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Lacey, WA 98503, on August 5, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 1, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail swensfh@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on August 5, 2003.

Date of Intended Adoption: Not sooner than August 6, 2003.

May 29, 2003

Brian H. Lindgren, 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 03-14 issue of the Register.

WSR 03-12-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 2, 2003, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-048.

Title of Rule: Chapter 388-532 WAC, Family planning services: WAC 388-532-001 Purpose (new section), 388-532-050 Definitions (amended), 388-532-100 Client eligibility (amended and renamed), 388-532-110 Provider requirements (new section), 388-532-120 Covered services (new section), 388-532-130 Noncovered services (new section), and 388-532-140 Reimbursement and payment limitations (new section).

Family planning only program, new sections WAC 388-532-500 Purpose and scope, 388-532-510 Client eligibility, 388-532-520 Provider requirements, 388-532-530 Covered services, 388-532-540 Noncovered services, and 388-532-550 Reimbursement and payment limitations.

Purpose: Regulatory improvement under Executive Order 97-02, which requires MAA to review its rules and to improve them by clarifying and simplifying where possible.

FAMILY PLANNING SERVICES

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.800.

Statute Being Implemented: RCW 74.09.800.

Summary: The proposed changes will reorganize information within the chapter and add language to identify: MAA clients who are eligible for family planning services; provider requirements; covered family planning services; reimbursement limitations; and rules for family planning only program.

Reasons Supporting Proposal: Regulatory improvement. The current rules are very brief and do not include definitions, or information on eligibility, reimbursement limitations, or the family planning only program.

Name of Agency Personnel Responsible for Drafting: Myra Davis, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Beth L. Brenner, MAA, East 649 Woodland Square Loop, Olympia, WA 98504-5530, (360) 725-1652.

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: The proposal replaces brief, general language in chapter 388-532 WAC with a more complete description of MAA's family planning services. The proposal adds definitions, information on eligibility, services, reimbursement limitations and the family planning only program.

Proposal Changes the Following Existing Rules: Current language is replaced and information is reorganized. There are no substantive changes to program operations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes do not impose any new costs or reduce any reimbursement to small business.

RCW 34.05.328 applies to this rule adoption. The proposed rule change meets the definition of a significant legislative rule. A determination of the probable costs and benefits is available from the person(s) listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 8, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Consultant by July 1, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail swensfh@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on July 8, 2003.

Date of Intended Adoption: Not sooner than July 9, 2003.

May 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-532-001 Purpose. This chapter contains medical assistance administration (MAA) rules for family planning services.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-050 ((~~Family planning~~) Definitions. (~~"Family planning services" means the services, including the use of contraceptive techniques, that a client uses to plan the number and spacing of the client's children.~~) The following definitions and those found in WAC 388-500-005, Medical definitions, apply to this chapter. Defined words and phrases are bolded when they first appear in the text.

"Complication" for the purposes of this chapter, means a condition occurring subsequent to and directly arising from the family planning services received under the rules of this chapter.

"Contraception" for the purposes of this chapter, means preventing pregnancy by preventing conception.

"Contraceptive" means a device, drug or product that prevents conception.

"Family planning only program" means the program providing an additional ten months of family planning services to eligible women who have just ended a pregnancy or completed a delivery.

"Family planning services" means medical care, contraceptive supplies and educational services which enable individuals to plan and space the number of children by using contraception to avoid unintended pregnancy.

"MAA approved family planning provider" means a physician, ARNP or clinic that has been approved for and assigned a family planning provider number.

"Medical identification card" means the document MAA uses to identify a client's eligibility for a medical program.

"Over-the-counter (OTC)" means available for sale without a prescription.

"Principal purpose diagnosis of family planning" means the reason for the service or intervention is primarily for family planning purposes.

"Sexually Transmitted Disease Infection (STD-I)" is a disease or infection acquired as a result of sexual contact.

"TAKE CHARGE" means a five-year demonstration project that provides family planning to men and women with income at or below two hundred percent of the Federal Poverty Level. (Rules for the Take Charge demonstration project can be found immediately following these Family Planning Services rules.)

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-100 ((~~Family planning services~~) Client eligibility. (1) The ((~~department informs eligible clients~~

~~about available family planning services. This service includes, but is not limited to, information about the synthetic progestin capsule implant form of contraception.~~

~~(2) For eligible clients, except those participating in the TAKE CHARGE demonstration and research program (see WAC 388-532-700 through 388-532-790 for complete program description), the department provides the following services when needed in conjunction with family planning:~~

- ~~(a) Physicians' services;~~
- ~~(b) Advanced registered nurse practitioners' (ARNP) services;~~
- ~~(c) Clinic or hospital services;~~
- ~~(d) Laboratory services; and~~
- ~~(e) Contraceptive supplies and/or prescription drugs.)~~

medical assistance administration (MAA) covers family planning services for clients eligible for the following "scope of care" designations (see WAC 388-529-0100):

- (a) Children's health insurance program (CHIP);
- (b) Categorically needy program (CNP);
- (c) Family planning only;
- (d) General assistance unemployable (GAU) No out-of-state care; and
- (e) Limited casualty program-medically needy program (LCP-MNP).

(2) Healthy Options enrollees may self-refer outside their plan (HMO) or primary care case manager for family planning services to:

- (a) An MAA-approved family planning provider; or
 - (b) A pharmacy.
- (3) MAA does not cover family planning services for clients in any program that does not meet the conditions of subsection (1) of this section.

NEW SECTION

WAC 388-532-110 Provider requirements. (1) Physicians and ARNPs must:

- (a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; and
- (b) Provide only those services that are within the scope of their licenses.

(2) Family planning clinic providers must:

- (a) Meet the requirements in chapter 388-502 WAC;
- (b) Provide medical information and education about Food & Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services; and

(c) Sign a special agreement that allows the provider to bill for family planning laboratory services provided to Healthy Options enrollees through an independent laboratory certified through the Clinical Laboratory Improvements Act (CLIA). See WAC 388-532-140 (2)(c) for more information on handling laboratory services for managed care clients.

NEW SECTION

WAC 388-532-120 Covered services. MAA covers the following family planning services:

- (1) **Services for women**
- (a) Gynecological exam as medically necessary.

(b) Food & Drug Administration (FDA) approved prescription contraception methods as identified in chapter 388-530 WAC, Pharmacy services.

(c) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(d) Sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:

- (i) Requested by the client; and
- (ii) Performed in an appropriate setting for the procedure.

(e) Screening and treatment for STD-I when:

- (i) Performed in conjunction with a principal purpose diagnosis of family planning; and
- (ii) Required as part of the client's selected contraceptive method(s).

(f) Education on natural family planning and abstinence.

(2) **Services for men**

(a) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(b) Surgical sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:

- (i) Requested by the client; and
- (ii) Performed in an appropriate setting for the procedure.

(c) Screening and treatment for sexually transmitted diseases-infections (STD-I) when:

- (i) Performed in conjunction with a principal purpose diagnosis of family planning; and
- (ii) Required as part of the client's selected contraceptive method(s).

(d) Education on natural family planning and abstinence.

NEW SECTION

WAC 388-532-130 Noncovered services. The following are not considered family planning services and are not covered under this chapter.

- (1) Infertility treatment services;
- (2) Abortions;
- (3) Mammograms;
- (4) Menopausal treatment services;
- (5) Cancer screenings (except for pap smears); and
- (6) All other reproductive health care, health care services or primary care services and prenatal care services.

NEW SECTION

WAC 388-532-140 Reimbursement and payment limitations. (1) MAA reimburses providers for covered family planning services using MAA's published fee schedules.

(2) For Healthy Options enrollees who have self-referred to an MAA approved family planning provider outside their plan, all laboratory services must be billed through the family planning provider. See WAC 388-532-110 (2)(c), Provider requirements.

FAMILY PLANNING ONLY PROGRAMNEW SECTION

WAC 388-532-500 Purpose and scope. The Family Planning Only Program provides an additional ten months of medical coverage for family planning services. This benefit follows the sixty-day post-partum coverage for women who received medical benefits for the pregnancy. Women receive this benefit regardless of how the pregnancy ends.

NEW SECTION

WAC 388-532-510 Client eligibility. A woman is eligible for family planning only (FPO) if:

- (1) She received medical benefits during her pregnancy; or
- (2) She is determined eligible for a retroactive period covering the end of the pregnancy.

NEW SECTION

WAC 388-532-520 Provider requirements. (1) Physicians and ARNPs must:

- (a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; and
- (b) Provide only those services that are within the scope of their licenses.
- (2) Family planning clinic providers must:
- (a) Meet the requirements in chapter 388-502 WAC;
- (b) Provide medical information and education about Food and Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services.

NEW SECTION

WAC 388-532-530 Covered services. The following family planning services are provided under this program:

- (1) Gynecological exam as medically necessary.
- (2) Food & Drug Administration (FDA) approved prescription contraception methods meeting the requirements of chapter 388-530 WAC, Pharmacy services.
- (3) Over-the-counter (OTC) contraceptive, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).
- (4) Sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:
- (a) Requested by the client; and
- (b) Performed in an appropriate setting for the procedure.
- (5) Testing and treatment for sexually transmitted diseases-infections (STD-I) when:
- (a) Performed in conjunction with a principal purpose diagnosis of family planning; and
- (b) Required as part of the client's selected contraceptive method(s).
- (6) Education in natural family planning and abstinence.

NEW SECTION

WAC 388-532-540 Noncovered services. Noncovered services for the Family Planning Only Program are the same as shown in the previous section for family planning services. See WAC 388-532-130.

NEW SECTION

WAC 388-532-550 Reimbursement and payment limitations. (1) MAA limits reimbursement under the family planning only program to visits and services that have a principal purpose diagnosis of family planning. A qualified licensed medical practitioner must make the diagnosis.

(2) Except as noted in subsection (3) of this section, MAA reimburses providers for covered family planning services using MAA's published fee schedules.

(3) MAA does not pay for inpatient services under the Family Planning Only Program rules. However, inpatient costs may be incurred as a result of complications arising from covered family planning services. Providers of inpatient services must submit a complete report of the circumstances and conditions that caused the need for the inpatient services. MAA will then make a determination of the circumstances and the potential payment sources (e.g., the family planning provider, the ancillary service provider(s) and/or MAA).

WSR 03-12-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 2, 2003, 4:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-058.

Title of Rule: WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL).

Purpose: Implements the increased federal standards for the federal poverty level, which was effective April 1, 2003. An emergency rule has been in effect since April 1, 2003.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.09.530, 42 U.S.C. 9902(2).

Summary: These amendments increase the monthly income standards for children, pregnant women and for people participating in the Medicare cost-sharing programs.

Reasons Supporting Proposal: To amend state rules to implement the increased standards for the federal poverty level guidelines updated annually in the Federal Register under the authority of section 673(2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA,

Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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

Rule is necessary because of federal law, 42 U.S.C. 9902(2).

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule will have no impact on small businesses. It affects client eligibility for medical assistance programs.

RCW 34.05.328 does not apply to this rule adoption. Although this rule meets the definition of a significant legislative rule, rules relating to client eligibility are exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 8, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by July 1, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, e-mail swensfh@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on July 8, 2003.

Date of Intended Adoption: Not sooner than July 9, 2003.

May 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

- (a) Pregnant women's program up to one hundred eighty-five percent of FPL;
- (b) Children's categorically needy program up to two hundred percent of FPL;
- (c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and
- (d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) Beginning April 1, ~~((2002))~~ 2003, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$((739)) <u>749</u>	\$((1366)) <u>1385</u>	\$((1477)) <u>1497</u>	\$((1625)) <u>1647</u>	\$((1846)) <u>1871</u>
2	\$((995)) <u>1010</u>	\$((1841)) <u>1869</u>	\$((1990)) <u>2020</u>	\$((2189)) <u>2222</u>	\$((2488)) <u>2525</u>
3	\$((1252)) <u>1272</u>	\$((2316)) <u>2353</u>	\$((2504)) <u>2544</u>	\$((2754)) <u>2798</u>	\$((3130)) <u>3180</u>
4	\$((1509)) <u>1534</u>	\$((2791)) <u>2837</u>	\$((3017)) <u>3067</u>	\$((3319)) <u>3374</u>	\$((3771)) <u>3834</u>
5	\$((1765)) <u>1795</u>	\$((3266)) <u>3321</u>	\$((3530)) <u>3590</u>	\$((3883)) <u>3949</u>	\$((4413)) <u>4488</u>
6	\$((2022)) <u>2057</u>	\$((3741)) <u>3805</u>	\$((4044)) <u>4114</u>	\$((4448)) <u>4525</u>	\$((5055)) <u>5142</u>
7	\$((2279)) <u>2319</u>	\$((4215)) <u>4289</u>	\$((4557)) <u>4637</u>	\$((5013)) <u>5101</u>	\$((5696)) <u>5796</u>
8	\$((2535)) <u>2580</u>	\$((4690)) <u>4773</u>	\$((5070)) <u>5160</u>	\$((5577)) <u>5676</u>	\$((6338)) <u>6450</u>
9	\$((2792)) <u>2842</u>	\$((5165)) <u>5258</u>	\$((5584)) <u>5684</u>	\$((6142)) <u>6252</u>	\$((6980)) <u>7105</u>
10	\$((3049)) <u>3104</u>	\$((5640)) <u>5742</u>	\$((6097)) <u>6207</u>	\$((6707)) <u>6828</u>	\$((7621)) <u>7759</u>
Add to the ten person standard for each person over ten:					
	\$((257)) <u>262</u>	\$((475)) <u>485</u>	\$((514)) <u>524</u>	\$((565)) <u>576</u>	\$((642)) <u>655</u>

(3) There are no resource limits for the programs under this section.

WSR 03-12-076
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 3, 2003, 2:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-031.

Title of Rule: Procedural rules.

Purpose: Describe relief from active duty procedure.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.264.

Summary: Provide mechanism for establishing relief from active duty status and providing benefits.

Reasons Supporting Proposal: Provide mechanism for disabled officers to get relief from active duty benefits.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Penny Cusuk, 1111 Washington Street, Olympia, 902-2276; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Fish and wildlife officers have a unique disability plan that allows officers to be put on relief from active duty status, with benefits, when the officer is found to be unable to

perform the duties of an officer as a result of injury in the performance of official duties. This rule will establish the procedure to establish such status. This rule will provide protection for both the officer and the department by providing procedural safeguards.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule has no effect on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 3, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure. (1) This section governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of a licensed, qualified medical professional of the department of labor and industries, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant. It is the claimant's responsibility to provide the department with the claimant's current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, or the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to cooperate with the department, the relief from active duty benefits will be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

WSR 03-12-077
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 3, 2003, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-032.

Title of Rule: Bonus points rules.

Purpose: Expand eligibility for bonus points.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Bonus points award expanded.

Reasons Supporting Proposal: Increase enforcement action against poachers.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Bonus points increase the odds that a person will be selected for a permit hunt. Currently an award of bonus points can be made for persons who report the illegal killing of big game or endangered species. This proposal will expand the award to persons who report the illegal hunting of big game or endangered species, even if the animal is not killed. This will improve enforcement against poachers.

Proposal Changes the Following Existing Rules: Expand award of bonus points.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule affects recreational hunters, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 3, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-301, filed 12/20/02, effective 1/20/03)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

C. A holder of a deer, elk, cougar, or black bear special hunting season permit may hunt only with a weapon in compliance with the special hunting season.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously drawn and accepted a special hunting season permit for Washington mountain goat, bighorn sheep, or moose are ineligible to apply for a special hunting season permit for that species. This lifetime permit holder restriction does not apply to mountain goat permits acquired before 1999, raffle or auction hunt authorizations, or youth-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of notification by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

PROPOSED

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

WSR 03-12-078
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 3, 2003, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-033.

Title of Rule: Wildlife possession rules.

Purpose: Expand wildlife possession rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Allows possession of shed moose antlers.

Reasons Supporting Proposal: No resource impact.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Moose, like deer and elk, shed antlers. This rule allows possession of such antlers. No effect expected.

Proposal Changes the Following Existing Rules: Expand shed antler possession.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, on August 1-2, 2003, begins 8:00 a.m. on August 1, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 18, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 25, 2003.

Date of Intended Adoption: August 1, 2003.

June 3, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-10-026, filed 4/26/95, effective 5/27/95)

WAC 232-12-287 Possession of dead wildlife. (1) Except as authorized by permit of the director or by subsection (2) of this section, it is unlawful to possess wildlife found dead. This rule does not prohibit the possession of naturally shed antlers of deer (~~and~~), elk, or moose.

(2) An individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC 246-203-120). Wildlife removed under this section remain the property of the state.

WSR 03-12-088
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Orthotics and Prosthetics)
 [Filed June 4, 2003, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-098.

Title of Rule: Orthotics and prosthetics continuing competency rules, WAC 246-850-130, 246-850-140, 246-850-150, and 246-850-160.

Purpose: Sets forth a continuing competency program for orthotists and prosthetists consisting of credible categories of continuing competency activities, establishing minimum requirements for each category and a three-year reporting cycle. The purpose of the continuing competency program is to ensure that the practitioner remains competent to provide safe and quality care through continuing education that focus on structured and unstructured activities.

Statutory Authority for Adoption: RCW 18.200.050(13).

Statute Being Implemented: Chapter 18.200 RCW.

Summary: All licensed orthotists and prosthetists must accumulate forty-five continuing competency hours every three years. Those who hold both licenses must accumulate sixty continuing competency hours. Hours may be accumulated in two categories, one category includes structured activities generally offered by recognized associations or institutions, and the second category includes activities that are independent and/or unsupervised. Continuing competency activities are subject to random audit by the department.

Reasons Supporting Proposal: To ensure that practitioners maintain their competency to provide safe and quality care to patients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

Name of Proponent: Washington State Orthotics and Prosthetics Advisory Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: **NEW SECTIONS:**

- WAC 246-850-130 Continuing competency scope and purpose, describes a successful continuing competency program.
- WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists, sets forth the spe-

- cific requirements for licensed orthotists and prosthetists and for those who hold dual licensure.
- WAC 246-850-150 Classification of categories of continuing competency, defines the two categories of approved continuing competency activities.
- WAC 246-850-160 Auditing for compliance, advises of audit requirements.

The rules will help maintain and enhance the professional competence and services provided by licensed orthotists and prosthetists.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

What does the rule or rule amendment require? RCW 18.200.050 provides that the secretary of the Department of Health may adopt rules implementing continuing competency requirements for renewal of the license and relicensing. The purpose of continuing competency requirements is to maintain and enhance the professional competence of services provided by licensed orthotists and prosthetists. A successful continuing competency program focuses on all aspects of the practice to ensure that the practitioner is competent to provide safe and quality care to patients.

Under the proposed rules, licensed orthotists and prosthetists would be required to accumulate a minimum for forty-five continuing competency hours every three years. Those who hold a license in both disciplines would be required to accumulate sixty continuing competency hours every three years. Continuing competency falls into two categories:

Category 1: Structured activities such as lectures series or education courses sponsored by organizations recognized by the industry as qualified providers. Those organizations include national certifying bodies and associations and accredited schools or colleges.

Category 2: Activities which are generally independent and/or unsupervised such as participation in peer review, mentoring, grand rounds, scientific journal review and reporting and practice management.

Costs passed on to the licensee to implement the continuing competency rules would include costs associated with:

- Processing renewals with continuing competency affidavits;
- Conducting random compliance audits;
- Conducting investigations; and
- Taking legal actions for noncompliance with continuing competency requirements.

Affected Industries: The proposed rules affect practitioners in independent, partnership and clinic settings. It may also affect some who provide medical devices.

SIC	DESCRIPTION	TOTAL UNITS	TOTAL EMP.	SMALLEST 90%	LARGEST 10%
3842	Surgical appliances and supplies	37	733	4.7	70
8049	Offices of other health practitioners	913	5,450	2.57	27.38
8093	Specialty outpatient clinic	245	7,530	9.28	113.54

Costs: The rule does not require businesses to pay employee costs. Some employees, however, pay for registration fees, pay travel costs to and during training, provide training on site, or pay their employees for the hours during which they are in training.

- It is not uncommon for an employee to be licensed in both disciplines, as individuals who hold licenses as both an orthotist and prosthetist can provide a much broader spectrum of care. The hourly requirements increase for individuals who hold both licenses.
 - Forty hours every three years is required for individuals licensed in one discipline.
 - Sixty hours is required for individuals licensed in both disciplines.
- The rule provides for two categories of continuing competency.
 - Category one activities represent more cost because they generally require payment of a registration fee and travel to and from the meeting.
 - Category two hours are most often independent and/or unsupervised and often can be accomplished during or after regular work hours at little or no costs to the participant.
 - Of the forty-five hours required for individuals licensed in one discipline, eighteen hours can be earned in category two.
 - Of the sixty hours required for individuals licensed in two disciplines, twenty-four hours can be earned in category two.

Survey: The following survey was sent to persons on the orthotic and prosthetic mailing list and to individuals who responded to mailings during the rules development process. A total of one hundred eighty-five surveys were mailed.

**ORTHOTICS AND PROSTHETICS SURVEY OF COSTS
PROPOSED RULES ON CONTINUING COMPETENCY**

Are you affiliated with other organizations that require coursework as a requirement for continued membership?	Yes	No
Will the coursework requirements in the proposed rules meet the coursework requirements of other organizations in which you are affiliated?	Yes	No
If you are a business owner with employees, do you pay the CC registration fees for your employees?	Yes	No

Please indicate the amount of time or money (or both) that you believe would be required to comply with the proposed regulations. Also, indicate whether you own a business including number of employees, or if you are an employee of a business.

___ Employee ___ Business owner ___ Number of employees

Category	Explanation	Time needed to comply in hours or parts of hours	Expense to comply to nearest whole dollar
Record keeping	Time or expense to document and store CC records		
Registration fees	Payment of registration fees for CC events (annual costs including employees)		
Travel costs	Costs for travel and meals to attend CC events (annual costs including employees)		
Supplies and equipment	Additional supplies including files, disks, software, text books, etc. (annual costs)		
Labor	Cost for temporary help while yourself or staff is attending CC events (annual costs)		
Lost sales or revenue	A loss sustained directly attributed to compliance with the CC rules (annual costs)		
Total time/expense			

Specific Costs Related to Compliance:

1. Record keeping: Records which document completion of continuing competency activities must be retained by practitioners during each three-year reporting period. The documents that demonstrate completion are included in the cost of the course. No cost is attributed to maintaining these records and other notes since they can be placed in a single file and stored as a negligible share of the practitioner's other records.

2. Reporting: If a licensee is audited, a cost of less than \$5.00 will cover copying and mailing of the required records on file.

3. Professional services: There is no evidence that professional services would be required. Employers stagger absences to avoid the need to hire additional staff.

4. Equipment: Registration costs cover any equipment required for course attendance.

5. Supplies: Registration costs cover the costs of any supplies required for course attendance.

6. Labor: Employers stagger absences to avoid the need to hire temporary labor.

7. Increased administrative costs: Administrative costs are negligible.

8. Lost sales or revenue: Employees stagger absences to avoid lost sales or revenue due to lack of employee coverage.

9. Compliance costs: Average compliance costs to businesses.

PROPOSED

Survey Results: Of the one hundred eighty-five surveys mailed, twenty-five were returned. Of the twenty-five returned, ten were from businesses that claimed a total of forty-nine employees. Fifteen of the surveys returned were from individual employees.

Most significant was the response to affiliation with other organizations. Of twenty-five responses, twenty-four indicated that they were affiliated with other organizations that require coursework as a requirement for continued membership. (One person did not respond to the questions.)

Of those twenty-four who are members of national certifying bodies that require continuing education to maintain

certification, twenty-one responded that the coursework requirements in the proposed rules meets the coursework requirements of the organization in which they are affiliated. (Two persons did not respond to the questions, two persons responded "no.")

The two primary national certifying bodies are the Board for Orthotists and Prosthetists Certification (BOC) and American Board for Certification in Orthotics and Prosthetics, Inc. (ABC). Both certifying bodies require completion of professional coursework to maintain certification. The continuing competency requirements proposed by the department and those in place for these organizations are similar.

ORGANIZATION	CYCLE	HOURS PER CYCLE	HOURS PER CYCLE	ONE DISCIPLINE	TWO DISCIPLINES
		1 Discipline	2 Disciplines	Hours per year	Hours per year
DOH Proposed rules	3 years	45	60	15	20
ABC	5 years	75	100	15	20
BOC	Annual	12	24	12	24

Cost per Employee: On surveys provided by business owners, costs per employee varied:

- Payment of registration fees to attend to continuing competency events: \$ 100.00 to \$ 2,000.00
- Costs for travel and meals to attend continuing competency events: \$ 118.42 to \$ 4,000.00
- Additional supplies including files, disk software, textbooks, etc.: \$ 0.00 to \$ 1,000.00
- Costs for temporary help while staff is attending continuing competency events: \$ 0.00 to \$ 3,750.00
- Loss directly attributed to compliance with continuing competency rules: \$ 0.00 to \$ 10,000.00

Businesses that reported represented forty-six employees. Average cost per employee from those who responded is \$359.82.

Is the costs disproportionate? No. Costs per employee are the same for large and small businesses.

What cost minimizing features have been included in the rule? Licensees may receive Category 2 hours for some activities that occur during regular business hours such as mentoring at additional cost to the licensee.

Involvement of Small Business in the Rule Making: Development of continuing competency rules has taken place in open public meetings both in eastern and western Washington. Notices of meetings have been sent to all persons who have expressed an interest in participating in the rule-making process. The mailing lists consist of one hundred eighty-five individuals.

A copy of the statement may be obtained by writing to Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4947, fax (360) 586-4359.

RCW 34.05.328 applies to this rule adoption. Because continuing competence is a requirement for maintaining licensure.

Hearing Location: Department of Health, 1101 Eastside Street, Room 5, Olympia, WA 98504, on July 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Haenke by July 10, 2003, TDD 1-800-525-0127 or 1-800-833-6388.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, judy.haenke@doh.wa.gov.

Date of Intended Adoption: July 25, 2003.

June 3, 2003
M. C. Selecky
Secretary

ORTHOTICS AND PROSTHETICS CONTINUING COMPETENCY RULES

NEW SECTION

WAC 246-850-130 Continuing competency scope and purpose. The purpose of continuing competency requirements is to maintain and enhance the professional competency of services provided by licensed orthotists and prosthetists. A successful continuing competency program focuses on all aspects of the practice to ensure that the practitioner is competent to provide safe and quality care to patients.

NEW SECTION

WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. (1) Beginning on January 1, 2004, all orthotists and prosthetists shall report continuing competency activities every three years. The reporting cycle begins at the first license renewal following initial licensing.

(2) Each licensed orthotist and prosthetist shall complete a professional enhancement plan describing the goals the licensee will develop to maintain proficiency in their practice. A professional enhancement plan must be completed in the first year of each three-year reporting period on forms pro-

PROPOSED

vided by the secretary. The plan may focus on one specific area of practice or broader areas as determined by the individual's goals.

(3) All licensed orthotists and prosthetists must accumulate continuing competency hours as follows:

(a) Licensed orthotists must accumulate a minimum of forty-five continuing competency hours every three years in the area of orthotics.

(b) Licensed prosthetists must accumulate a minimum of forty-five continuing competency hours every three years in the area of prosthetics.

(c) Individuals who are licensed as both an orthotist and as a prosthetist must accumulate a minimum of sixty continuing competency hours every three years.

(4) For individuals licensed in one discipline, a maximum of eighteen Category 2 continuing competency hours may be earned in any three-year reporting period.

(5) For individuals licensed in both disciplines, a maximum of twenty-four Category 2 continuing competency hours may be earned in any three-year reporting period.

(6) Refer to chapter 246-12 WAC, Part 7 for additional requirements.

NEW SECTION

WAC 246-850-150 Classification of categories of continuing competency. Continuing competency activities are distinguished between activities which are sponsored by those organizations listed in subsection (1) of this section and those which are generally independent and/or unsupervised listed in subsection (2) of this section.

(1) Category 1. Courses offered or approved by the following organizations are presumed to qualify as Category 1 continuing competency activities. Category 1 activities receive one continuing competency credit hour for every fifty minutes spent in a course or other activity. Licensees must maintain documentation of attendance at courses. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(a) American Board for Certification in Orthotics and Prosthetics, Inc.

(b) Board for Orthotist/Prosthetist Certification.

(c) American Academy of Orthotists and Prosthetists.

(d) American Orthotic and Prosthetic Association.

(e) International Association of Orthotics and Prosthetics.

(f) International Society of Prosthetics and Orthotics.

(g) Association of American Children's Orthotics and Prosthetics Clinics.

(h) Canadian Orthotic and Prosthetic Association.

(i) Any school or college of orthotics or prosthetics whose standards are deemed sufficient by the secretary under RCW 18.200.050(5).

(j) Relevant school or college courses from an institution accredited by a recognized regional accrediting body.

(k) Relevant courses or seminars offered by organizations or associations such as the American Society of Orthopedic Surgeons, the American Academy of Physical Medicine and Rehabilitation, the American College of Sports Medicine, the American Medical Association, the American

Occupational Therapy Association, the American Physical Therapy Association, the American Osteopathic Association, and the American Podiatric Medical Association.

(l) Manufacturer courses approved/sponsored by organizations listed in subsections (1)(a) through (k) of this section.

(2) Category 2. Category 2 continuing competency activities are primarily independent and/or unsupervised and consistent with the goals specified in the individual licensee's professional enhancement plan. Licensees must maintain documentation of completion of Category 2 activities. The following activities, and designated continuing competency credit hours, are considered Category 2 continuing competency:

(a) Relevant allied health seminars not identified as Category 1 activities. A credit hour is fifty minutes spent in a course or other activity. A maximum of five continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(b) Practice management. For the purpose of this section, practice management includes only those activities which are directly related to patient care. A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes verification of completion of a course or seminar, or a written certification by the licensee describing the activity, the total time required to complete the activity and the date completed.

(c) Journal reading, including electronic publications that are consistent with the goals specified in the individual licensee's professional enhancement plan.

(i) Scientific journals with required examination: Each examination qualifies for two continuing competency credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certificate issued by the sponsoring organization or author showing successful completion of the examination.

(ii) Scientific journals not requiring an examination: Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(iii) Business journals: Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article, is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(d) Instruction video, videodisc or internet courses: A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable

documentation is a written report identifying the source of the instruction, the release date, and summarizing at least five points presented in the instruction.

(e) Manufacturer courses sponsored by organizations not identified as Category 1 activities: A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(f) Participating in peer review: For the purpose of this section, peer review means either serving on a formal peer review panel, committee or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered, or whether the services rendered were within accepted standards. Each occurrence qualifies for three credit hours. A maximum of nine continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification signed by the facilitator of the peer review providing the date and the total time spent in the peer review process.

(g) Mentoring:

(i) Student mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a copy of the mentoring contract or agreement and a certification from the student substantiating the date(s) engaged in mentoring and the total mentoring time.

(ii) Peer mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification summarizing the subject of the mentoring, the date, and total mentoring time and signed by the licensee and at least one other practitioner participating in the mentoring activity.

(h) Documented group study: A credit hour is fifty minutes spent in this activity. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a summary of the group study topics, the date, and total group study time, signed by the facilitator or other authorized personnel.

(i) Grand rounds: Each report qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a report summarizing the cases presented, the location, date, and total time spent in the grand rounds activity and signed by the facilitator or other authorized personnel.

(j) Presentation or lecture to professional group: Each presentation or lecture qualifies for two credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Credit for subsequent presentations will only be considered if the licensee can demonstrate that substantial additional preparation was required. Acceptable documentation is a course

outline and a certification from the licensee providing the location, date and total presentation time.

(k) Other activities that enhance or expand the practice may be submitted to the secretary for consideration.

NEW SECTION

WAC 246-850-160 Auditing for compliance.

Licensed orthotists and prosthetists must comply with auditing and documentation requirements as required in chapter 246-12 WAC, Part 7. If audited, the licensee will be required to submit the professional enhancement plan and documentation of completion of the activities projected in the plan. The secretary may require additional information as needed to assess the compliance audit.

WSR 03-12-089

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed June 4, 2003, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-028.

Title of Rule: Chapter 246-272B WAC, Large on-site sewage systems.

Purpose: Create a new chapter to address the requirements for large on-site sewage systems (LOSS), those systems with flows from 3,500 gallons per day to 14,500 gallons per day. The requirements for these systems are currently in chapter 246-272 WAC, On-site sewage systems. This proposal does not change current policy regarding LOSS. The proposal is an administrative change to create separate chapters for large on-site sewage systems and on-site sewage systems.

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: RCW 43.20.050.

Summary: These rules propose to adopt, without any material changes, all the portions of chapter 246-272 WAC that apply to LOSS.

Name of Agency Personnel Responsible for Drafting: Richard Benson, Spokane, Washington, (509) 456-6177; Implementation and Enforcement: Mark Soltman, Tumwater, Washington, (360) 236-3040.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal creates a new chapter for LOSS requirements. Currently, requirements for LOSS and smaller OSS are both housed in chapter 246-272 WAC. The board anticipates that creating separate chapters for these two categories will provide clarity for regulators, developers and users.

Proposal does not change existing rules. This rule creates a new chapter for LOSS but does not change the existing rules for on-site sewage systems, chapter 246-272 WAC. It

does not make any material change to the current rules for LOSS.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not change any current rules or policy related to large on-site sewage systems. There are no new costs to any businesses. Therefore, no small business economic impact statement is required.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule as described in RCW 34.05.328. These rules adopt, without material change, the parts of chapter 246-272 WAC that apply to LOSS.

Hearing Location: State Board of Health Meeting, 170 South Oak, Colville City Council Chambers, Colville, WA 99114, (509) 684-5094, on July 9, 2003, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper by July 2, 2003, TDD (800) 833-6388.

Submit Written Comments to: Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, or online at <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2250, by July 2, 2003.

Date of Intended Adoption: July 9, 2003.

June 4, 2003

Don Sloma

Executive Director

Chapter 246-272B WAC

LARGE ON-SITE SEWAGE SYSTEM REGULATIONS

NEW SECTION

WAC 246-272B-00101 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from large on-site sewage systems (LOSS); and

(b) Adverse effects to public health that discharges from large on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of large on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent disposal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) This chapter is adopted by the state board of health in accordance with the authority granted in RCW 43.20.050 to establish minimum requirements for the department of health.

NEW SECTION

WAC 246-272B-00501 Administration. The department shall administer this chapter under the authority and requirements of chapter 43.70 RCW. A LOSS contract juris-

dition may administer this chapter under agreement with the department.

NEW SECTION

WAC 246-272B-01001 Definitions. "Additive" means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.

"Alternative system" means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the department.

"Approved list" means "list of approved systems and products," developed annually and maintained by the department and containing the following:

(a) List of proprietary devices approved by the department;

(b) List of specific systems meeting treatment standard 1 and treatment standard 2;

(c) List of experimental systems approved by the department;

(d) List of septic tanks, pump chambers, and holding tanks approved by the department.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any large on-site sewage system, except an experimental system, meeting any of the following criteria:

(a) Systems in full compliance with new construction requirements under this chapter; or

(b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or

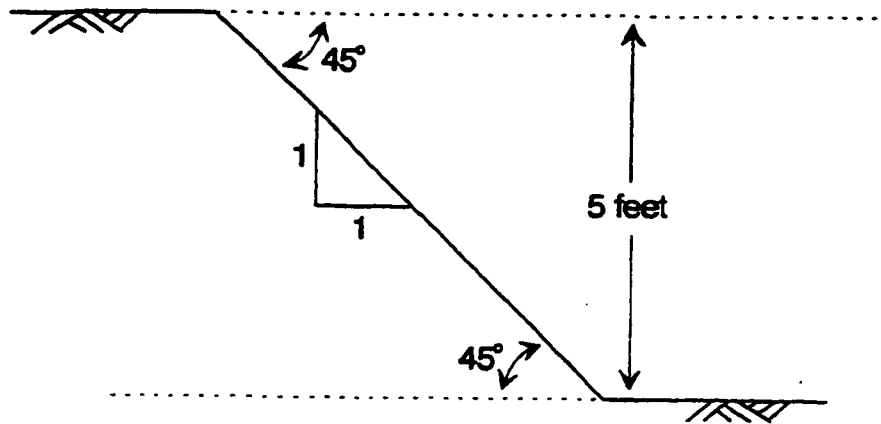
(c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"Conventional gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

"Conventional pressure distribution system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by "Guidelines for Pressure Distribution Systems" by the Washington state department of health.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology.

"Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage.

"Department" means the Washington state department of health.

"Disposal component" means a subsurface absorption system (SSAS) or other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

"Effluent" means liquid discharged from a septic tank or other large on-site sewage system component.

"Engineer" means a person who is licensed and in good standing under chapter 18.43 RCW.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes an on-site sewage system to exceed its existing treatment or disposal capability, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Experimental system" means any alternative system:

(a) Without design guidelines developed by the department; or

(b) A proprietary device or method which has not yet been evaluated and approved by the department.

"Failure" means a condition of a large on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public.

Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

(e) Inadequately treated effluent contaminating ground water or surface water; or

(f) Noncompliance with standards stipulated on the permit.

"Ground water" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of ground water caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means a large on-site sewage system which incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Industrial wastewater" means the water or liquid-carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Installer" means a qualified person approved by a local health officer to install or repair on-site sewage systems or components.

"Large on-site sewage system (LOSS)" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

(a) Conveys, stores, treats, and/or provides subsurface soil treatment and disposal on the property where it originates, or on adjacent or nearby property; and

(b) Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas; and

(c) Has design flows, at any common point, greater than three thousand five hundred gallons per day.

"LOSS contract jurisdiction" means a local health jurisdiction that by contract with the department has delineated responsibilities and authority for LOSS within their jurisdiction. For these jurisdictions the term "department" shall be applied to them throughout this chapter, except as otherwise noted.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"May" means discretionary, permissive, or allowed.

"Ordinary high-water mark" means the mark on lakes, streams, and tidal waters, 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 with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

"Planned unit development" means a development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the *"Guidelines for Pressure Distribution Systems"* by the department. Also see "conventional pressure distribution."

"Proprietary device or method" means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport wastewater or septage from large on-site sewage systems.

"Repair" means restoration, by reconstruction or relocation, or replacement of a failed large on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system and dedicated for replacement of the LOSS upon its failure.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other LOSS components.

"Septic tank" means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, "sewage" is generally synonymous with domestic wastewater. Also see "residential sewage."

"Shall" means mandatory.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

"Soil type" means a numerical classification of fine earth particles and coarse fragments as described in WAC 246-272B-11001 (2)(e).

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.

"SSAS" or "subsurface soil absorption system" means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, and tidal waters.

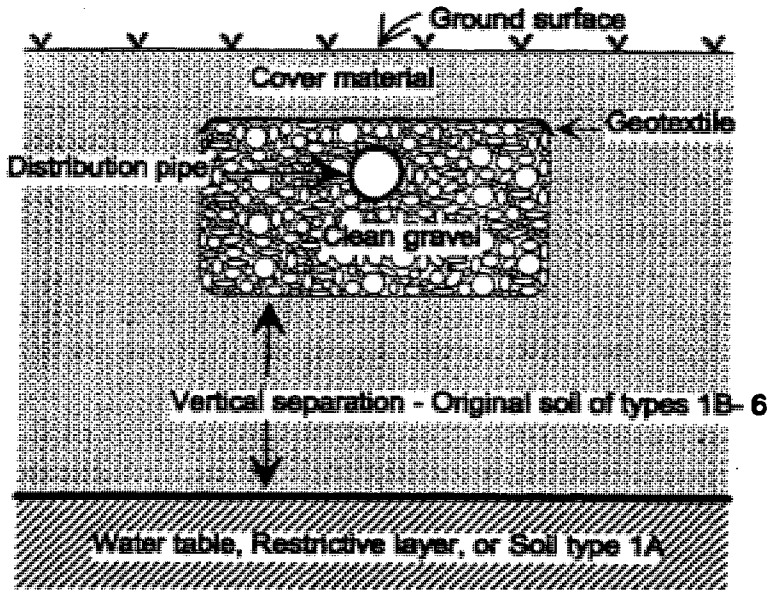
"Treatment standard 1" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

"Treatment standard 2" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

"Unit volume of sewage" means:

- (a) A single family residence;
- (b) A mobile home site in a mobile home park; or
- (c) Four hundred fifty gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 1A, as illustrated below by the profile drawing of a subsurface soil absorption system:



"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Wave barrier" means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action.

NEW SECTION

WAC 246-272B-03001 Applicability. (1) The department:

(a) Shall apply this chapter to LOSS treating wastewater and disposing of effluent from residential sewage sources;

(b) May apply this chapter to LOSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.

(2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations shall be acted upon in accordance with regulations in force at the time of preliminary plat approval for a maximum period of five years from the date of approval or for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date.

(3) A valid sewage system design approval, or installation permit issued prior to January 15, 1995:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond January 15, 1995, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) The Washington state department of ecology has authority and approval over:

(a) Domestic or industrial wastewater under chapter 173-240 WAC; and

(b) Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above three thousand five hundred gallons per day.

(5) The Washington state department of health has authority and approval over:

(a) Systems with design flows through any common point between three thousand five hundred to fourteen thousand five hundred gallons per day; and

(b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to the department of health under conditions of memorandum of agreement with the department of ecology.

(6) The local health officer has authority and approval over:

(a) Systems with design flows through any common point up to three thousand five hundred gallons per day;

(b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to a local health jurisdiction from the department by contract.

(7) Where this chapter conflicts with chapter 90.48 RCW, Water pollution control, the requirements under those statutes apply.

NEW SECTION

WAC 246-272B-08001 Application and approval process. (1) Persons proposing a new LOSS for which the department has jurisdiction by WAC or memorandum of agreement with the department of ecology shall meet the requirements specified in "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department).

(2) Persons shall submit the documents and fees specified under (a) through (f) of this subsection and obtain approval from the department before installing a LOSS to serve any facility:

(a) A preliminary report, stamped and signed by an engineer, including:

(i) A discussion of the proposed project, including the schedule of construction;

(ii) A discussion of compliance with other state and local zoning, platting, health, and building regulations as they relate to sewage treatment and disposal;

(iii) An analysis of the site's capacity to treat and dispose of the proposed quantity and quality of sewage;

(iv) An analysis of the factors identified in WAC 246-272B-20501 (2)(d)(ii)(A); and

(v) A soil and site evaluation as specified in WAC 246-272B-11001 signed by the evaluator;

(vi) A management plan describing the:

(A) Management entity consisting of one of the following:

(I) For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity; or

(II) For other uses, including single ownership, a public entity or a private entity via an appropriate contract or agreement provides management;

(B) Duties of the management entity, including specific tasks and frequency of operation and maintenance;

(C) Controls to ensure the continuity and permanency of proper operation and maintenance;

(D) Methods and frequency of monitoring, recordkeeping, and reporting to the department;

(E) Rights and responsibilities of management; and

(F) Rights and responsibilities of persons purchasing connections to the LOSS.

(b) Complete plans and specifications of the LOSS:

(i) Showing a conventional pressure distribution system with three feet of vertical separation;

(ii) Meeting all other design criteria within "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department); and

(iii) Stamped and signed by an engineer;

(c) A schedule of inspections to confirm the installation conforms to the plans and specifications;

(d) A draft operation and maintenance manual, describing the LOSS and outlining routine maintenance procedures for proper operation of the system;

(e) Required fees; and

(f) Other information as required by the department.

(3) Persons desiring to repair, modify or expand a facility served, or to be served by a LOSS shall submit all documents and fees specified under subsection (2)(a) through (f) of this section, unless the department waives submission of some elements as unnecessary, and obtain approval from the department.

(4) The department:

(a) Shall not change the terms of a project's construction approval during a two-year validity period. However, additional terms to protect public health may be included before granting one-year approval permit extensions;

(b) Shall not permit an experimental LOSS;

(c) Shall only permit installation of alternative systems for which there are alternative system guidelines;

(d) Shall conduct a presite inspection; and

(e) May allow the applicant to renew approval under the initial terms for successive one-year periods if:

(i) The LOSS is incomplete two years after the department's approval;

(ii) The applicant requests renewal in writing; and

(iii) The applicant submits required fees.

(5) A qualified installer shall install the LOSS.

(6) The applicant or applicant's agent:

(a) Shall comply with all conditions set forth in the department's construction approval;

(b) May request extensions to the construction approval permit; and

(c) Shall comply with any additional conditions upon construction approval extensions set forth by the department, and pay required fees for renewing the approval.

(7) Before a new LOSS is used:

(a) An engineer shall stamp, sign, and submit a LOSS construction report to the department within sixty days following the completion of construction of the LOSS including:

(i) A completed form stating the LOSS was constructed in accordance with the department's approved plans and specifications; and

(ii) An "as built" or "record" drawing;

(b) The department shall conduct a final inspection; and

(c) The owner shall:

(i) Submit an operation and maintenance manual developed by an engineer for the installed LOSS to the department for review and approval; and

(ii) Obtain a LOSS operating permit from the department by:

(A) Completing and submitting forms to the department; and

(B) Paying required fees.

(8) The owner of a LOSS that has been approved by the department or local health officer or constructed after July 1, 1984, shall:

- (a) Obtain a LOSS operating permit from the department; and
- (b) Annually renew it.
- (9) The owner shall annually renew the LOSS operating permit by:
 - (a) Continued retention of an approved management entity to operate and maintain the LOSS;
 - (b) Submitting a report to the department demonstrating the LOSS is operated, maintained, and monitored in accordance with this chapter and the approved operation and maintenance manual; and
 - (c) Submitting required fees.
- (10) The department:
 - (a) Shall issue a LOSS operating permit to owners of LOSS meeting the requirements of subsections (1) through (7) of this section;
 - (b) Shall annually renew the LOSS operating permit when the owner has complied with the requirements under subsection (9) of this section;
 - (c) May revoke the LOSS operating permit when the:
 - (i) Approved management entity ceases to operate and maintain the LOSS;

- (ii) Owner does not meet other conditions of the LOSS operating permit; or
- (iii) LOSS fails;
- (d) Shall monitor the performance of LOSS; and
- (e) Shall apply the requirements under WAC 246-272B-16501 to failing LOSS.

(11) A local health officer and the department may enter into a contract under which:

(a) The local health officer will assume the department's responsibilities in subsections (2), (4), (6), (7)(a), (b) and (c)(i) of this section to regulate LOSS; and

(b) The local health officer may charge fees to a LOSS applicant or owner for services provided if the authorization for such fees is set forth in local regulations adopted under this chapter.

NEW SECTION

WAC 246-272B-09501 Location. (1) Persons shall design and install LOSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**Table I
Minimum Horizontal Separations**

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line ¹
Nonpublic well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring ³	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source ^{2,3}	100 ft.	50 ft.	50 ft.
Pressurized water supply line ⁴	10 ft.	10 ft.	10 ft.
Properly decommissioned well ⁵	10 ft.	N/A	N/A
Surface water ³ :			
Marine water	100 ft.	50 ft.	10 ft.
Freshwater	100 ft.	50 ft.	10 ft.
Building foundation	10 ft. ⁶	5 ft. ⁶	2 ft.
Property or easement line ⁶	5 ft.	5 ft.	N/A
Interceptor/curtain drains/drainage ditches:			
Down-gradient ⁷	30 ft.	5 ft.	N/A
Up-gradient ⁷	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A

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Table I
Minimum Horizontal Separations

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line ¹
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

¹"Building sewer" as defined by the most current edition of the Uniform Plumbing Code. "Nonperforated distribution" includes pressure sewer transport lines.

²If surface water is used as a public drinking water supply, the designer shall locate the LOSS outside of the required sanitary control area.

³Measured from the ordinary high-water mark.

⁴The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the department of ecology's "Criteria For Sewage Works Design," revised October 1985, or equivalent.

⁵Before any component can be placed within 100 feet of a well, the designer shall submit a "decommissioned water well report" provided by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to ground water, but septic tanks, pump chambers, containment vessels or distribution boxes should not be placed directly over the site.

⁶The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is up-gradient.

⁷The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) Where any condition indicates a greater potential for contamination or pollution, the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) Persons shall design and/or install disposal components only where:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the LOSS;

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

NEW SECTION

WAC 246-272B-11001 Soil and site evaluation. (1)

The department shall permit only engineers, qualified designers and soil scientists to perform soil and site evaluations.

(2) The person evaluating the soil and site shall:

(a) Record:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial disposal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the site;

(iv) The drainage characteristics of the site;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains; and

(vii) The location of existing encumbrances affecting system placement, such as:

(A) Wells and suction lines;

(B) Water sources and supply lines;

(C) Surface water;

(D) Abandoned wells;

(E) Outcrops of bedrock and restrictive layers;

(F) Buildings;

(G) Property lines and lines of easement;

(H) Interceptors such as footing drains, curtain drains and drainage ditches;

(I) Cuts, banks, and fills;

(J) Driveways and parking areas;

(K) Existing OSS; and

(L) Underground utilities.

(b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict with, this chapter (available upon written request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water move-

ment potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table II, Soil Textural Classification:

Table II
Soil Textural Classification

Soil Type	Soil Textural Classifications
1A	Very gravelly ¹ coarse sands or coarser. All extremely gravelly ² soils.
1B	Very gravelly medium sand, very gravelly fine sand. Very gravelly very fine sand, very gravelly loamy sands.
2A	Coarse sands (also includes ASTM C-33 sand).
2B	Medium sands.
3	Fine sands, loamy coarse sands, loamy medium sands.
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.
5	Silt loams, that are porous and have well-developed structure.
6	Other silt loams, sandy clay loams, clay loams. Silty clay loams.
Unsuitable for treatment or disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils.

¹Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

²Extremely gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:

(i) Placing excavated soil no closer than two feet of the excavation;

(ii) Providing a ladder, earth ramp or steps for safe egress to a depth of four feet, then scoop out a portion from the floor to gain the additional two-foot depth necessary to observe the

six feet of soil face; however, the scooped portion is not to be entered;

(iii) Provide a physical warning barrier around the excavation's perimeter; and

(iv) Fill the excavation upon completion of the soil log.

(4) The department:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for LOSS if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272B-11501 Design. (1) The department shall require that large on-site sewage systems be designed only by engineers.

(2) The department shall require the following design criteria:

(a) All the sewage from the building served is directed to the LOSS;

(b) Drainage from the surface, footing drains, roof drains, and other nonsewage drains is prevented from entering the LOSS and the area where the LOSS is located;

(c) The LOSS is designed to treat and dispose of the following flows:

(i) For single family residences, one hundred twenty gallons per bedroom per day, with a minimum of two hundred forty gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(A) For other facilities, the design flows noted in "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department). If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used: "Design Standards for Large On-site Sewage Systems," 1993, Washington state department of health (available upon request to the department); or

(B) "Criteria for Sewage Works Design," revised October 1985, Washington state department of ecology (available upon written request to the department of ecology).

(d) Septic tanks:

(i) Have the following minimum liquid capacities:

(A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

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Table III

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required minimum liquid tank volume in gallons
≤3	900
4	1000
Each additional bedroom	250

(B) For facilities handling residential sewage, other than one single family residence, 1.5 times the daily design flow with a minimum of 1000 gallons;

(ii) Have clean-out and inspection accesses within twelve inches of finished grade; and

(iii) Are designed with protection against floatation and ground water intrusion in high ground water areas;

(e) Pump chambers:

(i) Have clean-out and inspection accesses at or above finished grade; and

(ii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;

(f) SSAS beds are only designed in soil types 2A, 2B, with a width not exceeding ten feet;

(g) Conventional pressure distribution systems have:

(i) The calculation of absorption area based upon the design flows in subsection (2)(c) of this section and loading rates equal to or less than those in Table V, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the trench of the excavation.

Table V

Maximum Hydraulic Loading Rate For Residential Sewage¹

Soil Type	Soil Textural Classification Description	Loading Rate gal./sq. ft./day
1A	Very gravelly ² coarse sands or coarser, extremely gravelly ³ soils.	Varies according to system selected to meet treatment standard 2 ⁴ .
1B	Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands.	Varies according to soil type of the nongravel portion ⁵ .
2A	Coarse sands (includes the ASTM C-33 sand).	1.2
2B	Medium sands.	1.0
3	Fine sands, loamy coarse sands, loamy medium sands.	0.8
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.	0.6
5	Silt loams that are porous and have well-developed structure.	0.45

¹Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for conventional OSS systems.

²Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

³Extremely gravelly = >60% gravel and coarse fragments, by volume.

⁴Due to the highly permeable nature of type 1A soil, only alternative systems which meet or exceed treatment standard 2 can be installed. However, a conventional gravity system may be used if it meets all criteria listed under (h) of this subsection (WAC 246-272-11501 (2)(h)). The loading rate for these systems is provided in the appropriate guideline.

⁵The maximum loading rate listed for the soil described as the non-gravel portion is to be used for calculating the absorption surface area required. The value is to be determined from this table.

(ii) The bottom of a SSAS shall not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

(iii) The sidewall below the invert of the distribution pipe is located in original, undisturbed soil;

(iv) Clean gravel, covered with a geotextile; and

(v) A cover of between six and twenty-four inches of mineral soil containing no greater than ten percent organic content over the gravel to preclude accumulation of water over the drainfield;

(h) For other features, conventional gravity systems shall conform with the "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department) except where modified by, or in conflict with, this section or local regulations.

(3) The department:

(a) Shall approve only LOSS designs meeting the requirements of this chapter;

(b) Shall not approve designs for:

(i) Cesspools;

(ii) Seepage pits, except as allowed for repairs under WAC 246-272B-16501;

(c) May approve a design for the reserve area different than the design approved for the initial LOSS, if both designs meet the requirements of this chapter for new construction; and

(d) May allow the hydraulic loading rate calculated for the infiltration surface area in a disposal component to include six inches of the SSAS sidewall height for determining design flow where total recharge by annual precipitation and irrigation is less than twelve inches per year.

NEW SECTION**WAC 246-272B-12501 Holding tank sewage systems.**

(1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under WAC 246-272B-16501 (1)(c)(i).

(2) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by the department;

(b) Submit a management program to the department assuring ongoing operation and maintenance before the department grants project approval; and

(c) Use a holding tank on the current approved list.

NEW SECTION

WAC 246-272B-13501 Installation. (1) The department shall require approved installers to construct LOSS.

(2) The installer shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(d) Be on the site at all times during the excavation and construction of the LOSS;

(e) Install the LOSS to be watertight, except for the disposal component;

(f) Cover the installation only after the department has given approval to cover; and

(g) Back fill and grade the site to prevent surface water from accumulating over any component of the LOSS.

NEW SECTION**WAC 246-272B-15501 Operation and maintenance.**

(1) The LOSS owner is responsible for properly operating and maintaining the LOSS, and shall:

(a) Determine the level of solids and scum in the septic tank once every three years;

(b) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(c) Protect the LOSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(d) Keep the flow of sewage to the LOSS at or below the approved design both in quantity and waste strength;

(e) Operate and maintain the LOSS as directed by the department; and

(f) Direct drains, such as footing or roof drains, away from the area where the LOSS is located.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into a LOSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use a LOSS to dispose of waste components atypical of residential wastewater.

NEW SECTION

WAC 246-272B-16501 Repair of failures. (1) When a LOSS failure occurs, the LOSS owner shall:

(a) Repair or replace the LOSS with a conforming system on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS; or

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) or (b) of this subsection are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) A LOSS is not feasible; and

(B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to replacing or repairing the effluent disposal component, the LOSS owner shall develop and submit information required under WAC 246-272B-08001.

(3) The person responsible for the design shall locate and design repairs to:

(a) Protect drinking water sources;

(b) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(c) Meet the horizontal separations under WAC 246-272B-09501(1) to public drinking water sources;

(d) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(e) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water.

PROPOSED

NEW SECTION

WAC 246-272B-17501 Expansions. The department shall require an on-site sewage system and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

NEW SECTION

WAC 246-272B-18501 Abandonment. Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil.

NEW SECTION

WAC 246-272B-19501 Septage management. (1) An individual shall be approved by the local health officer as a qualified pumper before removing septage from a LOSS.

(2) Persons removing septage from a LOSS shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;
- (b) Record and report septage removal to the local health officer;
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272B-20501 Developments, subdivisions, and minimum land area requirements. (1) A person proposing the development shall obtain approval from the local health officer prior to any development where the use of LOSS is proposed.

(2) The local health officer shall require the following prior to approving any development:

- (a) Site evaluations as required under WAC 246-272B-11001, excluding subsections (3)(a)(i) and (4)(d);
- (b) Where a subdivision with individual wells is proposed:
 - (i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or
 - (ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;
- (c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;
- (d) Determination of the minimum lot size or minimum land area required for the development using method I and/or method II:
 - (i) **METHOD I.** Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage.

**Table VII
Minimum Land Area Requirement
Single Family Residence or Unit Volume of Sewage**

Type of water supply	Soil Type (defined by section 11001 of this chapter)					
	1A, 1B	2A, 2B	3	4	5	6
Public	0.5 acre ¹	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ²					
Individual on each lot	1.0 acre ¹	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ²					

¹Due to the highly permeable nature of soil type 1A, only alternative systems which meet or exceed treatment standard 2 can be installed.

²A conventional gravity system in type 1 soil is only allowed if it is in compliance with all conditions listed under WAC 246-272-11501 (2)(h). One of these limiting conditions is a 2.5 acre minimum lot size.

(ii) **METHOD II.** A minimum land area proposal using method II is acceptable only when the applicant:

- (A) Justifies the proposal through a written analysis of the:
 - (I) Soil type and depth;
 - (II) Area drainage, and/or lot drainage;
 - (III) Public health impact on ground and surface water quality;

- (IV) Setbacks from property lines, water supplies, etc.;
- (V) Source of domestic water;
- (VI) Topography, geology, and ground cover;
- (VII) Climatic conditions;
- (VIII) Availability of public sewers;
- (IX) Activity or land use, present, and anticipated;
- (X) Growth patterns;
- (XI) Reserve areas for additional subsurface treatment and disposal;
- (XII) Anticipated sewage volume;
- (XIII) Compliance with current planning and zoning requirements;
- (XIV) Possible use of alternative systems or designs;

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(XV) Existing encumbrances, such as listed in WAC 246-272B-09001 (1)(c)(v) and 246-272B-11001 (2)(a)(vii); and

(XVI) Any other information required by the local health officer.

(B) Shows development with public water supplies having:

(I) At least twelve thousand five hundred square feet lot sizes per single family residence;

(II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and

(C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(D) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming LOSS;

(ii) Assure preservation of reserve areas for proposed and existing LOSS;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The local health officer or department shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) LOSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the LOSS, or a single individual owning the LOSS;

(iii) Management requirements under WAC 246-272B-08001 when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The local health officer or department may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a method II determination under subsection WAC 246-272B-20501 (2)(d)(ii) to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and LOSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection; or

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed LOSS design does not protect public health by meeting requirements of these regulations.

NEW SECTION

WAC 246-272B-25001 Waiver of state regulations.

(1) The department may grant a waiver from specific requirements in this chapter if a person submits a completed departmental waiver application and required fee to the department, including justification showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(2) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) of this section shall be followed again.

NEW SECTION

WAC 246-272B-26001 Enforcement. (1) The department:

(a) Shall enforce the rules of chapter 246-272B WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the LOSS and/or person causing or responsible for the violation of the rules of chapter 246-272B WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, or certification; and

(d) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272B WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any LOSS or portion of the LOSS or improvements to the LOSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272B WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification; and/or

(ii) Referral to the office of the county prosecutor or attorney general;

(iii) Other appropriate remedies;

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order;

(h) Comply with chapters 43.70 and 34.05 RCW if issued by the department.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272B WAC, or any other statutory provision or rule regulating the operation of a LOSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272B-27001, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

(vi) Agents; and in addition

(vii) Third persons acting with the knowledge of such persons.

NEW SECTION

WAC 246-272B-27001 Notice of decision—Adjudicative proceeding. (1) The department shall provide notice of a denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(2) A person contesting a departmental decision regarding a permit, certificate, approval, or fine may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(3) Department actions are governed under the Administrative Procedure Act, chapter 34.05 RCW, chapter 43.70.115 RCW, this chapter, and chapter 246-10 WAC.

(4) All LOSS contract jurisdictions shall establish rules for conducting hearings requested to contest a local health officer's actions.

NEW SECTION

WAC 246-272B-28001 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

NEW SECTION

WAC 246-272B-0990 Fees. The minimum fee for required review of larger on-site system's engineering reports and plans and specifications shall be four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for presite inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspections of larger on-site systems shall be one hundred dollars per site visit.

**WSR 03-12-090
PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed June 4, 2003, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-076.

Title of Rule: WAC 246-320-010 Hospital licensing definitions and 246-320-370 Emergency contraception.

Purpose: Amends chapter 246-320 WAC to include a new section to address SSB 6537, Emergency care for sexual assault victims, which passed in the 2002 legislative session.

Other Identifying Information: Chapter 116, Laws of 2002.

Statutory Authority for Adoption: RCW 70.41.350 and 70.41.030.

Statute Being Implemented: RCW 70.41.350 and 70.41.360.

Summary: The Department of Health is required to develop rules requiring hospitals that provide emergency care to victims of sexual assault to provide the victim with written and oral information about emergency contraception, inform victims of the option to be provided emergency contraception, and to provide emergency contraception immediately if requested by the victim.

Reasons Supporting Proposal: The proposed rules implement statutory requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Byron Plan, 310 Israel Road S.E., Olympia, WA 98501, (360) 236-2916.

Name of Proponent: Department of Health.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 116, Laws of 2002 requires every hospital providing emergency care to a victim of sexual assault to provide the victim with medically and factually accurate, unbiased written and oral information about emergency contraception; to orally inform each victim of sexual assault of her option to be provided emergency contraception; and, if not medically contraindicated, to provide emergency contraception immediately at the hospital to each victim of sexual assault who requests it. Rules will help ensure that emergency rooms are aware of the requirements and that information and emergency care is provided consistently among facilities.

Proposal Changes the Following Existing Rules: WAC 246-320-010 is amended to include definitions consistent with the law, including sexual assault, victim of sexual assault, emergency care to victims of sexual assault, emergency contraception, and secretary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.025 exempt rules that adopt Washington state statutes without material change by referencing RCW 34.05.310(4). These rules impose no significant or disproportionate financial impact to hospitals.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 (5)(b)(vi) exempts rules developed with content that is dictated by statute from the significant analysis requirements.

Hearing Location: Department of Health, 310 Israel Road S.E., Room 152, Tumwater, WA 98501, on July 10, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Yvette Harrison by July 2, 2003, TDD (800) 833-6368 or (360) 236-2928.

Submit Written Comments to: Yvette Harrison, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.harrison@doh.wa.gov, website www3.doh.wa.gov/policyreview, by July 10, 2003.

Date of Intended Adoption: July 25, 2003.

June 4, 2003
M. C. Selecky
Secretary

NEW SECTION

WAC 246-320-370 Emergency contraception. The purpose of this section is to ensure that hospitals with emergency rooms or services provide emergency contraception as a treatment option to any woman who seeks treatment as a result of a sexual assault.

(1) Every hospital that provides emergency services must:

(a) Develop and implement policies and procedures regarding the provision of twenty-four-hour/seven-day per week emergency care to victims of sexual assault;

(b) Provide the victim of sexual assault with medically and factually accurate and unbiased written and oral information about emergency contraception;

(c) Orally inform the victim in a language she understands of her option to be provided emergency contraception at the hospital; and

(d) Provide emergency contraception, as defined in WAC 246-320-010, to the victim of sexual assault if the victim requests it, and if the emergency contraception is not medically contraindicated.

(2) Nothing in this section or rule prohibits an individual hospital employee from refusing to participate in the provision of emergency contraception.

AMENDATORY SECTION (Amending WSR 99-04-052, filed 1/28/99, effective 3/10/99)

WAC 246-320-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" will include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of healthcare organizations (JCAHO).

(3) "Administrative business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, 8:00 a.m. to 5:00 p.m., exclusive of recognized state of Washington holidays.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Airborne precaution room" means a room that is designed and equipped to care for patients known or suspected to be infected with microorganisms transmitted by airborne droplet nuclei (small-particle residue [five microns or smaller in size] of evaporated droplets containing microorganisms that remain suspended in the air and can be widely dispersed by air currents within a room or over a long distance).

(6) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(7) "Alteration":

(a) "Alteration" means any change, addition, remodel or modification in construction, or occupancy to an existing hospital or a portion of an existing hospital.

(b) "Major alteration" means any physical change within an existing hospital that changes the occupancy (as defined in

state building code) and scope of service within a room or area, results in reconstruction to major portions of a floor or department, or requires revisions to building systems or services.

(c) "Minor alteration" means any physical change to an existing hospital which does not affect the structural integrity of the hospital building, which does not affect fire and life safety, and which does not add beds or facilities over those for which the hospital is licensed.

(8) "Ambulatory" means an individual physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(9) "Area" means a portion of a room or building that is separated from other functions in the room or portions of the building by a physical barrier or adequate space.

(10) "Assessment" means the: (a) Systematic collection and review of patient-specific data; (b) process established by a hospital for obtaining appropriate and necessary information about each individual seeking entry into a health care setting or service; and (c) information to match an individual's need with the appropriate setting and intervention.

(11) "Authentication" means the process used to verify that an entry is complete, accurate, and final.

(12) "Bathing facility" means a bathtub or shower, but does not include sitz bath or other fixtures designated primarily for therapy.

(13) "Birthing room" or "labor-delivery-recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn, and to accommodate her support people during the complete process of vaginal childbirth.

(14) "Child" means an individual under the age of eighteen years.

(15) "Clean" when used in reference to a room, area, or facility means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(16) "Communication system" means telephone, intercom, nurse call or wireless devices used by patients and staff to communicate.

(17) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. The care is provided by multidisciplinary teams of highly experienced and skilled physicians, nurses, pharmacists or other allied health professionals who have the ability to interpret complex therapeutic and diagnostic information and access to highly sophisticated equipment.

(18) "Department" means the Washington state department of health.

(19) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

(20) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(21) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(22) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(23) "Direct access" means access to one room from another room or area without going through an intervening room or into a corridor.

(24) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer such agent prior to administration of the agent.

(25) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official U.S. pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(26) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(27) "Easily cleanable" means readily accessible and made with materials and finishes fabricated to permit complete removal of residue or dirt by accepted cleaning methods.

(28) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(29) "Emergency care to victims of sexual abuse" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(30) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including, but not limited to, administering two increased doses of certain contraceptive pills within seventy-two hours of sexual contact.

(31) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need and the time and place care and treatment is to be given.

~~((30))~~ (32) "Facilities" means a room or area and equipment serving a specific function.

~~((31))~~ (33) "Failure or major malfunction" means an essential environmental, life safety or patient care function, equipment or process ceasing operation or capability of working as intended and any back up, reserve or replacement to the function, equipment or process has not occurred or is nonexistent. Such as, but not limited to, the:

(a) Normal electrical power ceases and the emergency generator(s) do not function;

(b) Ventilation system ceases to operate or reverses air flow and causes contaminated air to circulate into areas where it was not designated or intended to flow; or

(c) Potable water in the hospital becomes contaminated so it cannot be used.

~~((32))~~ (34) "Family" means individuals important to and designated by a patient who need not be relatives.

~~((33))~~ (35) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply is controlled by handles not less than four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply is controlled through a mixing valve designed and installed to be operated by the foot.

~~((34))~~ (36) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((35))~~ (37) "Grade" means the level of the ground adjacent to the building. The ground must be level or slope downward for a distance of at least ten feet away from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((36))~~ (38) "He, him, his, or himself" means an individual of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

~~((37))~~ (39) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

~~((38))~~ (40) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Maternity homes, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from men-

tal illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((39))~~ (41) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

~~((40))~~ (42) "Infant" means a baby or very young child up to one year of age.

~~((41))~~ (43) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

~~((42))~~ (44) "Inpatient" means a patient receiving services that require admission to a hospital for twenty-four hours or more.

~~((43))~~ (45) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring physical support and treatment beyond support required for a normal neonate and may include the following:

(a) Electronic cardiorespiratory monitoring;

(b) Gavage feedings;

(c) Parenteral therapy for administration of drugs; and

(d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

~~((44))~~ (46) "Interventional service facility" means a facility other than operating room (OR) where invasive procedures are performed.

~~((45))~~ (47) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

~~((46))~~ (48) "JCAHO" means joint commission on accreditation of healthcare organizations.

~~((47))~~ (49) "Labor room" means a room in which an obstetric patient is placed during the first stage of labor, prior to being taken to the delivery room.

~~((48))~~ (50) "Labor-delivery-recovery (LDR) room," "birthing room," or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn and to accommodate her

support people during the complete process of vaginal childbirth.

~~((49))~~ (51) "Licensed practical nurse," abbreviated LPN, means an individual licensed under provisions of chapter 18.78 RCW.

~~((50))~~ (52) "Long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((51))~~ (53) "Maintainable" means able to preserve or keep in an existing condition.

~~((52))~~ (54) "Maintenance" means the work of keeping something in suitable condition.

~~((53))~~ (55) "Major permanent loss of function" means sensory, motor, physiological, or intellectual impairment not present on admission requiring continued treatment or lifestyle change. When this condition cannot be immediately determined, the designation will be made when the patient is discharged with continued major loss of function, or two weeks have elapsed with persistent major loss of function, whichever occurs first.

~~((54))~~ (56) "Medical staff" means physicians and may include other practitioners appointed by the governing authority to practice within the parameters of the governing authority and medical staff bylaws.

~~((55))~~ (57) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

~~((56))~~ (58) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

~~((57))~~ (59) "Must" means compliance is mandatory.

~~((58))~~ (60) "Multidisciplinary treatment team" means a group of individuals from the various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

~~((59))~~ (61) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((60))~~ (62) "Neonate" or "newborn" means a newly born infant under twenty-eight days of age.

~~((61))~~ (63) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed for constant nursing, medical care, and treatment of high-risk infants who may require:

(a) Continuous ventilatory support, twenty-four hours per day;

(b) Intravenous fluids or parenteral nutrition;

(c) Preoperative and postoperative monitoring when anesthetic other than local is administered;

(d) Cardiopulmonary or other life support on a continuing basis.

~~((62))~~ (64) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

~~((63))~~ (65) "Newborn nursery care" means the provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

~~((64))~~ (66) "New construction" means any of the following:

(a) New buildings to be licensed as a hospital;

(b) Additions to an existing hospital;

(c) Conversion of an existing building or portions thereof for use as a hospital;

(d) Alterations to an existing hospital.

~~((65))~~ (67) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

~~((66))~~ (68) "Notify" means to provide notice of required information to the department by the following methods, unless specifically stated otherwise in this chapter:

(a) Telephone;

(b) Facsimile;

(c) Written correspondence; or

(d) In person.

~~((67))~~ (69) "Nursing unit" means a separate physical and functional unit of the hospital including a group of patient rooms, with ancillary, administrative, and service facilities necessary for nursing service to the occupants of these patient rooms.

~~((68))~~ (70) "Nutritional assessment" means an assessment of a patient's nutritional status conducted by a registered dietitian.

~~((69))~~ (71) "Nutritional risk screen" means a part of the initial assessment that can be conducted by any trained member of the multidisciplinary treatment team.

~~((70))~~ (72) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

~~((71))~~ (73) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

~~((72))~~ (74) "Operating room (OR)" means a room within the surgical department intended for invasive and non-invasive procedures requiring anesthesia.

~~((73))~~ (75) "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

~~((74))~~ (76) "Outpatient services" means services that do not require admission to a hospital for twenty-four hours or more.

~~((75))~~ (77) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital.

~~((76))~~ (78) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

~~((77))~~ (79) "Patient related technology" means equipment used in a patient care environment to support patient treatment and diagnosis, such as electrical, battery and pneumatic powered technology as well as support equipment and disposables.

~~((78))~~ (80) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((79))~~ (81) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

~~((80))~~ (82) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

~~((81))~~ (83) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((82))~~ (84) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

~~((83))~~ (85) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

~~((84))~~ (86) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition usually requiring specialized equipment.

~~((85))~~ (87) "Protective precaution room" means a room designed and equipped for care of patients with a high risk for contracting infections, such as bone marrow and organ transplant patients.

~~((86))~~ (88) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

~~((87))~~ (89) "Psychiatric service" means the treatment of patients pertinent to the psychiatric diagnosis whether or not the hospital maintains a psychiatric unit.

~~((88))~~ (90) "Psychiatric unit" means a separate area of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

~~((89))~~ (91) "Reassessment" means ongoing data collection comparing the most recent data with the data collected on the previous assessment(s).

~~((90))~~ (92) "Recovery unit" means a special physical and functional area for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

~~((91))~~ (93) "Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

~~((92))~~ (94) "Remodel" means the reshaping or reconstruction of a part or area of the hospital.

~~((93))~~ (95) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, an apparatus, or a drug given not required to treat a patient's medical symptoms.

~~((94))~~ (96) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

~~((95))~~ (97) "Seclusion room" means a small, secure room specifically designed and organized for temporary placement, care, and observation of one patient and for an environment with minimal sensory stimuli, maximum security and protection, and visual observation of the patient by authorized personnel and staff. Doors of seclusion rooms are provided with staff-controlled locks.

~~((96))~~ (98) "Secretary" means the secretary of the department of health.

(99) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: Provided, That the facility maintains the

responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

~~((97))~~ (100) "Sensitive area" means a room used for surgery, transplant, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, emergency or critical care including, but not limited to, intensive and cardiac care or areas where immunosuppressed inpatients are located and central supply room.

~~((98))~~ (101) "Sexual assault" ~~((or "rape" mean consistent with applicable law and regulation and based on the hospital's definition))~~ has the same meaning as in RCW 70.125.030.

~~((99))~~ (102) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout without aerators including brush and handsfree soap dispenser.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(d) "Handsfree handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(e) "Handwash sink" means a plumbing fixture of adequate size and proper design for washing hands, with adjacent soap dispenser and single service hand drying device.

~~((100))~~ (103) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

~~((101))~~ (104) "Special procedure" means a distinct and/or special diagnostic exam or treatment, such as, but not limited to, endoscopy, angiography, and cardiac catheterization.

~~((102))~~ (105) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

~~((103))~~ (106) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

~~((104))~~ (107) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of anesthetizing agents.

~~((105))~~ (108) "Surrogate decision-maker" means an individual appointed to act on behalf of another. Surrogates

make decisions only when an individual is without capacity or has given permission to involve others.

~~((106))~~ (109) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

~~((107))~~ (110) "Toilet" means a room containing at least one water closet.

~~((108))~~ (111) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

(a) Pharmacologic, surgical, or supportive;

(b) Specific for a disorder; or

(c) Symptomatic to relieve symptoms without effecting a cure.

~~((109))~~ (112) "Treatment room" means a hospital room for medical, surgical, dental, or psychiatric management of a patient.

~~((110))~~ (113) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

(114) "Water closet" means a plumbing fixture fitted with a seat and device for flushing the bowl of the fixture with water.

~~((111))~~ (115) "Will" means compliance is mandatory.

~~((112))~~ (116) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation will be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features will be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

~~((113))~~ (117) "Work surface" means a flat hard horizontal surface such as a table, desk, counter, or cart surface.

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.

WSR 03-12-072
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 3, 2003, 9:56 a.m.]

Title of Rule: Chapter 296-24 WAC, General safety and health standards; chapter 296-45 WAC, Safety standards for electrical workers; chapter 296-62 WAC, General occupational health standards; chapter 296-115 WAC, Safety requirements for charter boats; and chapter 296-800 WAC, Safety and health core rules.

Purpose: The primary reason for this rule making is to incorporate the existing requirements relating to sanitation (showers, change rooms and consumption of food and beverages at the workplace) from chapter 296-24 WAC into chapter 296-800 WAC, Safety and health core rules. As a result of these rules being incorporated into chapter 296-800 WAC, several references are also being updated throughout our chapters. These proposed changes are housekeeping in nature and do not increase requirements. On November 7, 2002, the Occupational Safety and Health Administration (OSHA) published a final rule for exit routes, emergency action plans, and fire prevention plans. We are correcting the requirement in WAC 296-800-31050 in order to be at-least-as-effective-as the federal equivalent. Also, other areas in chapter 296-800 WAC will be clarified for ease of use and understanding. These proposed changes are housekeeping in nature and do not increase requirements.

Other Identifying Information: The following are the amended, new, and repealed WAC sections:

WAC 296-24-120 Sanitation.

- Requirements relating to sanitation are now located in chapter 296-800 WAC, Safety and health core rules.
- Add a note to this section indicating where requirements have been moved.

WAC 296-24-12001 Scope.

- Requirements relating to sanitation are now located in chapter 296-800 WAC, Safety and health core rules. Repeal this section.

WAC 296-24-12002 Definitions.

- Definitions relating to sanitation are now located in chapter 296-800 WAC, Safety and health core rules. Repeal this section.

WAC 296-24-12010 Showers.

- Requirements relating to showers are now located in chapter 296-800 WAC, Safety and health core rules. Repeal this section.

WAC 296-24-12011 Change rooms.

- Requirements relating to change rooms are now located in chapter 296-800 WAC, Safety and health core rules. Repeal this section.

WAC 296-24-12017 Consumption of food and beverages on the premises.

- Requirements relating to consumption of food and beverages on the premises are now located in chapter 296-800 WAC, Safety and health core rules. Repeal this section.

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels.

- Update a reference.

WAC 296-62-07308 General regulated area requirements.

- Subsection (3)(c)(ii), update a reference.

WAC 296-62-07336 Acrylonitrile.

- Subsection (13), delete a reference.
- Subsection (13)(a), update a reference.
- Subsection (13)(b)(i), update a reference.

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

- Subsection (13)(b)(iii), update a reference.

WAC 296-62-07347 Inorganic arsenic.

- Subsection (13)(a), update a reference.
- Subsection (13)(b)(ii), update a reference.

WAC 296-62-07419 Hygiene areas and practices.

- Subsection (1), delete a reference.

WAC 296-62-07460 Butadiene.

- Subsection (6), delete a reference.

WAC 296-62-07521 Lead.

- Subsection (1)(b), update a reference.
- Subsection (10)(c)(ii), update a reference.

WAC 296-62-07719 Hygiene facilities and practices.

- Subsection (1)(b), update a reference.
- Subsection (2)(b), update a reference.
- Subsection (3)(a)(i)(B), update a reference.

WAC 296-62-20015 Hygiene facilities and practices.

- Subsection (2)(b), update a reference.

WAC 296-62-31020 Showers and change rooms used for decontamination.

- Update a reference.

WAC 296-62-31335 Showers and change rooms.

- Subsection (2), update a reference.

WAC 296-115-050 General requirements.

- Subsection (13)(a), update a reference.
- Subsection (13)(c), update a reference.

WAC 296-800-110 Summary.

- Changed the title of WAC 296-800-11030 to read, "Prohibit employees from using tools and equipment that are not safe."

EXPEDITED

WAC 296-800-11030 Prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements.

- Change the title of this section to read, "Prohibit employees from using tools and equipment that are not safe."
- Delete the first bullet for clarity.
- Amend the second bullet to read, "Take responsibility for the safe condition of tools and equipment used by employees."
- Remove the words "under control of" in the note.

WAC 296-800-170 Summary.

- Add a new section to this summary page titled, "Include multiemployer workplaces in your program if necessary."
- Change title of WAC 296-800-17020 to read, "Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH."

WAC 296-800-17005 Develop, implement, maintain, and make available a written chemical hazard communication program.

- Move requirements relating to multiemployer worksites from this section into a new section, WAC 296-800-17007.
- Clarify the language in this section.

WAC 296-800-17007 Include multiemployer worksites in your program if necessary.

- Create this section and move requirements relating to multiemployer worksites from WAC 296-800-17005 for clarity.

WAC 296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

- Change note to read, "See material safety data sheets and label preparation, chapter 296-839 WAC if you choose to create your own MSDS or label."

WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees.

- Change title of this section to, "Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH."
- Clarify language relating to making MSDSs readily available, when requested, to representatives of the National Institute for Occupational Safety and Health (NIOSH).

WAC 296-800-230 Summary.

- Amend this section to reflect the requirements moved here from chapter 296-24 WAC.
- Add section headings for clarity.

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace.

- Clarified the language in this section.

- Add a definition for "Personal service rooms." It reads, "Personal service rooms are used for activities not directly connected with a business' production or service function such as first aid, medical services, dressing, showering, bathrooms, washing, eating."

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).

- Clarified the language in this section.

WAC 296-800-23020 Provide bathrooms for your employees.

- Clarified the language in this section.

WAC 296-800-23025 Provide convenient, clean washing facilities.

- Change title of this section to, "Provide convenient and clean washing facilities."
- Clarified the language in this section.

WAC 296-800-23030 Keep containers used for garbage or waste in a sanitary condition.

- Move these requirements to WAC 296-800-23050 for better organization of information.
- Repeal this section.

WAC 296-800-23035 Remove garbage and waste in a way that does not create a health hazard.

- Move these requirements to WAC 296-800-23055 for better organization of information.
- Repeal this section.

WAC 296-800-23040 Make sure eating areas are safe and healthy.

- Create this section and move requirements from WAC 296-24-12017 into this section.

WAC 296-800-23045 Follow these requirements if you provide food service to your employees.

- Create this section and move requirements from WAC 296-24-12017 into this section.

WAC 296-800-23050 Dispose of garbage and waste safely.

- Incorporate language from WAC 296-24-12017 and 296-800-23030 relating to disposal of garbage into this section for clarity.

WAC 296-800-23055 Remove garbage and waste in a way that does not create a health hazard.

- Move requirements from WAC 296-800-23035 to this section.

WAC 296-800-23060 Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the jobsite.

- Create this section and move requirements from WAC 296-24-12017 into this section.

WAC 296-800-23065 Provide showers when required for employees working with chemicals.

- Create this section and move requirements from WAC 296-24-12010 into this section.

WAC 296-800-23070 Provide change rooms when required.

- Create this section and move requirements from WAC 296-24-12011 into this section.

WAC 296-800-23075 Make sure any work clothes you provide are dry.

- Create this section and move requirements from WAC 296-24-12011 into this section.

WAC 296-800-31050 Mark exits adequately.

- Add a bullet that reads, "Make sure the letters in the word "EXIT" are at least six inches high and 3/4 of an inch wide." This is being added as a result of an effectiveness issue with the occupational safety and health requirements (OSHA).

WAC 296-800-350 Summary.

- Change the title of WAC 296-800-35038 to read, "Minimum and maximum adjusted base penalty amounts."

WAC 296-800-35038 Maximum base penalty amount.

- Change title of this section to, "Minimum and maximum adjusted base penalty amounts" for clarity.
- Add a second bullet that reads, "The minimum adjusted base penalty for any violation carrying a penalty is \$100.00."

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

- Clarify language relating to repeat violations.
- Clarify language relating to failure-to-abate violations.

WAC 296-800-35062 WISHA's response to your request for more time.

- Clarify language relating to granting requests for an extension of an abatement date.

WAC 296-800-35064 A hearing can be requested about the department's response.

- Delete the word "you" from the first bullet.
- Delete unnecessary language from the second bullet.
- Deleted the last secondary bullet. This requirement is in WAC 296-800-35065.

WAC 296-800-370 Definitions.

- Amend the following definitions:
 - Chemical agents (airborne or contact)
 - Corrosive
 - Distributor
 - Harmful physical agent
 - Health hazard
 - Importer
 - Material safety data sheet (MSDS)
 - Occupational Safety and Health Administration (OSHA)

- Permissible exposure limits (PELs)
- Qualified person
- Repeat violation
- Toxic substance

- Add the following definitions:

- Ceiling
- Dust
- Fume
- Gas
- Irritant
- Mist
- Short-term exposure limit (STEL)
- Time weighted average (TWA₈)
- Toxicant
- Vapor

- Delete the following definition:

- Strong irritant

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Other Identifying Information above.

Reasons Supporting Proposal: See Other Identifying Information 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, C.F.R. 1910.37 (b)(7).

Explanation of Rule, its Purpose, and Anticipated Effects: The primary reason for this rule making is to incorporate the existing requirements relating to sanitation (showers, change rooms and consumption of food and beverages at the workplace) from chapter 296-24 WAC into chapter 296-800 WAC, Safety and health core rules. As a result of these rules being incorporated into chapter 296-800 WAC, several references are also being updated throughout our chapters. Also, other areas in chapter 296-800 WAC will be clarified for ease of use and understanding. These proposed changes are housekeeping in nature and do not increase requirements.

Proposal Changes the Following Existing Rules: All changes proposed with this rule making are technical corrections and typographical changes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Depart-

ment of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY August 4, 2003.

June 3, 2003
Paul Trause
Director

PART B-1

((SANITATION,)) TEMPORARY LABOR CAMPS AND NONWATER CARRIAGE DISPOSAL SYSTEMS

((Sanitation))

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-120 Sanitation.

Note:
• Rules and regulations of the state board of health governing sanitation of places of work shall be complied with by every employer, and shall be enforced as provided for by statute law (RCW 43.20.050).
• Requirements relating to sanitation and hygiene facilities and procedures are now located in WAC 296-800-230, the safety and health core rules.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-12001 Scope.
- WAC 296-24-12002 Definitions.
- WAC 296-24-12010 Showers.
- WAC 296-24-12011 Change rooms.
- WAC 296-24-12017 Consumption of food and beverages on the premises.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

- (a) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and
- (b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(3) There shall be ready access to water or showers for emergency use.

Note: See ((chapter 296-24 WAC, Part B and)) WAC 296-800-230, of the safety and health core rules, for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07308 General regulated area requirements. (1) Respirator program. The employer must implement a respiratory protection program as required in chapter 296-62 WAC, Part E (except WAC 296-62-07130 (1) and (5) and 296-62-07131).

(2) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (a), (b), (c), (d) and (e) of this subsection shall be implemented.

(a) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(b) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(c) Special medical surveillance by a physician shall be instituted within twenty-four hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with WAC 296-62-07312(2).

(d) Where an employee has a known contact with a listed carcinogen, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(e) An incident report on the emergency shall be reported as provided in WAC 296-62-07312(2).

(3) Hygiene facilities and practices.

(a) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(b) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-800-230.

(c) Where employees are required by this section to shower, shower facilities shall be provided.

(i) One shower shall be provided for each ten employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(ii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC ((296-24-12009)) 296-800-230, of the ((general safety and health standards)) safety and health core rules.

(iii) Showers shall be provided with hot and cold water feeding a common discharge line.

(iv) Employees who use showers shall be provided with individual clean towels.

(d) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

EXPEDITED

(e) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) Contamination control.

(a) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(b) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(c) Decontamination procedures shall be established and implemented to remove carcinogens from the surfaces of materials, equipment and the decontamination facility.

(d) Dry sweeping and dry mopping are prohibited.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07336 Acrylonitrile. (1) Scope and application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170°F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(b) "Action level" - a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Decontamination" means treatment of materials and surfaces by water washdown, ventilation, or other means, to assure that the materials will not expose employees to airborne concentrations of AN above 1 ppm as an eight-hour time-weighted average.

(e) "Director" - the director of labor and industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(g) "Liquid AN" means AN monomer in liquid form, and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, produced during the polymerization of AN.

(h) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of 10 ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies.

(a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee. The employer shall continue these quarterly measurements until at least two consecutive measurements taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas.

(a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance.

(a) Engineering and work practice controls.

(i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) The employer shall complete the steps set forth in the compliance program by the dates in the schedule.

(iv) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(v) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits;

(iv) In emergencies.

(b) Respirator program.

The employer must implement a respiratory protection program in accordance with chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 25 x permissible exposure limits.	(i) Any Type C supplied air respirator.
(b) Less than or equal to 100 x permissible exposure limits.	(i) Any supplied air respirator with full facepiece; or
	(ii) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 250 x permissible exposure limits	(i) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Greater than 250 x permissible exposure limits.	(i) Supplied air respirator with full facepiece and an auxiliary self-contained air supply, operated in pressure demand mode; or
	(ii) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e) Emergency entry into unknown concentration or firefighting	(i) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(i) Any organic vapor gas mask; or
	(ii) Any self-contained breathing.

(9) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees.

(i) Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Employees not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-800-160 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that impermeable protective clothing which contacts or is likely to have contacted liquid AN shall be decontaminated before being removed by the employee.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that an employee whose nonimpermeable clothing becomes wetted with liquid AN shall immediately remove that clothing and proceed to shower. The clothing shall be decontaminated before it is removed from the regulated area.

(v) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(vi) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vii) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping.

(a) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(b) For operations involving liquid AN, the employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections.

(c) Where spills of liquid AN are detected, the employer shall assure that surfaces contacted by the liquid AN are decontaminated. Employees not engaged in decontamination activities shall leave the area of the spill, and shall not be permitted in the area until decontamination is completed.

(d) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(e) Surfaces.

(i) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where AN and PAN are found is prohibited.

(ii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iii) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC (~~(296-24-12009 and)~~ 296-800-230 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC (~~(296-24-12011)~~ 296-800-230).

(b) Showers.

(i) The employer shall provide shower facilities in accordance with WAC (~~(296-24-12009(3))~~ 296-800-230).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(iii) The employer shall assure that, in the event of skin or eye exposure to liquid AN, the affected employee shall

shower immediately to minimize the danger of skin absorption.

(c) Lunchrooms.

(i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance.

(a) General.

(i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those nonspecific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest X ray.

(iv) Further tests of the intestinal tract, including fecal occult blood screening, and proctosigmoidoscopy, for all workers 40 years of age or older, and for any other affected employees for whom, in the opinion of the physician, such testing is appropriate.

(c) Periodic examinations.

(i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and test performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators and protective clothing;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping.

(a) Objective data for exempted operations.

(i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of AN;

(D) A description of the operation exempted and how the data supports the exemption; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of subsection (5)(f) of this section;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's medical and work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Records required by subdivisions (a) through (c) of this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Records required by subdivision (a) of this section shall be provided in the same manner as exposure monitoring records.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligation not otherwise imposed, or to detract from any obligation.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

(1) Scope and application.

(a) This section applies to occupational exposure to 1,2-dibromo-3-chloropropane (DBCP).

(b) This section does not apply to:

(i) Exposure to DBCP which results solely from the application and use of DBCP as a pesticide; or

(ii) The storage, transportation, distribution or sale of DBCP in intact containers sealed in such a manner as to prevent exposure to DBCP vapors or liquids, except for the requirements of subsections (11), (16) and (17) of this section.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane, Chemical Abstracts Service Registry Number 96-12-8, and includes all forms of DBCP.

(c) "Director" - the director of labor and industries, or his authorized representative.

(d) "Emergency" - any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which may, or does, result in unexpected release of DBCP.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 5 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Regulated areas. The employer shall establish, within each place of employment, regulated areas wherever DBCP concentrations are in excess of the permissible exposure limit.

(a) The employer shall limit access to regulated areas to authorized persons.

(b) All employees entering or working in a regulated area shall wear respiratory protection in accordance with Table I.

(6) Exposure monitoring.

(a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure

limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (6) shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(7) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to DBCP at or below the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposure to DBCP to or below the permissible exposure limit solely by means of engineering and work practice controls as required by this section.

(ii) The written program shall include a detailed schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(8) Respiratory protection.

(a) General. For employees who are required to use respirators under this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

- (i) Period necessary to install or implement feasible engineering and work-practice controls;
- (ii) Maintenance and repair activities for which engineering and work-practice controls are not feasible;
- (iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limit;
- (iv) Emergencies.

(b) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I
RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than	Respirator Type
(a) 10 ppb:	(i) Any supplied-air respirator. (ii) Any self-contained breathing apparatus.
(b) 50 ppb:	(i) Any supplied-air respirator with full facepiece, helmet or hood. (ii) Any self-contained breathing apparatus with full facepiece.
(c) 250 ppb:	(i) A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
(d) 500 ppb:	(i) A Type C supplied-air respirator with full facepiece operated in pressure-demand mode with full facepiece.
(e) Greater than 500 ppb or entry into unknown concentrations:	(i) A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand mode and an auxiliary self-contained breathing apparatus. (ii) A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.
(f) Fire fighting:	(i) A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.

- (9) Reserved.
- (10) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present.

(ii) Appropriate portions of the plan shall be implemented in the event of an emergency.

(b) Employees engaged in correcting conditions shall be equipped as required in subsection (11) of this section until the emergency is abated.

(c) Evacuation. Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(d) Alerting employees. Where there is a possibility of employee exposure to DBCP due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(e) Medical surveillance. For any employee exposed to DBCP in an emergency situation, the employer shall provide medical surveillance in accordance with subsection (14) of this section.

(f) Exposure monitoring.

(i) Following an emergency, the employer shall conduct monitoring which complies with subsection (6) of this section.

(ii) In workplaces not normally subject to periodic monitoring, the employer may terminate monitoring when two consecutive measurements indicate exposures below the permissible exposure limit.

(11) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-800-160 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) Removal and storage.

(A) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with subsection (13) of this section.

(B) The employer shall assure that employees promptly remove any protective clothing and equipment which becomes contaminated with DBCP-containing liquids and solids. This clothing shall not be reworn until the DBCP has been removed from the clothing or equipment.

(C) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

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(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(12) Housekeeping.

(a) Surfaces.

(i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with subsections (8), (9) and (11) of this section.

(b) Showers.

(i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall assure that employees whose skin becomes contaminated with DBCP-containing liquids or solids immediately wash or shower to remove any DBCP from the skin.

(iii) The employer shall provide shower facilities in accordance with WAC ((296-24-12009(3)(e))) 296-800-230.

(c) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(d) Lavatories.

(i) The employer shall assure that employees working in the regulated area remove protective clothing and wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with WAC 296-800-230.

(e) Prohibition of activities in regulated areas. The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied.

(14) Medical surveillance.

(a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. At the time of initial assignment, annually thereafter, and whenever exposure to DBCP occurs, the employer shall provide a medical examination for employees who work in regulated areas, which includes at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques utilizing National Institutes of Health (NIH) specific antigen or one of equivalent sensitivity:

(A) Serum multiphasic analysis (SMA 12);

(B) Serum follicle stimulating hormone (FSH);

(C) Serum luteinizing hormone (LH); and

(D) Serum estrogen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(c) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(e) Physician's written opinion.

(i) For each examination under this section, the employer shall obtain and provide the employee with a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(f) Emergency situations. If the employee is exposed to DBCP in an emergency situation, the employer shall provide the employee with a sperm count test as soon as practicable, or, if the employee is unable to produce a semen specimen, the hormone tests contained in subsection (14)(b) of this section. The employer shall provide these same tests three months later.

(15) Employee information and training.

(a) Training program.

(i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) The purpose and description of the medical surveillance program required by subsection (14) of this section; and

(E) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (6) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, Social Security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (14) of this section.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the physician's written opinion;

(C) Any employee medical complaints related to exposure to DBCP;

(D) A copy of the information provided the physician as required by subsection (14)(c) of this section; and

(E) A copy of the employee's medical and work history.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records and employee medical records required by this subsection shall be provided upon request to employees' designated representatives and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and 296-62-05213 through 296-62-05217.

(d) Transfer of records.

(i) If the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section for the prescribed period.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under this section, the employer shall transmit these records by mail to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (6) of this section.

(b) Observation procedures.

(i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the director of the department of labor and industries, or his/her designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) Within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10 $\mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5 $\mu\text{g}/\text{m}^3$ but less than 10 $\mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(c) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaptation and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work prac-

tices, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering or work-practice controls;

(ii) Work operations, such as maintenance and repair activities, in which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which engineering work-practice controls are not yet sufficient to reduce employee exposures to or below the permissible exposure limit;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee exhibits breathing difficulty during fit testing or respirator use, they must be examined by a physician trained in pulmonary medicine to determine whether they can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must use Table I of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds without significant vapor pressure, and Table II of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds that have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for other gases (for example, sulfur dioxide), any air-purifying respirator provided to the employee as specified by this section must have a combination high-efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

(iii) Employees required to use respirators may choose, and the employer must provide, a powered air-purifying respirator if it will provide proper protection. In addition, the employer must provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits.

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) fire fighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. ¹ (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any half-mask supplied air respirator.

¹High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

EXPEDITED

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS
(SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE)
WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 µg/m ³ (20 mg/m ³) or fire fighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 µg/m ³ (20 mg/m ³)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 µg/m ³ (10 mg/m ³)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 µg/m ³	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 µg/m ³	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge. (B) Any half-mask supplied air respirator.

¹High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

²Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(9) Reserved.

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;

- (ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-800-160.

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

- (b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100 µg/m³ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

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(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) **Reserved.**

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC ((296-24-1201+)) 296-800-230.

(b) Showers.

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC ((296-24-12009(3))) 296-800-230.

(c) Lunchrooms.

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-800-230.

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 $\mu\text{g}/\text{m}^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General.

(i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this stan-

dard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. For employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination; and

(C) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations.

(i) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(A), (B) and (C) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section at least semi-annually, and the X-ray requirements specified in subsection (14)(b)(ii)(A) of this section at least annually, for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR SWALLOWED
USE ONLY WITH ADEQUATE VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X ray;

(D) The X rays for the most recent five years; and

(E) Any X rays with a demonstrated abnormality and all subsequent X rays.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the

records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07419 Hygiene areas and practices. (1) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC ((296-24-120 and)) 296-800-230.

(2) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(3) Showers and handwashing facilities.

(a) The employer shall assure that employees who are exposed to cadmium above the PEL shower during the end of the work shift.

(b) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(4) Lunchroom facilities.

(a) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(b) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07460 Butadiene. (1) Scope and application.

(a) This section applies to all occupational exposures to 1,3-Butadiene (BD), Chemical Abstracts Service Registry No. 106-99-0, except as provided in (b) of this subsection.

(b)(i) Except for the recordkeeping provisions in subsection (13)(a) of this section, this section does not apply to the processing, use, or handling of products containing BD or to other work operations and streams in which BD is present where objective data are reasonably relied upon that demonstrate the work operation or the product or the group of products or operations to which it belongs may not reasonably be foreseen to release BD in airborne concentrations at or above the action level or in excess of the STEL under the expected conditions of processing, use, or handling that will cause the greatest possible release or in any plausible accident.

(ii) This section also does not apply to work operations, products or streams where the only exposure to BD is from liquid mixtures containing 0.1% or less of BD by volume or the vapors released from such liquids, unless objective data become available that show that airborne concentrations generated by such mixtures can exceed the action level or STEL under reasonably predictable conditions of processing, use or handling that will cause the greatest possible release.

(iii) Except for labeling requirements and requirements for emergency response, this section does not apply to the storage, transportation, distribution or sale of BD or liquid mixtures in intact containers or in transportation pipelines sealed in such a manner as to fully contain BD vapors or liquids.

(c) Where products or processes containing BD are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (13)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

"Action level" means a concentration of airborne BD of 0.5 ppm calculated as an 8-hour time-weighted average.

"Director" means the director of the department of labor and industries, or authorized representatives.

"Authorized person" means any person specifically designated by the employer, whose duties require entrance into a

regulated area, or a person entering such an area as a designated representative of employees to exercise the right to observe monitoring and measuring procedures under subsection (4)(h) of this section, or a person designated under the WISH Act or regulations issued under the WISH Act to enter a regulated area.

"1,3-Butadiene" means an organic compound with chemical formula CH₂=CH-CH=CH₂ that has a molecular weight of approximately 54.15 gm/mole.

"Business day" means any Monday through Friday, except those days designated as federal, state, local or company specific holidays.

"Complete blood count (CBC)" means laboratory tests performed on whole blood specimens and includes the following: White blood cell count (WBC), hematocrit (Hct), red blood cell count (RBC), hemoglobin (Hgb), differential count of white blood cells, red blood cell morphology, red blood cell indices, and platelet count.

"Day" means any part of a calendar day.

"Emergency situation" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of BD.

"Employee exposure" means exposure of a worker to airborne concentrations of BD which would occur if the employee were not using respiratory protective equipment.

"Objective data" means monitoring data, or mathematical modelling or calculations based on composition, chemical and physical properties of a material, stream or product.

"Permissible exposure limits (PELs)" means either the 8-hour time-weighted average (8-hour TWA) exposure or the short-term exposure limit (STEL).

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide one or more of the specific health care services required by (k) of this subsection.

"Regulated area" means any area where airborne concentrations of BD exceed or can reasonably be expected to exceed the 8-hour time-weighted average (8-hour TWA) exposure of 1 ppm or the short-term exposure limit (STEL) of 5 ppm for 15 minutes.

"This section" means this 1,3-butadiene standard.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average (TWA) limit. The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of one part BD per million parts of air (ppm) measured as an eight (8)-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of five parts of BD per million parts of air (5 ppm) as determined over a sampling period of fifteen minutes.

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the

8-hour TWA and 15-minute short-term exposures of each employee.

(ii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift and for each job classification in each work area.

(iii) Representative 15-minute short-term employee exposures shall be determined on the basis of one or more samples representing 15-minute exposures associated with operations that are most likely to produce exposures above the STEL for each shift and for each job classification in each work area.

(iv) Except for the initial monitoring required under (b) of this subsection, where the employer can document that exposure levels are equivalent for similar operations on different work shifts, the employer need only determine representative employee exposure for that operation from the shift during which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this section, shall perform initial monitoring to determine accurately the airborne concentrations of BD to which employees may be exposed, or shall rely on objective data pursuant to subsection (1)(b)(i) of this section to fulfill this requirement.

(ii) Where the employer has monitored within two years prior to the effective date of this section and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection, provided that the conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional exposures.

(c) Periodic monitoring and its frequency.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be at or above the action level but at or below both the 8-hour TWA limit and the STEL, the employer shall repeat the representative monitoring required by (a) of this subsection every twelve months.

(ii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the 8-hour TWA limit, the employer shall repeat the representative monitoring required by (a)(ii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the STEL, the employer shall repeat the representative monitoring required by (a)(iii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iv) The employer may alter the monitoring schedule from every six months to annually for any required representative monitoring for which two consecutive measurements taken at least 7 days apart indicate that employee exposure has decreased to or below the 8-hour TWA, but is at or above the action level.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be below the action level and at or below the STEL, the employer may discontinue the monitoring for employees whose exposures are represented by the initial monitoring.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level and at or below the STEL, the employer may discontinue the monitoring for those employees who are represented by such monitoring.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under subsection (4) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to BD or when the employer has any reason to suspect that a change may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure above the 8-hour TWA limit or above the STEL, the employer shall monitor (using leak source, such as direct reading instruments, area or personal monitoring), after the cleanup of the spill or repair of the leak, rupture or other breakdown, to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring.

Monitoring shall be accurate, at a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of BD at or above the 1 ppm TWA limit and to within plus or minus 35 percent for airborne concentrations of BD at or above the action level of 0.5 ppm and below the 1 ppm TWA limit.

(g) Employee notification of monitoring results.

(i) The employer shall, within 5 business days after the receipt of the results of any monitoring performed under this section, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The employer shall, within 15 business days after receipt of any monitoring performed under this section indicating the 8-hour TWA or STEL has been exceeded, provide the affected employees, in writing, with information on the corrective action being taken by the employer to reduce employee exposure to or below the 8-hour TWA or STEL and the schedule for completion of this action.

(h) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to BD conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to BD requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer at no cost with protective clothing and equipment, and shall ensure that the observer uses this equipment and complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of BD exceed or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour TWA or the STEL.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of employees exposed to BD within the regulated area.

(d) An employer at a multiemployer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PELs, except to the extent that the employer can establish that these controls are not feasible or where subsection (8)(a)(i) of this section applies.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-hour TWA or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (8) of this section.

(b) Compliance plan.

(i) Where any exposures are over the PELs, the employer shall establish and implement a written plan to reduce employee exposure to or below the PELs primarily by means of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section. No compliance plan is required if all exposures are under the PELs.

(ii) The written compliance plan shall include a schedule for the development and implementation of the engineering controls and work practice controls including periodic leak detection surveys.

(iii) Copies of the compliance plan required in (b) of this subsection shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(7) Exposure goal program.

(a) For those operations and job classifications where employee exposures are greater than the action level, in addition to compliance with the PELs, the employer shall have an exposure goal program that is intended to limit employee exposures to below the action level during normal operations.

(b) Written plans for the exposure goal program shall be furnished upon request for examination and copying to the

director, affected employees and designated employee representatives.

(c) Such plans shall be updated as necessary to reflect significant changes in the status of the exposure goal program.

(d) Respirator use is not required in the exposure goal program.

(e) The exposure goal program shall include the following items unless the employer can demonstrate that the item is not feasible, will have no significant effect in reducing employee exposures, or is not necessary to achieve exposures below the action level:

(i) A leak prevention, detection, and repair program.

(ii) A program for maintaining the effectiveness of local exhaust ventilation systems.

(iii) The use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps.

(iv) Gauging devices designed to limit employee exposure, such as magnetic gauges on rail cars.

(v) Unloading devices designed to limit employee exposure, such as a vapor return system.

(vi) A program to maintain BD concentration below the action level in control rooms by use of engineering controls.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Nonroutine work operations that are performed infrequently and for which exposures are limited in duration;

(iii) Work operations for which feasible engineering controls and work-practice controls are not yet sufficient to reduce employee exposures to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii); and 296-62-07150 through 296-62-07156).

(ii) If air-purifying respirators are used, the employer must replace the air-purifying filter elements according to the replacement schedule set for the class of respirators listed in Table 1 of this section, and at the beginning of each work shift.

(iii) Instead of using the replacement schedule listed in Table 1 of this section, the employer may replace cartridges or canisters at 90% of their expiration service life, provided the employer:

(A) Demonstrates that employees will be adequately protected by this procedure;

(B) Uses BD breakthrough data for this purpose that have been derived from tests conducted under worst-case conditions of humidity, temperature, and air-flow rate through the filter element, and the employer also describes the data supporting the cartridge- or canister-change schedule, as well as the basis for using the data in the employer's respirator program.

(iv) A label must be attached to each filter element to indicate the date and time it is first installed on the respirator.

(v) If NIOSH approves an end-of-service-life indicator (ESLI) for an air-purifying filter element, the element may be used until the ESLI shows no further useful service life or until the element is replaced at the beginning of the next work shift, whichever occurs first.

(vi) Regardless of the air-purifying element used, if an employee detects the odor of BD, the employer must replace the air-purifying element immediately.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm (5 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm (10 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm (25 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours. (b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours. (c) Continuous flow supplied air respirator equipped with a hood or helmet.

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 50 ppm (50 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 1 hour. (b) Powered air purifying respirator equipped with a tight-fitting facepiece and an approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 1 hour.
Less than or equal to 1,000 ppm (1,000 times PEL)	(a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.
Greater than 1,000 ppm	(a) Self-contained breathing unknown concentration, or apparatus equipped with a fire fighting full facepiece and operated in a pressure demand or other positive pressure mode. (b) Any supplied air respirator equipped with a full facepiece and operated in a pressure demand or other positive pressure mode in combination with an auxiliary self-contained breathing apparatus operated in a pressure demand or other positive pressure mode.
Escape from IDLH Conditions	(a) Any positive pressure self-contained breathing apparatus with an appropriate service life. (b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.

Notes: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations. Full facepiece is required when eye irritation is anticipated.

(ii) Air-purifying respirators must have filter elements certified by NIOSH for organic vapor or BD.

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(iii) When an employee whose job requires the use of a respirator cannot use a negative-pressure respirator, the employer must provide the employee with a respirator that has less breathing resistance than the negative-pressure respirator, such as a powered air-purifying respirator or supplied-air respirator, when the employee is able to use it and if it provides the employee adequate protection.

(9) Protective clothing and equipment. Where appropriate to prevent eye contact and limit dermal exposure to BD, the employer shall provide protective clothing and equipment at no cost to the employee and shall ensure its use. Eye and face protection shall meet the requirements of WAC 296-800-160.

(10) Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in WAC 296-24-567, Employee emergency plans and fire prevention plans, and in WAC 296-62-3112, hazardous waste operations and emergency responses, for each workplace where there is a possibility of an emergency.

(11) Medical screening and surveillance.

(a) Employees covered. The employer shall institute a medical screening and surveillance program as specified in this subsection for:

(i) Each employee with exposure to BD at concentrations at or above the action level on 30 or more days or for employees who have or may have exposure to BD at or above the PELs on 10 or more days a year;

(ii) Employers (including successor owners) shall continue to provide medical screening and surveillance for employees, even after transfer to a non-BD exposed job and regardless of when the employee is transferred, whose work histories suggest exposure to BD:

(A) At or above the PELs on 30 or more days a year for 10 or more years;

(B) At or above the action level on 60 or more days a year for 10 or more years; or

(C) Above 10 ppm on 30 or more days in any past year; and

(iii) Each employee exposed to BD following an emergency situation.

(b) Program administration.

(i) The employer shall ensure that the health questionnaire, physical examination and medical procedures are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(ii) Physical examinations, health questionnaires, and medical procedures shall be performed or administered by a physician or other licensed health care professional.

(iii) Laboratory tests shall be conducted by an accredited laboratory.

(c) Frequency of medical screening activities. The employer shall make medical screening available on the following schedule:

(i) For each employee covered under (a)(i) and (ii) of this subsection, a health questionnaire and complete blood count (CBC) with differential and platelet count every year, and a physical examination as specified below:

(A) An initial physical examination that meets the requirements of this rule, if twelve months or more have

elapsed since the last physical examination conducted as part of a medical screening program for BD exposure;

(B) Before assumption of duties by the employee in a job with BD exposure;

(C) Every 3 years after the initial physical examination;

(D) At the discretion of the physician or other licensed health care professional reviewing the annual health questionnaire and CBC;

(E) At the time of employee reassignment to an area where exposure to BD is below the action level, if the employee's past exposure history does not meet the criteria of (a)(ii) of this subsection for continued coverage in the screening and surveillance program, and if twelve months or more have elapsed since the last physical examination; and

(F) At termination of employment if twelve months or more have elapsed since the last physical examination.

(ii) Following an emergency situation, medical screening shall be conducted as quickly as possible, but not later than 48 hours after the exposure.

(iii) For each employee who must wear a respirator, physical ability to perform the work and use the respirator must be determined as required by WAC 296-62-071.

(d) Content of medical screening.

(i) Medical screening for employees covered by (a)(i) and (ii) of this subsection shall include:

(A) A baseline health questionnaire that includes a comprehensive occupational and health history and is updated annually. Particular emphasis shall be placed on the hematopoietic and reticuloendothelial systems, including exposure to chemicals, in addition to BD, that may have an adverse effect on these systems, the presence of signs and symptoms that might be related to disorders of these systems, and any other information determined by the examining physician or other licensed health care professional to be necessary to evaluate whether the employee is at increased risk of material impairment of health from BD exposure. Health questionnaires shall consist of the sample forms in Appendix C to this section, or be equivalent to those samples;

(B) A complete physical examination, with special emphasis on the liver, spleen, lymph nodes, and skin;

(C) A CBC; and

(D) Any other test which the examining physician or other licensed health care professional deems necessary to evaluate whether the employee may be at increased risk from exposure to BD.

(ii) Medical screening for employees exposed to BD in an emergency situation shall focus on the acute effects of BD exposure and at a minimum include: A CBC within 48 hours of the exposure and then monthly for three months; and a physical examination if the employee reports irritation of the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache. Continued employee participation in the medical screening and surveillance program, beyond these minimum requirements, shall be at the discretion of the physician or other licensed health care professional.

(e) Additional medical evaluations and referrals.

(i) Where the results of medical screening indicate abnormalities of the hematopoietic or reticuloendothelial systems, for which a nonoccupational cause is not readily appar-

ent, the examining physician or other licensed health care professional shall refer the employee to an appropriate specialist for further evaluation and shall make available to the specialist the results of the medical screening.

(ii) The specialist to whom the employee is referred under this subsection shall determine the appropriate content for the medical evaluation, e.g., examinations, diagnostic tests and procedures, etc.

(f) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to the examining physician or other licensed health care professional involved in the evaluation:

(i) A copy of this section including its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's BD exposure;

(iii) The employee's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation;

(iv) A description of pertinent personal protective equipment used or to be used; and

(v) Information, when available, from previous employment-related medical evaluations of the affected employee which is not otherwise available to the physician or other licensed health care professional or the specialist.

(g) The written medical opinion.

(i) For each medical evaluation required by this section, the employer shall ensure that the physician or other licensed health care professional produces a written opinion and provides a copy to the employer and the employee within 15 business days of the evaluation. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical evaluation;

(B) A medical opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to BD;

(C) Any recommended limitations upon the employee's exposure to BD; and

(D) A statement that the employee has been informed of the results of the medical evaluation and any medical conditions resulting from BD exposure that require further explanation or treatment.

(ii) The written medical opinion provided to the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work with BD.

Note: This provision does not negate the ethical obligation of the physician or other licensed health care professional to transmit any other adverse findings directly to the employee.

(h) Medical surveillance.

(i) The employer shall ensure that information obtained from the medical screening program activities is aggregated (with all personal identifiers removed) and periodically reviewed, to ascertain whether the health of the employee population of that employer is adversely affected by exposure to BD.

(ii) Information learned from medical surveillance activities must be disseminated to covered employees, as defined in (a) of this subsection, in a manner that ensures the confidentiality of individual medical information.

(12) Communication of BD hazards to employees.

(a) Hazard communication. The employer shall communicate the hazards associated with BD exposure in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(b) Employee information and training.

(i) The employer shall provide all employees exposed to BD with information and training in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(ii) The employer shall institute a training program for all employees who are potentially exposed to BD at or above the action level or the STEL, ensure employee participation in the program and maintain a record of the contents of such program.

(iii) Training shall be provided prior to or at the time of initial assignment to a job potentially involving exposure to BD at or above the action level or STEL and at least annually thereafter.

(iv) The training program shall be conducted in a manner that the employee is able to understand. The employer shall ensure that each employee exposed to BD over the action level or STEL is informed of the following:

(A) The health hazards associated with BD exposure, and the purpose and a description of the medical screening and surveillance program required by this section;

(B) The quantity, location, manner of use, release, and storage of BD and the specific operations that could result in exposure to BD, especially exposures above the PEL or STEL;

(C) The engineering controls and work practices associated with the employee's job assignment, and emergency procedures and personal protective equipment;

(D) The measures employees can take to protect themselves from exposure to BD;

(E) The contents of this standard and its appendices; and

(F) The right of each employee exposed to BD at or above the action level or STEL to obtain:

(I) Medical examinations as required by subsection (10) of this section at no cost to the employee;

(II) The employee's medical records required to be maintained by subsection (13)(c) of this section; and

(III) All air monitoring results representing the employee's exposure to BD and required to be kept by subsection (13)(b) of this section.

(c) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees and their designated representatives and shall provide a copy if requested.

(ii) The employer shall provide to the director, or the designated employee representatives, upon request, all materials relating to the employee information and the training program.

(13) Recordkeeping.

(a) Objective data for exemption from initial monitoring.

(i) Where the processing, use, or handling of products or streams made from or containing BD are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this section, the employer shall establish and maintain a record of the objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

- (A) The product or activity qualifying for exemption;
- (B) The source of the objective data;
- (C) The testing protocol, results of testing, and analysis of the material for the release of BD;
- (D) A description of the operation exempted and how the data support the exemption; and
- (E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to BD as prescribed in subsection (4) of this section.

(ii) The record shall include at least the following information:

- (A) The date of measurement;
- (B) The operation involving exposure to BD which is being monitored;
- (C) Sampling and analytical methods used and evidence of their accuracy;
- (D) Number, duration, and results of samples taken;
- (E) Type of protective devices worn, if any;
- (F) Name, Social Security number and exposure of the employees whose exposures are represented; and
- (G) The written corrective action and the schedule for completion of this action required by subsection (4)(g)(ii) of this section.

(iii) The employer shall maintain this record for at least 30 years in accordance with WAC 296-62-052.

(c) Medical screening and surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical screening and surveillance under this section.

(ii) The record shall include at least the following information:

- (A) The name and Social Security number of the employee;
- (B) Physician's or other licensed health care professional's written opinions as described in subsection (11) (e) of this section;

(C) A copy of the information provided to the physician or other licensed health care professional as required by subsection (11)(e) of this section.

(iii) Medical screening and surveillance records shall be maintained for each employee for the duration of employment plus 30 years, in accordance with WAC 296-62-052.

(d) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available for examination and copying to the director.

(ii) Access to records required to be maintained by (a) and (b) of this subsection shall be granted in accordance with WAC 296-62-05209.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the employer shall transfer records required by this section to the successor employer. The successor employer shall receive and maintain these records. If there is no successor employer, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if requested by the director within that period.

(ii) The employer shall transfer medical and exposure records as set forth in WAC 296-62-05215.

(14) Dates.

(a) Effective date. This section shall become effective (day, month), 1997.

(b) Start-up dates.

(i) The initial monitoring required under subsection (4)(b) of this section shall be completed immediately or within sixty days of the introduction of BD into the workplace.

(ii) The requirements of subsections (3) through (13) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with immediately.

(iii) Engineering controls specified by subsection (6)(a) of this section shall be implemented by February 4, 1999, and the exposure goal program specified in subsection (7) of this section shall be implemented by February 4, 2000.

(15) Appendices.

Appendices A, B, C, D, and F to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A. Substance Safety Data Sheet For 1,3-Butadiene (Non-Mandatory)

(1) Substance Identification.

(a) Substance: 1,3-Butadiene (CH₂=CH-CH=CH₂).

(b) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bi-vinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50602; CAS-106-99-0.

(c) BD can be found as a gas or liquid.

(d) BD is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobile and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

(e) Appearance and odor: BD is a colorless, noncorrosive, flammable gas with a mild aromatic odor at standard ambient temperature and pressure.

(f) Permissible exposure: Exposure may not exceed 1 part BD per million parts of air averaged over the 8-hour workday, nor may short-term exposure exceed 5 parts of BD per million parts of air averaged over any 15-minute period in the 8-hour workday.

(2) Health Hazard Data.

(a) BD can affect the body if the gas is inhaled or if the liquid form, which is very cold (cryogenic), comes in contact with the eyes or skin.

(b) Effects of overexposure: Breathing very high levels of BD for a short time can cause central nervous system effects, blurred vision, nausea, fatigue, headache, decreased blood pressure and pulse rate, and unconsciousness. There are no recorded cases of accidental exposures at high levels that have caused death in humans, but this could occur. Breathing lower levels of BD may cause irritation of the eyes, nose, and throat. Skin contact with liquefied BD can cause irritation and frostbite.

(c) Long-term (chronic) exposure: BD has been found to be a potent carcinogen in rodents, inducing neoplastic lesions at multiple target sites in mice and rats. A recent study of BD-exposed workers showed that exposed workers have an increased risk of developing leukemia. The risk of leukemia increases with increased exposure to BD. OSHA has concluded that there is strong evidence that workplace exposure to BD poses an increased risk of death from cancers of the lymphohematopoietic system.

(d) Reporting signs and symptoms: You should inform your supervisor if you develop any of these signs or symptoms and suspect that they are caused by exposure to BD.

(3) Emergency First-Aid Procedures.

In the event of an emergency, follow the emergency plan and procedures designated for your work area. If you have been trained in first-aid procedures, provide the necessary first aid measures. If necessary, call for additional assistance from co-workers and emergency medical personnel.

(a) Eye and Skin Exposures: If there is a potential that liquefied BD can come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquefied BD comes in contact with the eye, immediately flush the eyes with large amounts of water, occasionally lifting the lower and the upper lids. Flush repeatedly. Get medical attention immediately. Contact lenses should not be worn when working with this chemical. In the event of skin contact, which can cause frostbite, remove any contaminated clothing and flush the affected area repeatedly with large amounts of tepid water.

(b) Breathing: If a person breathes in large amounts of BD, move the exposed person to fresh air at once. If breathing has stopped, begin cardiopulmonary resuscitation (CPR) if you have been trained in this procedure. Keep the affected person warm and at rest. Get medical attention immediately.

(c) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, call for help and begin emergency rescue procedures. Use extreme caution so that you do not become a casualty. Understand the plant's emergency rescue procedures and know the locations of rescue equipment before the need arises.

(4) Respirators and Protective Clothing.

(a) Respirators: Good industrial hygiene practices recommend that engineering and work practice controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not

technically feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented or during brief, nonroutine, intermittent exposure. Respirators may also be used in situations involving nonroutine work operations which are performed infrequently and in which exposures are limited in duration, and in emergency situations. In some instances cartridge respirator use is allowed, but only with strict time constraints. For example, at exposure below 5 ppm BD, a cartridge (or canister) respirator, either full or half face, may be used, but the cartridge must be replaced at least every 4 hours, and it must be replaced every 3 hours when the exposure is between 5 and 10 ppm.

If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). In addition to respirator selection, a complete respiratory protection program must be instituted which includes regular training, maintenance, fit testing, inspection, cleaning, and evaluation of respirators. If you can smell BD while wearing a respirator, proceed immediately to fresh air, and change cartridge (or canister) before re-entering an area where there is BD exposure. If you experience difficulty in breathing while wearing a respirator, tell your supervisor.

(b) Protective Clothing: Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen by contact with liquefied BD (or a vessel containing liquid BD).

Employees should be provided with and required to use splash-proof safety goggles where liquefied BD may contact the eyes.

(5) Precautions for Safe Use, Handling, and Storage.

(a) Fire and Explosion Hazards: BD is a flammable gas and can easily form explosive mixtures in air. It has a lower explosive limit of 2%, and an upper explosive limit of 11.5%. It has an autoignition temperature of 420 deg. C (788 deg. F). Its vapor is heavier than air (vapor density, 1.9) and may travel a considerable distance to a source of ignition and flash back. Usually it contains inhibitors to prevent self-polymerization (which is accompanied by evolution of heat) and to prevent formation of explosive peroxides. At elevated temperatures, such as in fire conditions, polymerization may take place. If the polymerization takes place in a container, there is a possibility of violent rupture of the container.

(b) Hazard: Slightly toxic. Slight respiratory irritant. Direct contact of liquefied BD on skin may cause freeze burns and frostbite.

(c) Storage: Protect against physical damage to BD containers. Outside or detached storage of BD containers is preferred. Inside storage should be in a cool, dry, well-ventilated, noncombustible location, away from all possible sources of ignition. Store cylinders vertically and do not stack. Do not store with oxidizing material.

(d) Usual Shipping Containers: Liquefied BD is contained in steel pressure apparatus.

(e) Electrical Equipment: Electrical installations in Class I hazardous locations, as defined in Article 500 of the National Electrical Code, should be in accordance with Arti-

cle 501 of the Code. If explosion-proof electrical equipment is necessary, it shall be suitable for use in Group B. Group D equipment may be used if such equipment is isolated in accordance with Section 501-5(a) by sealing all conduit 1/2-inch size or larger. See Venting of Deflagrations (NFPA No. 68, 1994), National Electrical Code (NFPA No. 70, 1996), Static Electricity (NFPA No. 77, 1993), Lightning Protection Systems (NFPA No. 780, 1995), and Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids (NFPA No. 325, 1994).

(f) **Fire Fighting:** Stop flow of gas. Use water to keep fire-exposed containers cool. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(g) **Spill and Leak:** Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until clean-up has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate area of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(h) **Disposal:** This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulation of any additional requirements as these may be more restrictive than federal laws and regulation.

(i) You should not keep food, beverages, or smoking materials in areas where there is BD exposure, nor should you eat or drink in such areas.

(j) Ask your supervisor where BD is used in your work area and ask for any additional plant safety and health rules.

(6) **Medical Requirements.**

Your employer is required to offer you the opportunity to participate in a medical screening and surveillance program if you are exposed to BD at concentrations exceeding the action level (0.5 ppm BD as an 8-hour TWA) on 30 days or more a year, or at or above the 8-hr TWA (1 ppm) or STEL (5 ppm for 15 minutes) on 10 days or more a year. Exposure for any part of a day counts. If you have had exposure to BD in the past, but have been transferred to another job, you may still be eligible to participate in the medical screening and surveillance program.

The WISHA rule specifies the past exposures that would qualify you for participation in the program. These past exposure are work histories that suggest the following:

(a) That you have been exposed at or above the PELs on 30 days a year for 10 or more years;

(b) That you have been exposed at or above the action level on 60 days a year for 10 or more years; or

(c) That you have been exposed above 10 ppm on 30 days in any past year.

Additionally, if you are exposed to BD in an emergency situation, you are eligible for a medical examination within 48 hours. The basic medical screening program includes a health questionnaire, physical examination, and blood test. These medical evaluations must be offered to you at a reasonable time and place, and without cost or loss of pay.

(7) **Observation of Monitoring.**

Your employer is required to perform measurements that are representative of your exposure to BD and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, the protective clothing and equipment.

(8) **Access to Information.**

(a) Each year, your employer is required to inform you of the information contained in this appendix. In addition, your employer must instruct you in the proper work practices for using BD, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to BD. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits and of the schedule to implement these actions.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

Appendix B. Substance Technical Guidelines for 1,3-Butadiene (Non-Mandatory)

(1) **Physical and Chemical Data.**

(a) **Substance identification:**

(i) **Synonyms:** 1,3-Butadiene (BD); butadiene; biethylene; bivenyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) **Formula:** (CH₂)=CH-CH=CH(2)).

(iii) **Molecular weight:** 54.1.

(b) **Physical data:**

(i) **Boiling point (760 mm Hg):** -4.7 deg. C (23.5 deg. F).

(ii) **Specific gravity (water = 1):** 0.62 at 20 deg. C (68 deg. F).

(iii) **Vapor density (air = 1 at boiling point of BD):** 1.87.

(iv) **Vapor pressure at 20 deg. C (68 deg. F):** 910 mm Hg.

(v) **Solubility in water, g/100 g water at 20 deg. C (68 deg. F):** 0.05.

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(vi) Appearance and odor: Colorless, flammable gas with a mildly aromatic odor. Liquefied BD is a colorless liquid with a mildly aromatic odor.

(2) Fire, Explosion, and Reactivity Hazard Data.

(a) Fire:

(i) Flash point: -76 deg. C (-105 deg. F) for take out; liquefied BD; Not applicable to BD gas.

(ii) Stability: A stabilizer is added to the monomer to inhibit formation of polymer during storage. Forms explosive peroxides in air in absence of inhibitor.

(iii) Flammable limits in air, percent by volume: Lower: 2.0; Upper: 11.5.

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires.

(v) Special fire fighting procedures: Fight fire from protected location or maximum possible distance. Stop flow of gas before extinguishing fire. Use water spray to keep fire-exposed cylinders cool.

(vi) Unusual fire and explosion hazards: BD vapors are heavier than air and may travel to a source of ignition and flash back. Closed containers may rupture violently when heated.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, BD is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, BD is classified as a Class B fire hazard.

(ix) For purposes of compliance with WAC 296-24-956 and 296-800-280, locations classified as hazardous due to the presence of BD shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: Heat. Peroxides are formed when inhibitor concentration is not maintained at proper level. At elevated temperatures, such as in fire conditions, polymerization may take place.

(ii) Incompatibilities: Contact with strong oxidizing agents may cause fires and explosions. The contacting of crude BD (not BD monomer) with copper and copper alloys may cause formations of explosive copper compounds.

(iii) Hazardous decomposition products: Toxic gases (such as carbon monoxide) may be released in a fire involving BD.

(iv) Special precautions: BD will attack some forms of plastics, rubber, and coatings. BD in storage should be checked for proper inhibitor content, for self-polymerization, and for formation of peroxides when in contact with air and iron. Piping carrying BD may become plugged by formation of rubbery polymer.

(c) Warning Properties:

(i) Odor Threshold: An odor threshold of 0.45 ppm has been reported in The American Industrial Hygiene Association (AIHA) Report, Odor Thresholds for Chemicals with Established Occupational Health Standards. (Ex. 32-28C).

(ii) Eye Irritation Level: Workers exposed to vapors of BD (concentration or purity unspecified) have complained of irritation of eyes, nasal passages, throat, and lungs. Dogs and rabbits exposed experimentally to as much as 6700 ppm for 7

1/2 hours a day for 8 months have developed no histologically demonstrable abnormality of the eyes.

(iii) Evaluation of Warning Properties: Since the mean odor threshold is about half of the 1 ppm PEL, and more than 10-fold below the 5 ppm STEL, most wearers of air purifying respirators should still be able to detect breakthrough before a significant overexposure to BD occurs.

(3) Spill, Leak, and Disposal Procedures.

(a) Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate areas of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(b) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed by the EPA as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulations for any additional requirements because these may be more restrictive than federal laws and regulations.

(4) Monitoring and Measurement Procedures.

(a) Exposure above the Permissible Exposure Limit (8-hr TWA) or Short-Term Exposure Limit (STEL):

(i) 8-hr TWA exposure evaluation: Measurements taken for the purpose of determining employee exposure under this standard are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) STEL exposure evaluation: Measurements must represent 15 minute exposures associated with operations most likely to exceed the STEL in each job and on each shift.

(iii) Monitoring frequencies: Table 1 gives various exposure scenarios and their required monitoring frequencies, as required by the final standard for occupational exposure to butadiene.

Table 1. — Five Exposure Scenarios and Their Associated Monitoring Frequencies

Action Level	8-hr TWA	STEL	Required Monitoring Activity
—*	—	—	No 8-hour TWA or STEL monitoring required.
+*	—	—	No STEL monitoring required. Monitor 8-hr TWA annually.
+	—	—	No STEL monitoring required. Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii).**

Action Level	8-hr TWA	STEL	Required Monitoring Activity
+	+	+	Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii)**.
			Periodic monitoring STEL in accordance with (4)(c)(iii).
+	—	+	Periodic monitoring STEL, in accordance with (4)(c)(iii). Monitor 8-hour TWA annually.

Footnote (*) Exposure Scenario, Limit Exceeded: + = Yes, - = No.

Footnote (**) The employer may decrease the frequency of exposure monitoring to annually when at least 2 consecutive measurements taken at least 7 days apart show exposures to be below the 8-hour TWA, but at or above the action level.

(iv) Monitoring techniques: Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with BD. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of BD at or above 1 ppm, and to plus or minus 35 percent for concentrations below 1 ppm.

(5) Personal Protective Equipment.

(a) Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen from contact with liquid BD.

(b) Any clothing which becomes wet with liquid BD should be removed immediately and not reworn until the butadiene has evaporated.

(c) Employees should be provided with and required to use splash proof safety goggles where liquid BD may contact the eyes.

(6) Housekeeping and Hygiene Facilities.

For purposes of complying with WAC ((296-24-120,)) 296-800-220 and 296-800-230, the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition.

(b) Adequate washing facilities with hot and cold water are to be provided and maintained in a sanitary condition.

(7) Additional Precautions.

(a) Store BD in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded.

(c) Do not incinerate BD cartridges, tanks or other containers.

(d) Employers must advise employees of all areas and operations where exposure to BD might occur.

Appendix C. Medical Screening and Surveillance for 1,3-Butadiene (Nonmandatory)

(1) Basis for Medical Screening and Surveillance Requirements.

(a) Route of Entry Inhalation.

(b) Toxicology.

Inhalation of BD has been linked to an increased risk of cancer, damage to the reproductive organs, and fetotoxicity. Butadiene can be converted via oxidation to epoxybutene and diepoxybutane, two genotoxic metabolites that may play a role in the expression of BD's toxic effects. BD has been tested for carcinogenicity in mice and rats. Both species responded to BD exposure by developing cancer at multiple primary organ sites. Early deaths in mice were caused by malignant lymphomas, primarily lymphocytic type, originating in the thymus.

Mice exposed to BD have developed ovarian or testicular atrophy. Sperm head morphology tests also revealed abnormal sperm in mice exposed to BD; lethal mutations were found in a dominant lethal test. In light of these results in animals, the possibility that BD may adversely affect the reproductive systems of male and female workers must be considered.

Additionally, anemia has been observed in animals exposed to butadiene. In some cases, this anemia appeared to be a primary response to exposure; in other cases, it may have been secondary to a neoplastic response.

(c) Epidemiology.

Epidemiologic evidence demonstrates that BD exposure poses an increased risk of leukemia. Mild alterations of hematologic parameters have also been observed in synthetic rubber workers exposed to BD.

(2) Potential Adverse Health Effects.

(a) Acute.

Skin contact with liquid BD causes characteristic burns or frostbite. BD in gaseous form can irritate the eyes, nasal passages, throat, and lungs. Blurred vision, coughing, and drowsiness may also occur. Effects are mild at 2,000 ppm and pronounced at 8,000 ppm for exposures occurring over the full workshift.

At very high concentrations in air, BD is an anesthetic, causing narcosis, respiratory paralysis, unconsciousness, and death. Such concentrations are unlikely, however, except in an extreme emergency because BD poses an explosion hazard at these levels.

(b) Chronic.

The principal adverse health effects of concern are BD-induced lymphoma, leukemia and potential reproductive toxicity. Anemia and other changes in the peripheral blood cells may be indicators of excessive exposure to BD.

(c) Reproductive.

Workers may be concerned about the possibility that their BD exposure may be affecting their ability to procreate a healthy child. For workers with high exposures to BD, especially those who have experienced difficulties in conceiving, miscarriages, or stillbirths, appropriate medical and laboratory evaluation of fertility may be necessary to determine if BD is having any adverse effect on the reproductive system or on the health of the fetus.

(3) Medical Screening Components At-A-Glance.

(a) Health Questionnaire.

The most important goal of the health questionnaire is to elicit information from the worker regarding potential signs or symptoms generally related to leukemia or other blood abnormalities. Therefore, physicians or other licensed health

care professionals should be aware of the presenting symptoms and signs of lymphohematopoietic disorders and cancers, as well as the procedures necessary to confirm or exclude such diagnoses. Additionally, the health questionnaire will assist with the identification of workers at greatest risk of developing leukemia or adverse reproductive effects from their exposures to BD.

Workers with a history of reproductive difficulties or a personal or family history of immune deficiency syndromes, blood dyscrasias, lymphoma, or leukemia, and those who are or have been exposed to medicinal drugs or chemicals known to affect the hematopoietic or lymphatic systems may be at higher risk from their exposure to BD. After the initial administration, the health questionnaire must be updated annually.

(b) Complete Blood Count (CBC).

The medical screening and surveillance program requires an annual CBC, with differential and platelet count, to be provided for each employee with BD exposure. This test is to be performed on a blood sample obtained by phlebotomy of the venous system or, if technically feasible, from a fingerstick sample of capillary blood. The sample is to be analyzed by an accredited laboratory.

Abnormalities in a CBC may be due to a number of different etiologies. The concern for workers exposed to BD includes, but is not limited to, timely identification of lymphohematopoietic cancers, such as leukemia and non-Hodgkin's lymphoma. Abnormalities of portions of the CBC are identified by comparing an individual's results to those of an established range of normal values for males and females. A substantial change in any individual employee's CBC may also be viewed as "abnormal" for that individual even if all measurements fall within the population-based range of normal values. It is suggested that a flowsheet for laboratory values be included in each employee's medical record so that comparisons and trends in annual CBCs can be easily made.

A determination of the clinical significance of an abnormal CBC shall be the responsibility of the examining physician, other licensed health care professional, or medical specialist to whom the employee is referred. Ideally, an abnormal CBC should be compared to previous CBC measurements for the same employee, when available. Clinical common sense may dictate that a CBC value that is very slightly outside the normal range does not warrant medical concern. A CBC abnormality may also be the result of a temporary physical stressor, such as a transient viral illness, blood donation, or menorrhagia, or laboratory error. In these cases, the CBC should be repeated in a timely fashion, i.e., within 6 weeks, to verify that return to the normal range has occurred. A clinically significant abnormal CBC should result in removal of the employee from further exposure to BD. Transfer of the employee to other work duties in a BD-free environment would be the preferred recommendation.

(c) Physical Examination.

The medical screening and surveillance program requires an initial physical examination for workers exposed to BD; this examination is repeated once every three years. The initial physical examination should assess each worker's baseline general health and rule out clinical signs of medical conditions that may be caused by or aggravated by occupa-

tional BD exposure. The physical examination should be directed at identification of signs of lymphohematopoietic disorders, including lymph node enlargement, splenomegaly, and hepatomegaly.

Repeated physical examinations should update objective clinical findings that could be indicative of interim development of a lymphohematopoietic disorder, such as lymphoma, leukemia, or other blood abnormality. Physical examinations may also be provided on an as needed basis in order to follow up on a positive answer on the health questionnaire, or in response to an abnormal CBC. Physical examination of workers who will no longer be working in jobs with BD exposure are intended to rule out lymphohematopoietic disorders.

The need for physical examinations for workers concerned about adverse reproductive effects from their exposure to BD should be identified by the physician or other licensed health care professional and provided accordingly. For these workers, such consultations and examinations may relate to developmental toxicity and reproductive capacity.

Physical examination of workers acutely exposed to significant levels of BD should be especially directed at the respiratory system, eyes, sinuses, skin, nervous system, and any region associated with particular complaints. If the worker has received a severe acute exposure, hospitalization may be required to assure proper medical management. Since this type of exposure may place workers at greater risk of blood abnormalities, a CBC must be obtained within 48 hours and repeated at one, two, and three months.

Appendix D: Sampling and Analytical Method for 1,3-Butadiene (Nonmandatory)

OSHA Method No.: 56.

Matrix: Air.

Target concentration: 1 ppm (2.21 mg/m(3)).

Procedure: Air samples are collected by drawing known volumes of air through sampling tubes containing charcoal adsorbent which has been coated with 4-tert-butylcatechol. The samples are desorbed with carbon disulfide and then analyzed by gas chromatography using a flame ionization detector.

Recommended sampling rate and air volume: 0.05 L/min and 3 L.

Detection limit of the overall procedure: 90 ppb (200 ug/m(3)) (based on 3 L air volume).

Reliable quantitation limit: 155 ppb (343 ug/m(3)) (based on 3 L air volume).

Standard error of estimate at the target concentration: 6.5%.

Special requirements: The sampling tubes must be coated with 4-tert-butylcatechol. Collected samples should be stored in a freezer.

Status of method: A sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah 84165.

(1) Background.

This work was undertaken to develop a sampling and analytical procedure for BD at 1 ppm. The current method recommended by OSHA for collecting BD uses activated coconut shell charcoal as the sampling medium (Ref. 5.2).

This method was found to be inadequate for use at low BD levels because of sample instability.

The stability of samples has been significantly improved through the use of a specially cleaned charcoal which is coated with 4-tert-butylcatechol (TBC). TBC is a polymerization inhibitor for BD (Ref. 5.3).

(a) Toxic effects.

Symptoms of human exposure to BD include irritation of the eyes, nose and throat. It can also cause coughing, drowsiness and fatigue. Dermatitis and frostbite can result from skin exposure to liquid BD. (Ref. 5.1)

NIOSH recommends that BD be handled in the workplace as a potential occupational carcinogen. This recommendation is based on two inhalation studies that resulted in cancers at multiple sites in rats and in mice. BD has also demonstrated mutagenic activity in the presence of a liver microsomal activating system. It has also been reported to have adverse reproductive effects. (Ref. 5.1)

(b) Potential workplace exposure.

About 90% of the annual production of BD is used to manufacture styrene-butadiene rubber and Polybutadiene rubber. Other uses include: Polychloroprene rubber, acrylonitrile butadiene-((~~styrene~~) styrene) resins, nylon intermediates, styrene-butadiene latexes, butadiene polymers, thermoplastic elastomers, nitrile resins, methyl methacrylate-butadiene styrene resins and chemical intermediates. (Ref. 5.1)

(c) Physical properties (Ref. 5.1).

CAS No.: 106-99-0

Molecular weight: 54.1

Appearance: Colorless gas

Boiling point: -4.41 deg. C (760 mm Hg)

Freezing point: -108.9 deg. C

Vapor pressure: 2 atm (a) 15.3 deg. C; 5 atm (a) 47 deg. C

Explosive limits: 2 to 11.5% (by volume in air)

Odor threshold: 0.45 ppm

Structural formula: H(2)C:CHCH:CH(2)

Synonyms: BD; biethylene; bivinyl; butadiene; divinyl; buta-1,3-diene; alpha-gamma-butadiene; erythrene; NCI-C50602; pyrrolylene; vinyl ethylene.

(d) Limit defining parameters.

The analyte air concentrations listed throughout this method are based on an air volume of 3 L and a desorption volume of 1 mL. Air concentrations listed in ppm are referred to 25 deg. C and 760 mm Hg.

(e) Detection limit of the analytical procedure.

The detection limit of the analytical procedure was 304 pg per injection. This was the amount of BD which gave a response relative to the interferences present in a standard.

(f) Detection limit of the overall procedure.

The detection limit of the overall procedure was 0.60 ug per sample (90 ppb or 200 ug/m(3)). This amount was determined graphically. It was the amount of analyte which, when spiked on the sampling device, would allow recovery approximately equal to the detection limit of the analytical procedure.

(g) Reliable quantitation limit.

The reliable quantitation limit was 1.03 ug per sample (155 ppb or 343 ug/m(3)). This was the smallest amount of

analyte which could be quantitated within the limits of a recovery of at least 75% and a precision (+/- 1.96 SD) of +/- 25% or better.

(h) Sensitivity.(1)

Footnote (1) The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operation parameters.

The sensitivity of the analytical procedure over a concentration range representing 0.6 to 2 times the target concentration, based on the recommended air volume, was 387 area units per ug/mL. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(i) Recovery.

The recovery of BD from samples used in storage tests remained above 77% when the samples were stored at ambient temperature and above 94% when the samples were stored at refrigerated temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least 75% following storage.

(j) Precision (analytical method only).

The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.6 to 2 times the target concentration was 0.011.

(k) Precision (overall procedure).

The precision at the 95% confidence level for the refrigerated temperature storage test was +/- 12.7%. This value includes an additional +/- 5% for sampling error. The overall procedure must provide results at the target concentrations that are +/- 25% at the 95% confidence level.

(l) Reproducibility.

Samples collected from a controlled test atmosphere and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The average recovery was 97.2% and the standard deviation was 6.2%.

(2) Sampling procedure.

(a) Apparatus. Samples are collected by use of a personal sampling pump that can be calibrated to within +/- 5% of the recommended 0.05 L/min sampling rate with the sampling tube in line.

(b) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane-treated glass and is about 5-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The opening in the tapered end of the sampling tube is at least one-half the ID of the tube (2 mm). The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with 2 sections of pre-treated charcoal which has been coated with TBC. The tube is packed with a 50-mg backup section, located nearest the tapered end, and with a 100-mg sampling section of charcoal. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch

OD plastic end caps. Instructions for the pretreatment and coating of the charcoal are presented in Section 4.1 of this method.

(c) Reagents.

None required.

(d) Technique.

(i) Properly label the sampling tube before sampling and then remove the plastic end caps.

(ii) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the larger front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(iii) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps. Wrap the tube lengthwise.

(iv) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(v) List any potential interferences on the sample data sheet.

(vi) The samples require no special shipping precautions under normal conditions. The samples should be refrigerated if they are to be exposed to higher than normal ambient temperatures. If the samples are to be stored before they are shipped to the laboratory, they should be kept in a freezer. The samples should be placed in a freezer upon receipt at the laboratory.

(e) Breakthrough.

(Breakthrough was defined as the relative amount of analyte found on the backup section of the tube in relation to the total amount of analyte collected on the sampling tube. Five-percent breakthrough occurred after sampling a test atmosphere containing 2.0 ppm BD for 90 min. at 0.05 L/min. At the end of this time 4.5 L of air had been sampled and 20.1 ug of the analyte was collected. The relative humidity of the sampled air was 80% at 23 deg. C.)

Breakthrough studies have shown that the recommended sampling procedure can be used at air concentrations higher than the target concentration. The sampling time, however, should be reduced to 45 min. if both the expected BD level and the relative humidity of the sampled air are high.

(f) Desorption efficiency.

The average desorption efficiency for BD from TBC coated charcoal over the range from 0.6 to 2 times the target concentration was 96.4%. The efficiency was essentially constant over the range studied.

(g) Recommended air volume and sampling rate.

(h) The recommended air volume is 3 L.

(i) The recommended sampling rate is 0.05 L/min. for 1 hour.

(j) Interferences.

There are no known interferences to the sampling method.

(k) Safety precautions.

(i) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(ii) Follow all safety practices that apply to the work area being sampled.

(3) Analytical procedure.

(a) Apparatus.

(i) A gas chromatograph (GC), equipped with a flame ionization detector (FID).(2)

Footnote (2) A Hewlett-Packard Model 5840A GC was used for this evaluation. Injections were performed using a Hewlett-Packard Model 7671A automatic sampler.

(ii) A GC column capable of resolving the analytes from any interference.(3)

Footnote (3) A 20-ft x 1/8-inch OD stainless steel GC column containing 20% FFAP on 80/100 mesh Chromabsorb W-AW-DMCS was used for this evaluation.

(iii) Vials, glass 2-mL with Teflon-lined caps.

(iv) Disposable Pasteur-type pipets, volumetric flasks, pipets and syringes for preparing samples and standards, making dilutions and performing injections.

(b) Reagents.

(i) Carbon disulfide.(4)

Footnote (4) Fisher Scientific Company A.C.S. Reagent Grade solvent was used in this evaluation.

The benzene contaminant that was present in the carbon disulfide was used as an internal standard (ISTD) in this evaluation.

(ii) Nitrogen, hydrogen and air, GC grade.

(iii) BD of known high purity.(5)

Footnote (5) Matheson Gas Products, CP Grade 1,3-butadiene was used in this study.

(c) Standard preparation.

(i) Prepare standards by diluting known volumes of BD gas with carbon disulfide. This can be accomplished by injecting the appropriate volume of BD into the headspace above the 1-mL of carbon disulfide contained in sealed 2-mL vial. Shake the vial after the needle is removed from the septum.(6)

Footnote (6) A standard containing 7.71 ug/mL (at ambient temperature and pressure) was prepared by diluting 4 uL of the gas with 1-mL of carbon disulfide.

(ii) The mass of BD gas used to prepare standards can be determined by use of the following equations:

$$MV = (760/BP)(273+t)/(273)(22.41)$$

Where:

MV = ambient molar volume

BP = ambient barometric pressure

T = ambient temperature

$$\text{ug/uL} = 54.09/MV$$

$$\text{ug/standard} = (\text{ug/uL})(\text{uL}) \text{ BD used to prepare the standard}$$

(d) Sample preparation.

(i) Transfer the 100-mg section of the sampling tube to a 2-mL vial. Place the 50-mg section in a separate vial. If the glass wool plugs contain a significant amount of charcoal, place them with the appropriate sampling tube section.

(ii) Add 1-mL of carbon disulfide to each vial.

(iii) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand vigorously several times during the desorption period.

(iv) If it is not possible to analyze the samples within 4 hours, separate the carbon disulfide from the charcoal, using

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a disposable Pasteur-type pipet, following the one hour. This separation will improve the stability of desorbed samples.

(v) Save the used sampling tubes to be cleaned and repacked with fresh adsorbent.

(e) Analysis.

(i) GC Conditions.

Column temperature: 95 deg. C

Injector temperature: 180 deg. C

Detector temperature: 275 deg. C

Carrier gas flow rate: 30 mL/min.

Injection volume: 0.80 uL

GC column: 20-ft x 1/8-in OD stainless steel GC column containing 20%

FFAP on 80/100 Chromabsorb W-AW-DMCS.

(ii) Chromatogram. See Section 4.2.

(iii) Use a suitable method, such as electronic or peak heights, to measure detector response.

(iv) Prepare a calibration curve using several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report the results in ug/mL.

(v) Bracket sample concentrations with standards.

(f) Interferences (analytical).

(i) Any compound with the same general retention time as the analyte and which also gives a detector response is a potential interference. Possible interferences should be reported by the industrial hygienist to the laboratory with submitted samples.

(ii) GC parameters (temperature, column, etc.) may be changed to circumvent interferences.

(iii) A useful means of structure designation is GC/MS. It is recommended that this procedure be used to confirm samples whenever possible.

(g) Calculations.

(i) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(ii) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If any analyte is found on the backup section, this amount is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(iii) The BD air concentration can be expressed using the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where:

A = ug/mL from Section 3.7.2

B = volume

C = L of air sampled

D = efficiency

(iv) The following equation can be used to convert results in mg/m³ to ppm:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/54.09$$

Where:

mg/m³ = result from Section 3.7.3.

24.46 = molar volume of an ideal gas at 760 mm Hg and 25 deg. C.

(h) Safety precautions (analytical).

(i) Avoid skin contact and inhalation of all chemicals.

(ii) Restrict the use of all chemicals to a fume hood whenever possible.

(iii) Wear safety glasses and a lab coat in all laboratory areas.

(4) Additional Information.

(a) A procedure to prepare specially cleaned charcoal coated with TBC.

(i) Apparatus.

(A) Magnetic stirrer and stir bar.

(B) Tube furnace capable of maintaining a temperature of 700 deg. C and equipped with a quartz tube that can hold 30 g of charcoal.(8)

Footnote (8) A Lindberg Type 55035 Tube furnace was used in this evaluation.

(C) A means to purge nitrogen gas through the charcoal inside the quartz tube.

(D) Water bath capable of maintaining a temperature of 60 deg. C.

(E) Miscellaneous laboratory equipment: One-liter vacuum flask, 1-L Erlenmeyer flask, 350-M1 Buchner funnel with a coarse fitted disc, 4-oz brown bottle, rubber stopper, Teflon tape etc.

(ii) Reagents.

(A) Phosphoric acid, 10% by weight, in water.(9)

Footnote (9) Baker Analyzed Reagent grade was diluted with water for use in this evaluation.

(B) 4-tert-Butylcatechol (TBC).(10)

Footnote (10) The Aldrich Chemical Company 99% grade was used in this evaluation

(C) Specially cleaned coconut shell charcoal, 20/40 mesh.(11)

Footnote (11) Specially cleaned charcoal was obtained from Supelco, Inc. for use in this evaluation. The cleaning process used by Supelco is proprietary.

(D) Nitrogen gas, GC grade.

(iii) Procedure.

Weigh 30g of charcoal into a 500-mL Erlenmeyer flask. Add about 250 mL of 10% phosphoric acid to the flask and then swirl the mixture. Stir the mixture for 1 hour using a magnetic stirrer. Filter the mixture using a fitted Buchner funnel. Wash the charcoal several times with 250-mL portions of deionized water to remove all traces of the acid. Transfer the washed charcoal to the tube furnace quartz tube. Place the quartz tube in the furnace and then connect the nitrogen gas purge to the tube. Fire the charcoal to 700 deg. C. Maintain that temperature for at least 1 hour. After the charcoal has cooled to room temperature, transfer it to a tared beaker. Determine the weight of the charcoal and then add an amount of TBC which is 10% of the charcoal, by weight.

CAUTION-TBC is toxic and should only be handled in a fume hood while wearing gloves.

Carefully mix the contents of the beaker and then transfer the mixture to a 4-oz bottle. Stopper the bottle with a clean rubber stopper which has been wrapped with Teflon tape. Clamp the bottle in a water bath so that the water level is above the charcoal level. Gently heat the bath to 60 deg. C and then maintain that temperature for 1 hour. Cool the charcoal to room temperature and then transfer the coated charcoal to a suitable container.

The coated charcoal is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number.

(b) Chromatograms.

The chromatograms were obtained using the recommended analytical method. The chart speed was set at 1 cm/min. for the first three min. and then at 0.2 cm/min. for the time remaining in the analysis.

The peak which elutes just before BD is a reaction product between an impurity on the charcoal and TBC. This peak is always present, but it is easily resolved from the analyte. The peak which elutes immediately before benzene is an oxidation product of TBC.

(5) References.

(a) "Current Intelligence Bulletin 41, 1,3-Butadiene", U.S. Dept. of Health and Human Services, Public Health Service, Center for Disease Control, NIOSH.

(b) "NIOSH Manual of Analytical Methods", 2nd ed.; U.S. Dept. of Health Education and Welfare, National Institute for Occupational Safety and Health: Cincinnati, OH, 1977, Vol. 2, Method No. S91 DHEW (NIOSH) Publ. (U.S.), No. 77-157-B.

(c) Hawley, G.C., Ed. "The Condensed Chemical Dictionary", 8th ed.; Van Nostrand Rienhold Company: New York, 1971; 139.5.4. Chem. Eng. News (June 10, 1985), (63), 22-66.

Appendix E: Reserved.

APPENDIX F, MEDICAL QUESTIONNAIRES, (Non-mandatory)

1,3-Butadiene (BD) Initial Health Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____
Name: _____ SSN ___/___/___

 Last First MI

Job Title: _____

Company's Name: _____

Supervisor's Name: _____

Supervisor's Phone No.: () ___- _____

Work History

1. Please list all jobs you have had in the past, starting with the job you have now and moving back in time to your first job. (For more space, write on the back of this page.)

Main Job Duty
Year
Company Name
City, State

Chemicals

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

2. Please describe what you do during a typical work day. Be sure to tell about your work with BD.

3. Please check any of these chemicals that you work with now or have worked with in the past:

- benzene _____
- glues _____
- toluene _____
- inks, dyes _____
- other solvents, grease cutters _____
- insecticides (like DDT, lindane, etc.) _____
- paints, varnishes, thinners, strippers _____
- dusts _____
- carbon tetrachloride ("carbon tet") _____
- arsine _____
- carbon disulfide _____
- lead _____
- cement _____
- petroleum products _____
- nitrites _____

4. Please check the protective clothing or equipment you use at the job you have now:

- gloves _____
- coveralls _____
- respirator _____
- dust mask _____
- safety glasses, goggles _____

Please circle your answer.

5. Does your protective clothing or equipment fit you properly? yes no

6. Have you ever made changes in your protective clothing or equipment to make it fit better? yes no

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7. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

8. Where do you eat, drink and/or smoke when you are at work? (Please check all that apply.)

- Cafeteria/restaurant/snack bar _____
- Break room/employee lounge _____
- Smoking lounge _____
- At my work station _____

Please circle your answer.

9. Have you been exposed to radiation (like x-rays or nuclear material) at the job you have now or at past jobs? yes no

10. Do you have any hobbies that expose you to dusts or chemicals (including paints, glues, etc.)? yes no

11. Do you have any second or side jobs? yes no
If yes, what are your duties there?

12. Were you in the military? yes no

If yes, what did you do in the military? _____

Family Health History

1. In the FAMILY MEMBER column, across from the disease name, write which family member, if any, had the disease.

DISEASE	FAMILY MEMBER
Cancer	
Lymphoma	
Sickle Cell Disease or Trait	
Immune Disease	
Leukemia	
Anemia	

2. Please fill in the following information about family health

- Relative
- Alive?
- Age at Death?
- Cause of Death?
- Father
- Mother
- Brother/Sister
- Brother/Sister
- Brother/Sister

Personal Health History

Birth Date ___/___/___ Age ___ Sex ___ Height ___ Weight ___

Please circle your answer.

1. Do you smoke any tobacco products? yes no

2. Have you ever had any kind of surgery or operation? yes no

If yes, what type of surgery:

3. Have you ever been in the hospital for any other reasons? yes no

If yes, please describe the reason _____

4. Do you have any on-going or current medical problems or conditions? yes no

If yes, please describe: _____

5. Do you now have or have you ever had any of the following? Please check all that apply to you.

- unexplained fever _____
- anemia ("low blood") _____
- HIV/AIDS _____
- weakness _____
- sickle cell _____
- miscarriage _____
- skin rash _____
- bloody stools _____
- leukemia/lymphoma _____
- neck mass/swelling _____
- wheezing _____
- yellowing of skin _____
- bruising easily _____
- lupus _____
- weight loss _____
- kidney problems _____
- enlarged lymph nodes _____
- liver disease _____
- cancer _____
- infertility _____
- drinking problems _____
- thyroid problems _____
- night sweats _____
- chest pain _____
- still birth _____
- eye redness _____
- lumps you can feel _____
- child with birth defect _____

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- autoimmune disease _____
- overly tired _____
- lung problems _____
- rheumatoid arthritis _____
- mononucleosis ("mono") _____
- nagging cough _____

Please circle your answer.

6. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

7. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

8. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

9. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

10. Do you take any medications (including birth control or over-the-counter)? yes no

If yes, please list: _____

11. Are you allergic to any medication, food, or chemicals? yes no

If yes, please list: _____

12. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

13. Did you understand all the questions? yes no

Signature _____

1,3-Butadiene (BD) Health Update Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be

given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____
Name: _____ SSN ___/___/___
Last First MI

Job Title: _____

Company's Name: _____

Supervisor's Name: _____

Supervisor's Phone No.: () ___-____

1. Please describe any NEW duties that you have at your job. _____

2. Please describe any additional job duties you have:

_____	_____
_____	_____
_____	_____
_____	_____

Please circle your answer.

3. Are you exposed to any other chemicals in your work since the last time you were evaluated for exposure to BD? yes no

If yes, please list what they are: _____

4. Does your personal protective equipment and clothing fit you properly? yes no

5. Have you made changes in this equipment or clothing to make it fit better? yes no

6. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

7. Are you exposed to any NEW chemicals at home or while working on hobbies? yes no

If yes, please list what they are: _____

8. Since your last BD health evaluation, have you started working any new second or side jobs? yes no

If yes, what are your duties there? _____

Personal Health History

1. What is your current weight? _____ pounds

2. Have you been diagnosed with any new medical

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conditions or illness since your last evaluation?

yes no

If yes, please tell what they are: _____

3. Since your last evaluation, have you been in the hospital for any illnesses, injuries, or surgery? yes no

If yes, please describe: _____

4. Do you have any of the following? Please place a check for all that apply to you.

- unexplained fever _____
- anemia ("low blood") _____
- HIV/AIDS _____
- weakness _____
- sickle cell _____
- miscarriage _____
- skin rash _____
- bloody stools _____
- leukemia/lymphoma _____
- neck mass/swelling _____
- wheezing _____
- yellowing of skin _____
- bruising easily _____
- lupus _____
- weight loss _____
- kidney problems _____
- enlarged lymph nodes _____
- liver disease _____
- cancer _____
- infertility _____
- drinking problems _____
- thyroid problems _____
- night sweats _____
- chest pain _____
- still birth _____
- eye redness _____
- lumps you can feel _____
- child with birth defect _____
- autoimmune disease _____
- overly tired _____
- lung problems _____
- rheumatoid arthritis _____
- mononucleosis ("mono") _____
- nagging cough _____

Please circle your answer.

5. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

6. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

7. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

8. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

9. Have you been taking any NEW medications (including birth control or over-the-counter)? yes no

If yes, please list:

10. Have you developed any new allergies to medications, foods, or chemicals? yes no

If yes, please list:

11. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

12. Do you understand all the questions? yes no

Signature _____

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-07521 Lead. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter ((296-306)) 296-307 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) General requirements.

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(a) Employers will assess the hazards of lead in the work place and provide information to the employees about the hazards of the lead exposures to which they may be exposed.

(b) Information provided shall include:

(i) Exposure monitoring (including employee notification);

(ii) Written compliance programs;

(iii) Respiratory protection programs;

(iv) Personnel protective equipment and housekeeping;

(v) Medical surveillance and examinations;

(vi) Training requirements;

(vii) Recordkeeping requirements.

(4) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (7) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(5) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (5), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (5)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (5)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (5)(b) and (5)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (5)(b) and (5)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (5)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (5)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (5)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (5)(f)(ii), except as otherwise provided in subdivision (5)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional

monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 µg/m³.

(6) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 µg/m³, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 µg/m³.

TABLE I

Industry	Compliance dates: ¹ (50 µg/m³)
Lead chemicals, secondary copper smelting.	July 19, 1996
Nonferrous foundries	July 19, 1996. ²
Brass and bronze ingot manufacture.	6 years. ³

¹ Calculated by counting from the date the stay on implementation of subsection (6)(a) was lifted by the U.S. Court of Appeals for the District of Columbia, the number of years specified in the 1978 lead standard and subsequent amendments for compliance with the PEL of 50 µg/m³ for exposure to airborne concentrations of lead levels for the particular industry.

² Large nonferrous foundries (20 or more employees) are required to achieve the PEL of 50 µg/m³ by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees) are required to achieve an 8-hour TWA of 75 µg/m³ by such controls.

³ Expressed as the number of years from the date on which the Court lifts the stay on the implementation of subsection (6)(a) for this industry for employers to achieve a lead in air concentration of 75 µg/m³. Compliance with subsection (6) in this industry is determined by a compliance directive that incorporates elements from the settlement agreement between OSHA and representatives of the industry.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (7).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (6)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (6)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable

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back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(e) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement engineering or work-practice controls;

(ii) Work operations for which engineering and work-practice controls are not sufficient to reduce exposures to or below the permissible exposure limit;

(iii) Periods when an employee requests a respirator.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (11)(c)(ii)(C) of this section to determine whether or not the employee can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must select the appropriate respirator or combination of respirators from Table II of this section.

(ii) The employer must provide a powered air-purifying respirator instead of the respirator specified in Table II of this section when an employee chooses to use this type of respirator and that such a respirator provides adequate protection to the employee.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied-air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(8) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-800-160.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (8)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (8)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (10)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

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(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (8)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD.
DO NOT REMOVE DUST BY BLOWING OR SHAKING.
DISPOSE OF LEAD CONTAMINATED WASH WATER IN
ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR
FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(9) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(10) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (10)(b) through (10)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC ((296-24-12009)) 296-800-230.

(iii) The employer shall assure that employees who are required to shower pursuant to item (10)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-800-230.

(11) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (11)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (11)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 µg/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/100 g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i)(A), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 µg/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the

employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (11)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (11)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (11)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(12) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 $\mu\text{g}/100$ g of whole blood; and

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100$ g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100$ g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100$ g, or due to an average blood lead level at or above 50 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100$ g of whole blood;

(II) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to

the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation pro-

gram, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (12)(b)(i) of this section.

(13) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (13)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

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(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (13)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(14) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(15) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (11) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (11) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (12) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (15) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (15) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(16) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create

any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(a) Appendix A. Substance Data Sheet for Occupational Exposure to Lead.

(i) Substance identification.

(A) Substance. Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

(B) Compounds covered by the standard. The word "lead" when used in this standard means elemental lead, all inorganic lead compounds (except those which are not biologically available due to either solubility or specific chemical interaction), and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

(C) Uses. Exposure to lead occurs in at least 120 different occupations, including primary and secondary lead smelting, lead storage battery manufacturing, lead pigment manufacturing and use, solder manufacturing and use, shipbuilding and ship repairing, auto manufacturing, and printing.

(D) Permissible exposure. The Permissible Exposure Limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an eight-hour work day.

(E) Action level. The standard establishes an action level of 30 micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) time weighted average, based on an eight-hour work day. The action level initiates several requirements of the standard, such as exposure monitoring, medical surveillance, and training and education.

(ii) Health hazard data.

(A) Ways in which lead enters your body.

(I) When absorbed into your body in certain doses lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed.

(II) Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume or mist, it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion.

(III) A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in your blood and other tissue. As exposure to lead continues, the

amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

(B) Effects of overexposure to lead.

(I) Short-term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short-term dose of lead can lead to acute encephalopathy. Short-term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(II) Long-term (chronic) overexposure.

a) Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain.

b) Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy.

c) Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression of kidney dialysis or death is possible.

d) Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also

may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood.

e) Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(III) Health protection goals of the standard.

a) Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that worker blood lead (PbB) levels be maintained at or below forty micrograms per one hundred grams of whole blood (40 $\mu\text{g}/100\text{g}$). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 $\mu\text{g}/100\text{g}$ to minimize adverse reproductive health effects to the parents and to the developing fetus.

b) The measurement of your blood lead level is the most useful indicator of the amount of lead absorbed by your body. Blood lead levels (PbB) are most often reported in units of milligrams (mg) or micrograms (μg) of lead (1 mg = 1000 μg) per 100 grams (100g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometimes PbB's are expressed in the form of mg% or $\mu\text{g}\%$. This is a shorthand notation for 100g, 100ml, or dl.

c) PbB measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. PbB measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between PbBs and various diseases. As a result, your PbB is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

d) Once your blood lead level climbs above 40 $\mu\text{g}/100\text{g}$, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular PbB in a given person will cause a particular effect. Studies have associated fatal encephalopathy with PbBs as low as 150 $\mu\text{g}/100\text{g}$. Other studies have shown other forms of disease in some workers with PbBs well below 80 $\mu\text{g}/100\text{g}$. Your PbB is a crucial indicator of the risks to your health, but one other factor is extremely important. This factor is the length of time you have had elevated PbBs. The longer you have an elevated PbB, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage.

e) The best way to prevent all forms of lead-related impairments and diseases—both short-term and long-term—is to maintain your PbB below 40 $\mu\text{g}/100\text{g}$. The provisions of the standard are designed with this end in mind. Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own action, and seeing that your employer complies with the provisions governing his actions.

(IV) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead on your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place.

(b) Appendix B. Employee Standard Summary. This appendix summarizes key provisions of the standard that you as a worker should become familiar with. The appendix discusses the entire standard.

(i) Permissible exposure limit (PEL). The standard sets a permissible exposure limit (PEL) of fifty micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an eight-hour workday. This is the highest level of lead in air to which you may be permissibly exposed over an eight-hour workday. Since it is an eight-hour average it permits short exposures above the PEL so long as for each eight-hour workday your average exposure does not exceed the PEL.

(ii) Exposure monitoring.

(A) If lead is present in the work place where you work in any quantity, your employer is required to make an initial determination of whether the action level is exceeded for any employee. The initial determination must include instrument monitoring of the air for the presence of lead and must cover the exposure of a representative number of employees who are reasonably believed to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past year he may use these results. If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level ($30 \mu\text{g}/\text{m}^3$) your employer must set up an air monitoring program to determine the exposure level of every employee exposed to lead at your work place.

(B) In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he or she must monitor a representative num-

ber of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represented by at least one full shift (at least seven hours) air sample. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead.

(C) If you are exposed to lead and air sampling is performed, your employer is required to quickly notify you in writing of air monitoring results which represent your exposure. If the results indicate your exposure exceeds the PEL (without regard to your use of respirators), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that will be taken to reduce your exposure.

(D) Your exposure must be rechecked by monitoring every six months if your exposure is over the action level but below the PEL. Air monitoring must be repeated every three months if you are exposed over the PEL. Your employer may discontinue monitoring for you if two consecutive measurements, taken at least two weeks apart, are below the action level. However, whenever there is a production, process, control, or personnel change at your work place which may result in new or additional exposure to lead, or whenever there is any other reason to suspect a change which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(iii) Methods of compliance. Your employer is required to assure that no employee is exposed to lead in excess of the PEL. The standard establishes a priority of methods to be used to meet the PEL.

(iv) Respiratory protection.

(A) Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level does not exceed the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

(B) Your employer is required to select respirators from the seven types listed in Table II of the respiratory protection section of this standard (see subsection (7)(c) of this section). Any respirator chosen must be certified by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your work place. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative-pres-

sure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

(C) Your employer must also start a respiratory protection program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

(D) Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection against air borne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as required in chapter 296-62 WAC, Part E.

(E) You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

(F) The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

(v) Protective work clothing and equipment. If you are exposed to lead above the PEL, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu\text{g}/\text{m}^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. He or she is responsible for providing repairs and replacement as necessary and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment. Contaminated work clothing or equipment must be removed in change rooms and not worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc. Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room. At no time may lead be removed from

protective clothing or equipment by any means which disperses lead into the work room air.

(vi) Housekeeping. Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is absolutely prohibited. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used and emptied in a manner which minimizes the reentry of lead into the work place.

(vii) Hygiene facilities and practices.

(A) The standard requires that change rooms, showers and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers and lunchrooms, must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home and this includes shoes and underwear. Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home. Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth or other cleaning methods. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

(B) All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(viii) Medical surveillance.

(A) The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have effectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (I) who have high body burdens of lead acquired over past years, (II) who have additional uncontrolled sources of nonoccupational lead exposure, (III) who exhibit unusual variations in lead absorption rates, or (IV) who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability -regardless of whether you are a man or a woman.

(B) All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts - periodic biological monitoring, and medical examinations.

(C) Your employer's obligation to offer medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which included blood lead level tests and medical examinations, must be completed for all covered employees no later than 180 days from the effective date of this standard. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance - both biological monitoring and medical examinations - available to all covered employees.

(D) Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every six months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB exceeds 40 $\mu\text{g}/100\text{g}$, the monitoring frequency must be increased from every six months to at least every two months and not reduced until two consecutive PbBs indicate a blood lead level below 40 $\mu\text{g}/100\text{g}$. Each time your PbB is determined to be over 40 $\mu\text{g}/100\text{g}$, your employer must notify you of this in writing within five working days of the receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB exceeds certain criteria (see Discussion of Medical Removal Protection - subsection (12)). During the first year of the standard, this removal criterion is 80 $\mu\text{g}/100\text{g}$. Anytime your PbB exceeds 80 $\mu\text{g}/100\text{g}$ your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed 80 $\mu\text{g}/100\text{g}$ and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

(E) Medical examinations beyond the initial one must be made available on an annual basis if your blood lead levels exceeds 40 $\mu\text{g}/100\text{g}$ at any time during the preceding year. The initial examination will provide information to establish a baseline to which subsequent data can be compared. An initial medical examination must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be

provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

(F) Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard (see item (ix) below).

(G) The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include (I) a detailed work history and medical history, (II) a thorough physical examination, and (III) a series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

(H) The standard does not require that you participate in any of the medical procedures, tests, etc., which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. Generally, your employer will choose the physician who conducts medical surveillance under the lead standard - unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

(I) The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (I) the standard and its appendices, (II) a description of your duties as they relate to lead exposure, (III) your exposure level, (IV) a description of personal protective equipment you wear, (V) prior blood level results, and (VI) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (I) the physician's opinion as to whether you have any medical conditions which places you at increased risk of material impairment to health from exposure to lead, (II) any recommended special protective measures to be provided to you, (III) any blood lead level determinations, and (IV) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

(J) The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true these workers might have legal rights to compensation from public agencies, their employers, firms that supply haz-

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ardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker to learn of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

(K) The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

(L) The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be safe. It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

(M) The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation, involves giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

(N) In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a

potentially harmful treatment, and allow you to obtain a second opinion.

(ix) Medical removal protection.

(A) Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights of benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to eighteen months of protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a long-term worker's blood lead level does not adequately decline during eighteen months of removal.

(B) During the first year of the standard, if your blood lead level is 80 µg/100g or above you must be removed from any exposure where your air lead level without a respirator would be 100 µg/m³ or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least 60 µg/100g. These criteria for removal and return will change according to the following schedule:

TABLE 1

Effective Date	Removal Blood Level (µg/100g)	Air Lead (µg/m ³)	Return Blood Lead (µg/100g)
9/6/81	At or above 70	50 or above	At or below 50
9/6/82	At or above 60	30 or above	At or below 40
9/6/84	At or above 50 averaged over six months	30 or above	At or below 40

(C) You may also be removed from exposure even if your blood lead levels are below these criteria if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employer's medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the physician indicates it is safe for you to do so.

(D) The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a

removed worker is provided no right to veto an employer's choice which satisfies the standard.

(E) In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

(F) In all of these situations, MRP benefits must be provided during the period of removal - i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings include more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the physician believes to be appropriate. If you do not participate in this follow-up medical surveillance, you may lose your eligibility for MRP benefits.

(G) When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred, that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

(H) If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

(I) The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(x) Employee information and training.

(A) Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead. This program must inform these employees of the specific hazards associated with their work environment, protective measures which can be taken, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. In addition, your employer must make readily available to all employees, including those exposed

below the action level, a copy of the standard and its appendices and must distribute to all employees any materials provided to the employer under the Washington Industrial Safety and Health Act (WISHA).

(B) Your employer is required to complete this training for all employees by March 4, 1981. After this date, all new employees must be trained prior to initial assignment to areas where there is possibility of exposure over the action level. This training program must also be provided at least annually thereafter.

(xi) Signs. The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
NO SMOKING OR EATING

(xii) Recordkeeping.

(A) Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytic techniques, the results of this sampling and the type of respiratory protection being worn by the person sampled. Your employer is also required to keep all records of biological monitoring and medical examination results. These must include the names of the employees, the physician's written opinion and a copy of the results of the examination. All of the above kinds of records must be kept for 40 years, or for at least 20 years after your termination of employment, whichever is longer.

(B) Recordkeeping is also required if you are temporarily removed from your job under the MRP program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

(C) The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than PbBs must also be provided to you upon request, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(xiii) Observations of monitoring. When air monitoring for lead is performed at your work place as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the areas that is being monitored. The employer must require the observer to

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wear all such equipment and to comply with all other applicable safety and health procedures.

(xiv) Effective date. The standard's effective date is September 6, 1980, and the employer's obligation under the standard begin to come into effect as of that date. The standard was originally adopted as WAC 296-62-07349 and later recodified to WAC 296-62-07521.

(c) Appendix C. Medical Surveillance Guidelines.

(i) Introduction.

(A) The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for inorganic lead* was promulgated to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

*The term inorganic lead used throughout the medical surveillance appendices is meant to be synonymous with the definition of lead set forth in the standard.

(B) Under this final standard in effect as of September 6, 1980, occupational exposure to inorganic lead is to be limited to 50 µg/m³ (micrograms per cubic meter) based on an eight-hour time-weighted average (TWA). This level of exposure eventually must be achieved through a combination of engineering, work practice and other administrative controls. Periods of time ranging from one to ten years are provided for different industries to implement these controls which are based on individual industry considerations. Until these controls are in place, respirators must be used to meet the 50 µg/m³ exposure limit.

(C) The standard also provides for a program of biological monitoring and medical surveillance for all employees exposed to levels of inorganic lead above the action level of 30 µg/m³ for more than thirty days per year.

(D) The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

(E) Item (ii) provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and WISHA's position on prophylactic chelation therapy are also included in this section.

(F) Item (iii) discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

(G) Item (iv) outlines the recommended medical evaluation of the worker exposed to inorganic lead including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in item (ii).

(H) Item (v) provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

(I) Airborne levels to be achieved without reliance or respirator protection through a combination of engineering and work practice or other administrative controls are illustrated in the following table:

Industry	Permissible Lead Level/Compliance Date		
	200µg/m ³	100µg/m ³	50µg/m ³
Primary Lead Production	1973	06/29/84	06/29/91
Secondary Lead Production	1973	06/29/84	06/29/91
Lead Acid Battery Manufacturing	1973	06/29/83	06/29/91
Automobile Mfg./Solder, Grinding	1973	N/A	03/08/97
Electronics, Gray Iron Foundries, Ink Mfg., Paints and Coatings Mfg., Can Mfg., Wallpaper Mfg., and Printing.	1973	N/A	06/29/91
Lead Chemical Mfg., Non-ferrous Foundries, Leaded Steel Mfg., Battery Breaking in the Collection and Processing of Scrap (when not a part of secondary lead smelter) Secondary Copper Smelter, Brass and Bronze Ingot Production.	1973	N/A	N/A ^{1*}
All Other Industries	1973	N/A	09/08/92

* Feasibility of achieving the PEL by engineering and work practice controls for these industries has yet to be resolved in court, therefore no date has been scheduled.

(ii) Medical surveillance and monitoring requirements for workers exposed to inorganic lead.

(A) Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead above the action level of 30 µg/m³ TWA for more than thirty days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

(B) Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 µg/m³ is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40µg/100g whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. Zinc protoporphyrin (ZPP) measurement is required on each occasion that a blood lead level measurement is made.

(C) An annual medical examination and consultation performed under the guidelines discussed in item (iv) is to be

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made available to each employee for whom a blood test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40µg/100g. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impair-

ment to health, or otherwise limited or specially protected pursuant to medical recommendations.

(D) Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal program (MRP). The object of the MRP program is to provide temporary medical removals to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. The following guidelines which are summarized in Table 10 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.

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TABLE 10
EFFECTIVE DATE

	Sept. 6, 1980	Sept. 6, 1981	Sept. 6, 1982	Sept. 6, 1983	Sept. 6, 1984
A. Blood lead level requiring employee medical removal (level must be confirmed with second follow-up blood lead level within two weeks of first report).	>80 µg/100g.	>70 µg/100g.	>60 µg/100g.	>60 µg/100g.	>60 µg/100g or average of last three blood samples or all blood samples over previous 6 months (whichever is over a longer time period) is 50 µg/100g. or greater unless last sample is 40 µg/100g or less.
B. Frequency which employees exposed is action level of lead (30 µg/m ³ TWA) must have blood lead level checked. (ZPP is also required in each occasion that a blood test is obtained):					
1. Last blood lead level less than 40 µg/100g	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.
2. Last blood lead level between 40 µg/100g and level requiring medical removal (see A above)	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.
3. Employees removed from exposure to lead because of an elevated blood lead level.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.
C. Permissible airborne exposure limit for workers removed from work due to an elevated blood lead level (without regard to respirator protection).	100 µg/m ³ 8 hr TWA	50 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA
D. Blood lead level confirmed with a second blood analysis, at which employee may return to work. Permissible exposure without regard to respirator protection is listed by industry in Table 1.	60 µg/100g	50 µg/100g	40 µg/100g	40 µg/100g	40 µg/100g

Note: Where medical opinion indicates that an employee is at risk of material impairment from exposure to lead, the physician can remove an employee from exposure exceeding the action level (or less) or recommend special protective measures as deemed appropriate and necessary. Medical monitoring during the medical removal period can be more stringent than noted in the table above if the physician so specifies. Return to work or removal of limitations and special protections is permitted when the physician indicates that the worker is no longer at risk of material impairment.

(E) Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight-hour TWA exposure to lead of $30 \mu\text{g}/\text{m}^3$ or more whenever either of the following circumstances apply. (I) a blood lead level of $60 \mu\text{g}/100\text{g}$ or greater is obtained and confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sample test, or (II) the average of the previous three blood lead determinations or the average of all blood lead determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds $50 \mu\text{g}/100\text{g}$, unless the last blood sample indicates a blood lead level at or below $40 \mu\text{g}/100\text{g}$, in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are $40 \mu\text{g}/100\text{g}$ or less.

(F) During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979, to March 1, 1980, the blood lead level requiring employee medical removal is $80 \mu\text{g}/100\text{g}$. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$. Workers so removed are to be returned to work when their blood lead levels are at or below $60 \mu\text{g}/100\text{g}$ of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is $70 \mu\text{g}/100\text{g}$. During this period workers need only be removed from jobs having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ and are to be returned to work when a level of $50 \mu\text{g}/100\text{g}$ is achieved. Beginning March 1, 1981, return depends on the worker's blood lead level declining to $40 \mu\text{g}/100\text{g}$ of whole blood.

(G) As part of the standard, the employer is required to notify in writing each employee whose whole blood lead level exceeds $40 \mu\text{g}/100\text{g}$. In addition, each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limits.

(H) In addition to the above blood lead level criteria, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursuant to the standard. If the examining physician includes medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above the action level. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations. Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective pro-

cedures to the needs of individual employees. This flexibility extends to the evaluation and management of pregnant workers and male and female workers who are planning to conceive children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to his or her former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that the special measures are no longer needed.

(I) During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker has not been removed) for a period of up to eighteen months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall obligation to provide a safe and healthful work place. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

(J) On rare occasions, an employee's blood lead level may not acceptably decline within eighteen months of removal. This situation will arise only in unusual circumstances, thus the standard relies on an individual medical examination to determine how to protect such an employee. This medical determination is to be based on both laboratory values, including lead levels, zinc protoporphyrin levels, blood counts, and other tests felt to be warranted, as well as the physician's judgment that any symptoms or findings on physical examination are a result of lead toxicity. The medical determination may be that the employee is incapable of ever safely returning to his or her former job status. The medical determination may provide additional removal time past eighteen months for some employees or specify special protective measures to be implemented.

(K) The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, he or she can make an appointment with a physician of his or her choice. This second physician will review the findings, recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

(L) The employer must provide examining and consulting physicians with the following specific information: A copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the

employee in the employer's possession or control. The employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physician's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

(M) Employers must instruct each physician not to reveal to the employer in writing or in any other way his or her findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or nonoccupationally related medical condition requiring further treatment or evaluation.

(N) The standard provides for the use of respirators when engineering and other primary controls have not been fully implemented. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash where the facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice are inadequate by providing interim or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

(O) In its final standard on occupational exposure to inorganic lead, WISHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels and other laboratory tests as appropriate. EDTA and penicillamine, which are the primary chelating agents used in the therapy of occupational lead poisoning, have significant potential side effects and their use must be justified on the basis of expected benefits to the worker.

(P) Unless frank and severe symptoms are present, therapeutic chelation is not recommended given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the tests can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

(Q) Employers are required to assure that accurate records are maintained on exposure monitoring, medical surveillance, and medical removal for each employee. Exposure

monitoring and medical surveillance records must be kept for forty years or the duration of employment plus twenty years, whichever is longer, while medical removal records must be maintained for the duration of employment. All records required under the standard must be made available upon request to representatives of the director of the department of labor and industries. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

(R) In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(iii) Adverse health effects of inorganic lead.

(A) Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments; first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below 40 $\mu\text{g}/100\text{g}$, and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below 30 $\mu\text{g}/100\text{g}$ to minimize adverse reproduction health effects to the parent and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

(B) The spectrum of health effects caused by lead exposure can be subdivided into five developmental states; normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. WISHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

(I) Heme synthesis inhibition.

a) The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta aminolevulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below 20 $\mu\text{g}/100\text{g}$ whole blood. At a blood lead level of 40 $\mu\text{g}/100\text{g}$, more than twenty per-

cent of the population would have seventy percent inhibition of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than 40 $\mu\text{g}/100\text{g}$.

b) Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of 50 $\mu\text{g}/100\text{g}$ or greater, nearly 100 percent of the population will have an increase FEP. There is also an exponential relationship between blood lead levels greater than 40 $\mu\text{g}/100\text{g}$ and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

c) While the significance of these effects is subject to debate, it is WISHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

d) One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 $\mu\text{g}/100\text{g}$ can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 $\mu\text{g}/100\text{g}$. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

e) In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

(II) Neurological effects.

a) Inorganic lead had been found to have toxic effects on both the central and peripheral nervous systems. The earliest stage of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delirium, convulsions and coma.

b) The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

c) While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 $\mu\text{g}/100\text{g}$ whole blood and therefore recommend a 40 $\mu\text{g}/100\text{g}$ maximum. The central nervous system effects frequently are not reversible following discontinued exposure or

chelation therapy and when improvement does occur, it is almost always only partial.

d) The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 $\mu\text{g}/100\text{g}$ is manifested by slowing of motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, followed in severe cases by wrist drop, much less commonly, foot drop.

e) In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 $\mu\text{g}/100\text{g}$ have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculation. Whether these effects occur at levels of 40 $\mu\text{g}/100\text{g}$ is undetermined.

f) While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improvement is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

(III) Gastrointestinal. Lead may also effect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 $\mu\text{g}/100\text{g}$.

(IV) Renal.

a) Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal functions remain normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

b) Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

(V) Reproductive effects.

a) Exposure to lead can have serious effects on reproductive function in both males and females. In male workers exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can occur. Teratospermia has been noted at mean blood lead levels of 53 $\mu\text{g}/100\text{g}$ and hypospermia and asthenospermia at 41 $\mu\text{g}/100\text{g}$. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

b) Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

c) Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

d) Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

e) Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage becomes detectable at 12-14 weeks of gestation and increases until birth.

f) There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 $\mu\text{g}/100\text{g}$ in children can cause significant neurobehavioral impairments, and there is evidence of hyperactivity at blood levels as low as 25 $\mu\text{g}/100\text{g}$. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 $\mu\text{g}/100\text{g}$ with a population mean of 15 $\mu\text{g}/100\text{g}$. Blood lead levels in the fetus and newborn likewise should not exceed 30 $\mu\text{g}/100\text{g}$.

g) Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both males and females as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a 30 $\mu\text{g}/100\text{g}$ maximum permissible blood lead level in both males and females who wish to bear children.

(IV) Other toxic effects.

a) Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidneys or if some other mechanism is involved.

b) Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

(iv) Medical evaluation.

(A) The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physician. As discussed in Section (ii), lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are nonspecific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

(B) The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead-containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including lead smelting, the manufacture of lead storage batteries, the manufacture of lead pigments and products containing pigments, solder manufacture, shipbuilding and ship repair, auto manufacturing, construction, and painting.

(C) Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

(D) A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on work processes, exposure to fumes or dust, known exposures to lead or other toxic substances, respiratory protection used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long-term effects such as neurotoxicity and nephrotoxicity are considered.

(E) The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also nonoccupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastrointestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

(F) A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

- General** - weight loss, fatigue, decreased appetite.
- Head, Eyes, Ears, Nose, Throat (HEENT)** - headaches, visual disturbance or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.
- Cardiopulmonary** - shortness of breath, cough, chest pains, palpitations, or orthopnea.
- Gastrointestinal** - nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.
- Neurologic** - irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbance in gait, difficulty in climbing stairs, or seizures.
- Hematologic** - pallor, easy fatigability, abnormal blood loss, melena.
- Reproductive (male or female and spouse where relevant)** - history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.
- Musculoskeletal** - muscle and joint pains.

(G) The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

(H) The presence of pallor on skin examination may indicate an anemia, which if severe might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

(I) A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

(J) Cranial nerve evaluation should also be included in the routine examination.

(K) The abdominal examination should include auscultation for bowel sounds and abnormal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

(L) Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

(M) As part of the medical evaluation, the lead standard requires the following laboratory studies.

(I) Blood lead level.

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology.

(III) Blood urea nitrogen.

(IV) Serum creatinine.

(V) Routine urinalysis with microscopic examination.

(VI) A zinc protoporphyrin level.

(N) In addition to the above, the physician is authorized to order any further laboratory or other tests which he or she deems necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee.

(O) Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

(P) If an anemia is detected further studies including a careful examination of the peripheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

(Q) If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

(R) If renal disease is questioned, a 24-hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from lead-induced renal disease and a serum uric acid level might be performed.

(S) An electrocardiogram and chest X ray may be obtained as deemed appropriate.

(T) Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

(v) Laboratory evaluation.

(A) The blood level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

(B) This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

(C) The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90 percent of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidneys, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

(D) Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

(E) To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by the Center for Disease Control (CDC) or which have received satisfactory grades in proficiency testing by the CDC in the previous year. Analysis is to be made using atomic absorption spectrophotometry anodic stripping; voltammetry or any method which meets the accuracy requirements set forth by the standard.

(F) The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24 hour urine collections. In addition, workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

(G) The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding three to four months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

(H) Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then

zinc, having a greater affinity for protoporphyrin, takes place in the iron, forming ZPP.

(I) An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 $\mu\text{g}/100\text{g}$ in some workers. Once the blood lead level has reached 40 $\mu\text{g}/100\text{g}$ there is more marked rise in the ZPP value from its normal range of less than 100 $\mu\text{g}/100\text{ml}$. Increases in blood lead levels beyond 40 $\mu\text{g}/100\text{g}$ are associated with exponential increases in ZPP.

(J) Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day lifespan. Therefore, the ZPP level in blood reflects the average ZPP production over the previous three to four months and consequently the average lead exposure during that time interval.

(K) It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 $\mu\text{g}/100\text{ml}$ whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 $\mu\text{g}/100\text{ml}$ and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure the blood leads were determined using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard, by a CDC approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

(L) ZPP has characteristic fluorescence spectrum with a peak at 594nm which is detectable with a hematofluorimeter. The hematofluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

(M) However, careful attention must be given to calibration and quality control procedures. Limited data on blood lead -ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in item (ii) are the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

(N) Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

(O) The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important

increase, however, is that of coproporphyrin III; levels may exceed 5,000 µg/l in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

(vi) Summary.

(A) The WISHA standard for inorganic lead places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead above the action level of 30 µg/m³ TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

(B) Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

(C) This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects.

(D) It is hoped that this review and discussion will give the physician a better understanding of the WISHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under his or her care.

(d) Appendix D. Recommendations to employers concerning high-risk tasks (nonmandatory).

The department advises employers that the following tasks have a high risk for lead overexposure (this list is not complete; other tasks also can result in lead over-exposure):

- Any open flame operation involving lead-containing solder in a manner producing molten solder, including the manufacture or repair of motor vehicle radiators;
- Sanding, cutting or grinding of lead-containing solder;
- Breaking, recycling or manufacture of lead-containing batteries;
- Casting objects using lead, brass, or lead-containing alloys;
- Where lead-containing coatings or paints are present:
 - abrasive blasting
 - welding
 - cutting
 - torch burning
 - manual demolition of structures
 - manual scraping
 - manual sanding
 - heat gun applications
 - power tool cleaning
 - rivet busting

- clean-up activities where dry expendable abrasives are used
- abrasive blasting enclosure movement and removal;
- Spray-painting with lead-containing paint;
- Using lead-containing mortar;
- Lead burning;
- Operation or cleaning of shooting facilities where lead bullets are used;
- Formulation or processing of lead-containing pigments or paints;
- Cutting, burning, or melting of lead-containing materials.

The department recommends that annual blood lead testing be offered to all employees potentially overexposed to lead, including those performing the tasks listed above, regardless of air lead levels. Research has shown that air lead levels often do not accurately predict workers' lead overexposure. The blood lead testing will provide the most information if performed during a period of peak lead exposure.

Employers should be aware that the United States Public Health Service has set a goal of eliminating occupational exposures which result in whole blood lead levels of 25 µg/dl or greater. This goal should guide whether employees' blood lead levels indicate lead overexposure.

If blood lead levels are elevated in an employee performing a task associated with lead overexposure, employers should assess the maintenance and effectiveness of exposure controls, hygiene facilities, respiratory protection program, the employee's work practices and personal hygiene, and the employee's respirator use, if any. If a deficiency exists in any of these areas, the employer should correct the problem.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-62-07719 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC ((296-24-120)) 296-800-230, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC (~~296-24-12010~~) 296-800-230.

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.

(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.

(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.

(B) Shower area. Shower facilities shall be provided which comply with WAC (~~296-24-12010~~) 296-800-230, unless the employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:

(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or

(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.

(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(ii) Decontamination area entry procedures. The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723 shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-20015 Hygiene facilities and practices.

(1) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with WAC 296-62-20013.

(2) Showers.

(a) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(b) The employer shall provide shower facilities in accordance with WAC ((296-24-12009)) 296-800-230.

(3) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

(4) Lavatories.

(a) The employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(b) The employer shall provide lavatory facilities in accordance with WAC 296-800-230.

(5) Prohibition of activities in the regulated area.

(a) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except, that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (1)-(3) of this section.

(b) Drinking water may be consumed in the regulated area.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-31020 Showers and change rooms used for decontamination. Where the decontamination procedure indicates a need for regular showers and change rooms outside of a contaminated area, they must be provided and meet the requirements of ((Part B-1 of chapter 296-24)) WAC 296-800-230. If temperature conditions prevent the effective use of water, then other effective means for cleansing must be provided and used.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-62-31335 Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer must provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(1) Showers must be provided and must meet the requirements of WAC 296-24-12010.

(2) Change rooms must be provided and must meet the requirements of WAC ((296-24-12011)) 296-800-230. Change rooms must consist of two separate change areas separated by the shower area required in (1) of this subsection. One change area, with an exit leading off the worksite, must provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, must provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(3) Showers and change rooms must be located in areas where exposures are below the permissible exposure limits and published exposure levels. If this cannot be accomplished, then a ventilation system must be provided that will supply air that is below the permissible exposure limits and published exposure levels.

(4) Employers must assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

AMENDATORY SECTION (Amending WSR 00-23-100, filed 11/21/00, effective 1/1/01)

WAC 296-115-050 General requirements. (1) Application.

(a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG.

(3) Lifesaving equipment required.

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus must be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute must have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent.

(f) All vessels must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name.

(h) All vessels must carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy must be carried in a readily accessible location and must be capable of being cast loose at any time.

(4) Fire protection.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, must be of a type approved by the USCG or other agency acceptable to the director.

(6) Fire pumps.

(a) All vessels carrying more than forty-nine passengers must carry an approved power fire pump, and all other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size.

(7) Fixed fire extinguishing system.

(a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system must be installed in an accessible location outside the space protected.

(8) Fire axe. All vessels must have one fire axe located in or near the pilothouse.

(9) Portable fire extinguishers.

(a) All vessels must have a minimum number of portable fire extinguishers of an approved type. The number required will be determined by the director.

(b) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(c) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59211(2) and Table I (after August 31, 2001, see WAC 296-800-300).

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(f) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the director.

(10) Means of escape.

(a) Except as otherwise provided in this section, all vessels must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(12) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating must be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long must be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long must be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front must be not less than thirty inches.

(e) Portable or temporary seating may be installed but must be arranged in general as provided for fixed seating.

(13) Toilet facilities and drinking water.

(a) Vessels must be provided with toilets and wash basins as specified in WAC (~~(296-24-12007 and 296-24-12009 (after August 31, 2001, see WAC 296-800-300))~~) 296-800-230, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.

(c) Potable drinking water must be provided for all passengers and crew. The provisions of WAC (~~(296-24-12005 applies through August 31, 2001, after August 31, 2001, see WAC 296-800-300))~~ 296-800-230 apply.

(d) Covered trash containers must be provided in passenger areas.

(14) Rails and guards.

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than twelve inches except as provided in WAC 296-115-050 (14)(f). The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least forty-two inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least two hundred pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and

at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See WAC 296-24-150 for detailed requirements.)

(15) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel must meet the requirements of applicable USCG standards.

(iii) Installations using diesel fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more than forty-nine passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the director.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-110 Employer responsibilities: Safe workplace—Summary.

Your responsibility:

To provide a safe and healthy workplace free from recognized hazards.

IMPORTANT:

Use these rules where there are no specific rules applicable to the particular hazard.

You must:

Provide a workplace free from recognized hazards.

WAC 296-800-11005.

Provide and use means to make your workplace safe.

WAC 296-800-11010.

Prohibit employees from entering, or being in, any workplace that is not safe.

WAC 296-800-11015.

Construct your workplace so it is safe.

WAC 296-800-11020.

Prohibit alcohol and narcotics from your workplace.

WAC 296-800-11025.

Prohibit employees from using tools and equipment (~~or materials~~) that (~~do not meet requirements~~) are not safe.

WAC 296-800-11030.

Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

WAC 296-800-11035.

Control chemical agents.

WAC 296-800-11040.

Protect employees from biological agents.

WAC 296-800-11045.

Note: Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. See chapter 296-360 WAC, Discrimination pursuant to RCW 49.17.160, for a complete description of discrimination and the department's responsibility to protect employees.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-11030 Prohibit employees from using tools and equipment (~~or materials~~) that (~~do not meet the applicable WISHA requirements~~) are not safe.

You must:

~~(Prohibit employees from using equipment, materials, tools, or machinery that fails to meet the applicable WISHA requirements, including the rules for specific industries.)~~

• (~~Be responsible~~) Take responsibility for the safe condition of tools and equipment used by employees.

Note: This applies to all equipment, materials, tools, and machinery whether owned by the employer or (~~under control of~~) another firm or individual.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-170 Employer chemical hazard communication—Introduction.

IMPORTANT:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer. You should review the type of chemicals you use and consider using less hazardous chemicals (such as less toxic and nonflammable chemicals).

The Employer Chemical Hazard Communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Exemptions: • Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of

this rule to get complete information about these exemptions:

- Any hazardous waste or substance
- Tobacco or tobacco products
- Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
- Food or alcoholic beverages
- Some drugs, such as retail or prescription medications
- Retail cosmetics
- Ionizing and nonionizing radiation
- Biological hazards
- Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer

♦ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products", and include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same manner and frequency that a consumer would use it when cleaning their house, your exposure should be the same as the consumer's, you are exempt. A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be a consumer, and is not exempt.

- Manufactured items that remain intact are exempt from this rule.
- Manufactured items that are fluids or in the form of particles are not exempt from this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	Sawed or cut in half	Used whole or intact
Pipe	Cut by a torch	Bent with a tube bender
Nylon Rope	Burning the ends	Tying a knot

- Reference:**
- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
 - You may withhold trade secret information under certain circumstances. See trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
 - Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read.

EXPEDITED

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-800-17005.

Include multiemployer workplaces in your program if necessary.

WAC 296-800-17007.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-800-17010.

Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

WAC 296-800-17015.

Make sure that material safety data sheets (MSDS) are readily accessible to your employees and NIOSH.

WAC 296-800-17020.

Label containers holding hazardous chemicals.

WAC 296-800-17025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-800-17030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-800-17035.

Follow these rules for handling chemicals in factory sealed containers.

WAC 296-800-17040.

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-800-17045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-800-17050.

Exemption:

Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-800-17055.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

You must:

• Develop, implement, maintain, and make available a written Chemical Hazard Communication Program (~~(specifically for)~~ specific to your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

– A list of hazardous chemicals known to be present in your workplace.

– Procedures for making sure all containers are properly labeled.

– A description of how you are going to obtain and maintain your material safety data sheets (MSDSs).

– A description of how you are going to train and inform your employees about hazardous chemicals in their workplace.

– A description of how you are going to inform your employees about:

♦ Chemical hazards used during nonroutine tasks.

♦ The hazards associated with chemicals contained in unlabeled pipes in ~~((their))~~ employee work areas.

You must:

~~((Make sure your written chemical hazard communication program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) may be exposed:~~

– Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a central location at the workplace.

– Inform the other employer(s) of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies.

– Describe how to inform the other employer(s) of the labeling system used in the workplace.

~~Note: • Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction companies, cleaning services, or maintenance contractors visiting or working on site.~~

~~• Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and~~

~~Employees of other employers have the right to get the information from you when they are working at your workplace.~~

~~• Include in your written Chemical Hazard Communication Program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:~~

~~– Access to MSDSs.~~

~~– Precautionary measures such as personal protective equipment (PPE) and emergency plans.~~

~~– Any labeling systems used at the workplace.~~

~~If you rely on another employer's Chemical Hazard Communication Program to share the information required and the program meets the requirements of this rule, document this in your own written Chemical Hazard Communication Program.~~

~~**You must:))**~~

• Make your Chemical Hazard Communication Program available to your employees.

~~Note: • You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department and NIOSH, in accordance with the requirements of Access to records, WAC 296-62-052.~~

~~• Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.~~

NEW SECTION

WAC 296-800-17007 Include multiemployer workplaces in your program if necessary.

IMPORTANT:

• Sharing chemical hazard information at multiemployer workplaces is required for the success of your hazard communication program and the success of other employers' programs.

• This section applies to a site where you or your employees work if:

– Your employees may be exposed to hazardous chemicals used by another employer;

OR

– Another employer's employees may be exposed to hazardous chemicals you or your employees use.

Examples include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.

You must:

• Include, in your written Chemical Hazard Communication Program, the methods you will use to share the following hazard information with other employers when their employees share a workplace with you and are potentially exposed to chemicals you produce, use, or store:

– How you will provide other employers with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a specified location.

– How you will inform the other employers of any precautionary measures needed to protect employees during normal operating conditions and in foreseeable emergencies.

– A description of how you will inform other employers of the labeling system you use.

Note: You may rely on another employer's Chemical Hazard Communication Program to share the information required if the program meets the requirements of this rule.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

Note: MSDSs are a type of employee exposure record. Therefore, you must comply with the material safety data sheets (MSDSs) as exposure records, WAC 296-800-180, located in this book.

You must:

• Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical, from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA.

You may contact your local regional office for assistance or make a written request for assistance to the:

Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610.

Include in your request:

- A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor.
- The name of the product suspected of containing a hazardous chemical.
- The identification number of the product, if available.
- A copy of the product label, if available.
- The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

You must:

- Maintain a MSDS for each hazardous chemical:
- Keep copies of the required MSDSs for each hazardous chemical present in your workplace.
- Each MSDS must be in English. You may also keep copies in other languages.

(Note: ~~• If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the Chemical hazard communication standard for manufacturers, importers, and distributors, WAC 296-62-054.~~
• It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDS can be designed to cover groups of hazardous chemicals in a work area.))

Reference: See material safety data sheets and label preparation, chapter 296-839 WAC, if you choose to create your own MSDS or label.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH.

You must:

• Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift by employees when they are in their work area(s).

• Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)

Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.
- Barriers to immediate access of electronic MSDSs may include:
 - Power outages
 - Equipment failure
 - System delays
 - Deficient user knowledge to operate equipment
 - Location of equipment outside the work area.

Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

~~((MSDSs must also be made readily available, upon request, to the department in accordance with the requirements of~~

material safety data sheets (MSDSs) as exposure records; WAC 296-800-180. NIOSH (National Institute for Occupational Safety and Health) must also be given access to MSDSs in the same manner.)

You must:

- Make MSDSs readily available, when requested, to representatives of the National Institute for Occupational Safety and Health (NIOSH).

SANITATION AND HYGIENE FACILITIES AND PROCEDURES

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-230 Summary. ((~~Your responsibility: To provide safe drinking (potable) water, bathrooms, washing facilities, and waste disposal in your workplace~~

You must:

Provide safe drinking (potable) water in your workplace
~~WAC 296-800-23005.~~

Clearly mark the water outlets that are not fit for drinking (nonpotable)

~~WAC 296-800-23010.~~

Make sure that systems delivering not fit for drinking (nonpotable) water prevent backflow into drinking water systems.

~~WAC 296-800-23015.~~

Provide bathrooms for your employees

~~WAC 296-800-23020.~~

Provide convenient, clean washing facilities

~~WAC 296-800-23025.~~

Keep containers used for garbage or waste in a sanitary condition

~~WAC 296-800-23030.~~

Remove garbage and waste in a way that does not create a health hazard

~~WAC 296-800-23035.))~~

Your responsibility:

To provide safe drinking (potable) water, bathrooms, washing facilities, eating areas and garbage and waste disposal in your workplace.

You must:

General requirements for all workplaces.

Drinking water

Provide safe drinking (potable) water in your workplace.
~~WAC 296-800-23005.~~

Clearly mark water outlets that are not fit for drinking (nonpotable).

~~WAC 296-800-23010.~~

Make sure systems delivering not fit for drinking (nonpotable) water prevent backflow into drinking water systems.

~~WAC 296-800-23015.~~

Bathrooms and washing facilities

Provide bathrooms for your employees.

~~WAC 296-800-23020.~~

Provide convenient, clean washing facilities.

~~WAC 296-800-23025.~~

Eating areas and food service

Make sure eating areas are safe and healthy.

~~WAC 296-800-23040.~~

Follow these requirements if you provide food service to your employees.

~~WAC 296-800-23045.~~

Garbage and waste disposal

Dispose of garbage and waste safely.

~~WAC 296-800-23050.~~

Remove garbage and waste in a way that does not create a health hazard.

~~WAC 296-800-23055.~~

Lunchrooms and personal service rooms

Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the job site.

~~WAC 296-800-23060.~~

Provide showers when required for employees working with chemicals.

~~WAC 296-800-23065.~~

Provide change rooms when required.

~~WAC 296-800-23070.~~

Make sure any work clothes you provide are dry.

~~WAC 296-800-23075.~~

Note: Some industries may have additional rules on bathrooms and washing facilities. ((For example)) Some examples include:

Industry	WAC
Agriculture; indoor sanitation and temporary labor camps	chapter 296-307 WAC
Carcinogens; general regulated area requirements	WAC 296-62-07308
Charter boats	WAC 296-115-050
Compressed air work	WAC 296-36-160(5)
Construction	WAC 296-155-140
((Hazardous waste operations and treatment, storage and disposal facilities	WAC 296-62-31315))
Temporary labor camps	WAC 296-24-12507

DRINKING WATER

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace.

You must:

(1) Provide safe drinking (potable) water for employees for:

- ((-)) • Washing themselves
- ((-)) • Personal service rooms
- ((-)) • Cooking
- ((-)) • Washing premises where food is prepared or processed
- ((-)) • Washing food, eating utensils, or clothing

EXPEDITED

(2) Make sure when ~~((containers and))~~ providing movable or portable drinking water dispensers ~~((are provided))~~ that they are:

- ~~((Your movable, or portable, drinking water dispensers are:))~~
-) Capable of being closed
- ~~((-))~~ • Kept in sanitary condition
- ~~((-))~~ • Equipped with a tap
- ~~((The use of open containers such as barrels, pails, and tanks from which employees must dip or pour drinking water are prohibited, even if the containers have covers.))~~

(3) Prohibit employees from ~~((using shared drinking cups or utensils))~~:

- Using shared drinking cups or utensils.
- Using open containers such as barrels, pails, and tanks that require employees to dip or pour drinking water, even if the containers have covers.

Definition:

• Potable water is water that you can safely drink that meets specific safety standards prescribed by the United States Environmental Protection Agency's *National Interim Primary Drinking Water Regulations*, published in 40 CFR Part 141, and 40 CFR 147.2400.

• Personal service rooms are used for activities not directly connected with a business' production or service function such as first aid, medical services, dressing, showering, bathrooms, washing and eating.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).

You must:

(1) Mark ~~((nonpotable))~~ water outlets that are not fit for drinking (nonpotable), such as those used for industrial processes or fire fighting, so ~~((that no one will use them))~~ they will not be used for:

- Drinking
- Washing themselves, except in emergencies
- Cooking
- Washing food, eating utensils, or clothing.

(2) Prohibit the use of nonpotable water containing substances that could create unsafe conditions such as:

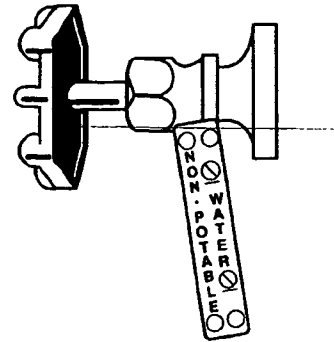
- Concentrations of chemicals, ~~((for example,))~~ such as lead or chlorine
- Fecal coliform bacteria.

Note: As long as the nonpotable water ~~((does not contain))~~ is free of substances that could create unsafe conditions, ~~((then nonpotable))~~ the water can be used for cleaning both:

- ~~((Cleaning))~~ Work premises ~~((that do not involve))~~ used for activities other than food preparation or ~~((food))~~ processing
- AND**
- ~~((Cleaning))~~ Personal service rooms, such as bathrooms.

Reference: ~~((For))~~ You may need to follow additional requirements for emergency washing facilities. See WAC 296-800-150 First aid, for more information.

Drinking water, bathrooms, etc Illustrations



Outlets for water not fit to drink must be marked.

EXPEDITED

BATHROOMS AND WASHING FACILITIES

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-23020 Provide bathrooms for your employees.

- Exemption:** You do not have to provide bathrooms:
- For mobile crews, if the employees have transportation immediately available to nearby bathrooms that meet the requirements of this section.
 - At work locations not normally attended by employees, if they have transportation immediately available to nearby bathrooms meeting the requirements of this section.

You must:

(1) ~~Provide bathrooms with the appropriate number of toilets for your employees at every workplace. Use the chart below to determine how many toilets you need at your workplace.~~

Number of Employees*	Minimum Number of Toilets Required**
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional toilet for each additional 40 employees

* The "number of employees" used in this table means the maximum number of employees present at any one time on a regular shift.

** A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains. In bathrooms

~~used only by men, urinals may be substituted for up to one third of the required toilets.~~

In bathrooms used only by men, urinals may be substituted for up to 1/3 of the required toilets.

You must:

~~• Have the appropriate number of toilets for each gender, based on the number of male and female employees at your workplace. For example, if you have 37 men and 17 women, you need to have three toilets for the men and two toilets for the women, based on the chart in this section.~~

~~— Separate bathrooms for men and women are not required if the bathroom:~~

~~◆ Will be occupied by no more than one person at a time~~

~~◆ Can be locked from the inside~~

~~◆ Contains at least one toilet~~

~~• Make sure each toilet is in a separate compartment with a door and walls, or partitions to assure privacy.~~

~~(2) Provide toilet paper and a toilet paper holder for every toilet.~~

~~(3) Make sure the sewage disposal method does not endanger the health of employees.~~

~~(4) Make sure bathrooms are maintained in a clean and sanitary condition.))~~

Exemption: You do not have to provide bathrooms: For mobile crews or at work locations not normally attended by employees, if there is transportation immediately available to nearby bathrooms that meet the requirements of this section.

You must:

(1) Provide bathrooms with the appropriate number of toilets for your employees at every workplace based on Table 1.

• Have an appropriate number of toilets for each gender, based on the number of male and female employees at your workplace.

— For example, if you have thirty-seven men and seventeen women, you need to have three toilets for the men and two toilets for the women, based on Table 1.

• Make sure each toilet is in a separate compartment with a door and walls or partitions for privacy.

Table 1

Required Number of Employee Toilets at Every Workplace

<u>Maximum Number of Employees Present at Any One Time During a Shift</u>	<u>Minimum Number of Toilets Required</u>
<u>1 to 15</u>	<u>1</u>
<u>16 to 35</u>	<u>2</u>
<u>36 to 55</u>	<u>3</u>
<u>56 to 80</u>	<u>4</u>
<u>81 to 110</u>	<u>5</u>
<u>111 to 150</u>	<u>6</u>
<u>Over 150</u>	<u>One additional toilet for each additional 40 employees</u>

Note: A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains.

You must:

(2) Provide toilet paper and a toilet paper roll holder for each toilet.

(3) Make sure bathrooms are maintained in a clean and sanitary condition.

(4) Make sure the sewage disposal method does not endanger the health of employees.

Exemption: Separate bathrooms for men and women are not required if the bathroom:

• Will only be occupied by one person at a time.

• Can be locked from the inside.

• Contains at least one toilet.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-23025 Provide convenient((?)) and clean washing facilities.

Exemption: You do not have to provide washing facilities for: • Mobile crews((? if your employees working there have transportation immediately available to nearby washing facilities meeting the requirements of this rule.

• Work locations not normally attended by employees, if they have transportation immediately available to nearby accessible washing facilities meeting)) or work locations not normally attended by employees, if there is immediately available transportation to nearby washing facilities that meet the requirements of this rule.

You must:

• Provide ((the following)) convenient and clean washing facilities for ((your)) employees including:

– ((Convenient, clean washing facilities, including)) Sinks or basins for personal washing

– Hot and cold water, or lukewarm (tepid), running water in each sink and basin

– Hand soap or similar cleaning agents

– One of the following:

((–)) • Individual paper or cloth hand towels((?or))

• Individual sections of clean continuous cloth towels((?or))

• Warm air blowers for drying hands, ((in a location)) located near the sinks and basins.

EATING AREAS AND FOOD SERVICE

NEW SECTION

WAC 296-800-23040 Make sure eating areas are safe and healthy.

You must:

(1) Make sure employees are not allowed to eat and drink in:

• Bathrooms.

• Areas exposed to toxic substances.

(2) Make sure food is not stored in bathrooms or areas exposed to toxic substances.

EXPEDITED

NEW SECTION

WAC 296-800-23045 Follow these requirements if you provide food service to your employees.

You must:

- Make sure all food service facilities and operations you make available follow sound hygiene principles.
- Make sure the food is:
 - Unspoiled.
 - Protected from contamination during processing, preparation, handling, and storage.

GARBAGE AND WASTE DISPOSAL

NEW SECTION

WAC 296-800-23050 Dispose of garbage and waste safely.

You must:

- (1) Make sure garbage containers are:
 - Kept in a clean and sanitary condition.
 - Made from smooth, corrosion resistant materials.
 - Easily cleaned or are disposable.
 - Equipped with a solid tight-fitting cover unless you can keep them in a sanitary condition without a cover.
- (2) Provide enough garbage containers to make sure they:
 - Are conveniently located to encourage their use.
 - Won't be overfilled.

NEW SECTION

WAC 296-800-23055 Remove garbage and waste in a way that does not create a health hazard.

You must:

- Remove all sweepings, solid and liquid wastes, refuse, and garbage as often as needed to keep the workplace in a sanitary condition.

LUNCHROOMS AND PERSONAL SERVICE ROOMS

NEW SECTION

WAC 296-800-23060 Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the job site.

You must:

- (1) Provide a lunchroom separate from the work area if employees are exposed to toxic substances.
- (2) Use Table 2 to determine the required square footage in your lunchroom based on the number of employees using the room at any one time.

Table 2

Maximum Number of Employees Using Lunchroom at One Time

Number of Persons	Square Feet per Person
25 and less	13
26-74	12

Table 2

Maximum Number of Employees Using Lunchroom at One Time

Number of Persons	Square Feet per Person
75-149	11
150 and over	10

Note: You do not have to provide a separate lunchroom if it is convenient for employees to leave the workplace to eat and drink.

NEW SECTION

WAC 296-800-23065 Provide showers when required for employees working with chemicals.

You must:

- Provide showers for employees if:
 - They work with chemicals that could cause an occupational illness;
- AND**
 - The chemicals remain on the skin between work shifts.
- Make sure employees who work with such chemicals shower at the end of their shifts.
 - Make sure showers have:
 - Soap or other cleansing agents.
 - Hot and cold water with a common discharge line.
 - Provide individual, clean towels for each employee who is required to shower.
 - Provide at least one shower for every ten employees (or every fraction of 10) of each gender.

Note: Table 3 shows the number of showers to provide based on a "fraction of 10."

Table 3

Number of Employees of Each Gender	Number of Showers
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5

NEW SECTION

WAC 296-800-23070 Provide change rooms when required.

You must:

- Provide change rooms when employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials.
 - Make sure change rooms have separate storage facilities for street clothes and protective clothing.

NEW SECTION

WAC 296-800-23075 Make sure any work clothes you provide are dry.

You must:

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- Make sure when providing work clothes to employees that the clothing provided is dry if the clothing:
 - Gets wet during use;
- OR
- Is washed before it is reused.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-31050 Mark exits adequately.

You must:

- Mark each exit with a clearly visible, distinctive sign reading "exit."
- Make sure the letters in the word "EXIT" are at least six inches high and 3/4 inch wide.
- Mark any doorway or passage that might be mistaken for an exit with "not an exit" or with an indication of its actual use.
- Make sure exit signs are a distinctive color.
- Make sure signs are posted and arranged along exit routes to adequately show how to get to the nearest exit and clearly indicate the direction of travel.
 - Not obstruct or conceal exit signs in any way.
 - Keep exit doors free of signs or decorations that obscure their visibility.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-350 Introduction.

This section describes actions WISHA takes during or after inspections, and your related obligation and rights.
 Your responsibility: You must follow posting requirements and notify your employees of the information listed in these rules, as indicated.

You must:

WISHA INSPECTIONS AND CITATIONS

- Types of workplace inspections
WAC 296-800-35002
- Scheduling inspections
WAC 296-800-35004
- Inspection techniques
WAC 296-800-35006
- Response to complaints submitted by employees or their representatives
WAC 296-800-35008
- Citations mailed after an inspection
WAC 296-800-35010
- Employees (or their representatives) can request a citation and notice
WAC 296-800-35012
- Posting a citation and notice and employee complaint information
WAC 296-800-35016

CIVIL PENALTIES FOR VIOLATING WISHA REQUIREMENTS

- Reasons to assess civil penalties
WAC 296-800-35018

- Minimum penalties
WAC 296-800-35020

HOW CIVIL PENALTIES ARE CALCULATED

- Base penalty calculations - severity and probability
WAC 296-800-35022
- Severity rate determination
WAC 296-800-35024
- Probability rate determination
WAC 296-800-35026
- Determining the gravity of a violation
WAC 296-800-35028
- Base penalty adjustments
WAC 296-800-35030
- Types of base penalty adjustments
WAC 296-800-35032
- Minimum and maximum adjusted base penalty amounts
WAC 296-800-35038
- Reasons for increasing civil penalty amounts
WAC 296-800-35040

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

- Employers must certify that violations have been abated
WAC 296-800-35042
- For willful, repeated, or serious violations, submit additional documentation
WAC 296-800-35044
- Submitting correction action plans
WAC 296-800-35046
- Submit progress reports to the department, when required
WAC 296-800-35048
- WISHA determines the date by which abatement documents must be submitted
WAC 296-800-35049
- Inform affected employees and their representatives of abatement actions you have taken
WAC 296-800-35050
- Tag cited moveable equipment to warn employees of a hazard
WAC 296-800-35052

REQUESTING MORE TIME TO COMPLY

- You can request more time to comply
WAC 296-800-35056
- WISHA's response to your request for more time
WAC 296-800-35062
- Post the department's response
WAC 296-800-35063
- A hearing can be requested about the department's response
WAC 296-800-35064
- Post the department's hearing notice
WAC 296-800-35065
- Hearing procedures
WAC 296-800-35066
- Post the hearing decision
WAC 296-800-35072

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REQUESTING AN APPEAL OF WISHA CITATIONS AND CORRECTIVE NOTICES

- Employers and employees can request an appeal of a citation and notice
- WAC 296-800-35076
- Await the department's response to your appeal request
- WAC 296-800-35078
- Department actions when reassuming jurisdiction over an appeal
- WAC 296-800-35080
- Appealing a corrective notice
- WAC 296-800-35082
- Notify employees
- WAC 296-800-35084

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-35038 Minimum and maximum adjusted base penalty amounts.

- The maximum penalty for a violation other than repeat, willful, egregious or failure-to-abate is \$7,000.
- The minimum adjusted base penalty for any violation carrying a penalty is \$100.00.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

- WISHA may **increase** civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

Repeat violations:

~~((A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.~~

~~—The 3-year period is measured from the date of the final order for each previous citation)) A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.~~

- WISHA cites such violations if the final order for the previous citation was dated no more than three years prior to the employer committing the violation being cited.

~~((--)) • The adjusted base penalty will be multiplied by the total number of ((inspections)) citations with violations ((including the current inspection with a violation)) involving similar hazards, including the current inspection.~~

~~((--)) • The maximum penalty cannot exceed \$70,000 for each violation.~~

Willful violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10

– All willful violations will receive at least the statutory minimum penalty of \$5,000

– The maximum penalty cannot exceed \$70,000 for each violation

For example: When management is aware that employees are resistant to following specific WAC rule(s); employee resistance results in imminent danger situation or a serious violation; and management fails to make efforts that are effective in practice to overcome the resistance, then WISHA will presume that the failure constitutes voluntary action.

Egregious violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

Failure-to-abate violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC ((296-800-35200 through 296-800-35270)) 296-800-35042 through 296-800-35052)

~~((—The maximum penalty cannot exceed \$7,000 for every day the violation is not corrected~~

~~—For a general violation with no initial penalty, the minimum failure to abate penalty is \$1,000, with a possible adjustment for the employer's effort to comply~~

~~—For violations with an initial penalty, WISHA,) • Based on the facts at the time of reinspection, WISHA will:~~

~~((♦-Will)) – Multiply the adjusted base penalty by a factor of at least 5, but ((may possibly make adjustments for)) up to 10, based on the employer's effort to comply~~

~~((♦-May)) – Multiply the adjusted base penalty by the number of calendar days past the correction date ((if the employer does not make an effort to comply)).~~

- The maximum penalty cannot exceed \$7,000 per day for every day the violation is not corrected.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-35062 WISHA's response to your request for more time.

- ((Within 5 working days of receiving your request for more time to comply, the assistant director must make a decision to approve or deny it.)) Before making a decision, ((the assistant director)) WISHA may conduct an investigation. Once made, the decision remains in effect unless a hearing is requested by the employee or employee representative.

~~((• The assistant director must issue the following 3 notices (which can be combined into one):~~

~~—A notice verifying that your request was received, including the correction dates listed in your citation.~~

~~—A notice of your right to request a hearing on the decision~~

~~—A notice announcing the decision.~~

~~♦ These notices must:~~

- Be signed by the assistant director,

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- ~~Contain the date they were issued, and~~
- ~~Include the address to which a hearing request may be sent.)~~ • Unless you receive a response from the department granting your request for more time, the original abatement date will remain in effect.

Note: Although the department may grant more time to correct hazards at its discretion, an employee can appeal if an extension is granted.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-35064 A hearing can be requested about the department's response.

• ~~((You, your))~~ The affected employees or their authorized representative~~((s))~~ may request a hearing if they disagree with the department's response to a request for more time to comply.

• All hearing requests must be sent or delivered to the assistant director and be received ~~((at the address identified in the notice of your right to request a hearing))~~ no later than 10 calendar days after the issue date of the notice.

• Upon receiving a hearing request, the assistant director will issue a notice of hearing to the requesting party and the employer at least 20 days before the hearing date. The hearing notice will:

- state that all interested parties can participate in the hearing
- set the time and date, including:
 - ◆ The time, place, and nature of the proceeding
 - ◆ The legal authority and jurisdiction under which the hearing will be held
 - ◆ A reference to the particular sections of the statute and rules involved, and
 - ◆ A short and clear explanation why a hearing was requested.

• The employer must post the department's hearing notice or a complete copy until the hearing is held. This includes the:

- Citation containing the correction date for which more time was requested.

~~((Department notices issued in response to the employer's request for more time.))~~

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-370 Definitions.

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical, WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in **Electrical, WAC 296-800-280** means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in material safety data sheets (MSDSs) as Exposure Records, **WAC 296-800-180** means the right and opportunity to examine and copy exposure records.

Affected employees

As used in **WISHA** appeals, penalties and other procedural rules, **WAC 296-800-350** means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

- Partial or complete information from individual employee exposure or medical records or
- Information collected from health insurance claim records

- The analysis is not final until it has been:

- Reported to the employer or
- Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

- Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

• As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be determined over the shortest time period feasible and should not exceed fifteen minutes.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

• Airborne chemical agent which is any of the following:
– Dust - solid particles suspended in air, ~~((generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc))~~ that are created by actions such as:

- Handling.
- Drilling.
- Crushing.

- Grinding.

- Rapid impact.

- Detonation.

- Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

- Fume - solid particles suspended in air, ~~((generated)) that are created~~ by condensation from the gaseous state((; generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation)).

- Gas - a normally formless fluid ~~((that)),~~ such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

- Mist - liquid droplets suspended in air ~~((; generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming or atomizing)).~~ Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

- Vapor - the gaseous form of a substance that is normally in the solid or liquid state.

- Contact chemical agent which is any of the following:

- Corrosive((s)) - a substance((s)) that ((in)), upon contact ((with living tissue)), causes destruction of ((the)) living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

- Irritant((s)) - a substance((s)) that ((on immediate, prolonged, or repeated contact with normal living tissue)) will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

- Toxicant((s)) - a substance((s)) that ((have)) has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The Chemical Abstracts Service (CAS) rules of nomenclature
- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

- Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

- Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals

remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

~~((As used in first aid, WAC 296-800-150, is))~~ A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

~~((As used in Employer Chemical Hazard Communication, WAC 296-800-170 means))~~ A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. ~~((See WAC 296-62-054 for requirements dealing with Manufacturers, Distributors and Importers—Hazard Communication.))~~

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

- Handling.
- Drilling.
- Crushing.
- Grinding.

- Rapid impact.
- Detonation.
- Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
- Material safety data sheets indicating that the material may pose a hazard to human health;

OR

- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial

Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in employer chemical hazard communication, WAC 296-800-170 and material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;

- Gas, flammable means:

- A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or

- A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

- Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

- Solid, flammable means a solid, other than a blasting agent or explosive as defined in 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

- The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

- Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

- Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-

Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

Foreseeable emergency

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or

other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any ~~(chemical substance, biological agent (bacteria, virus, fungus, etc.), or)~~ physical stress ~~((☺)such as noise, vibration, repetitive motion,)~~ heat, cold, ~~((vibration, repetitive motion,))~~ ionizing and nonionizing radiation, and hypo- or hyperbaric pressure~~((, etc.))~~ which:

- Is listed in the latest ~~((printed))~~ edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) ~~((see Appendix B))~~; or

- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Employer Chemical Hazard Communication, WAC 296-800-170 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

~~((As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any))~~ A chemical ~~((with the potential to cause acute or chronic health effects in)),~~ mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. ~~((The potential must be))~~ Based on statistically significant ~~((based on))~~ evidence from at least one study conducted ~~((under))~~ using established scientific principles. Health hazards include:

- ~~((Chemicals which are))~~ Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- ~~((Agents which))~~ Substances that act on the hematopoietic system (blood or blood-forming system)
- ~~((Agents which))~~ Substances that can damage the lungs, skin, eyes, or mucous membranes
~~((See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.~~

~~See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.)~~ • Hot or cold conditions.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious

physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

~~(As used in Employer Chemical Hazard Communication, WAC 296-800-170 means)~~ The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

~~((See WAC 296-62-054 for requirements dealing with Manufacturers, Importer and Distributors - Hazard Communication-))~~

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS)

Written ~~((or)), printed ((material)), or electronic information (on paper, microfiche, or on-screen) that ((tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment))~~ informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by material safety data sheet and label preparation, chapter 296-839 WAC.

For requirements for developing MSDSs see WAC 296-62-054—Manufacturers, Importers, and Distributors - Hazard Communication.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or non-hand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

~~((Passed))~~ Created in 1970 ~~((by))~~ when the U.S. Congress ~~((;))~~ passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for ~~((working men and women))~~ workers. OSHA oversees state ~~((s))~~ plans (such as WISHA in Washington) that have elected to administer ~~((their own))~~ the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

~~((PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:~~

~~• Permissible exposure limits—Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.~~

~~• Permissible exposure limits—Short-term exposure limit (PEL-STEL) is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.~~

~~• Permissible exposure limits—Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the workday. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.~~

~~• Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).) Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.~~

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First aid
- Medical services

- Dressing
- Showering
- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- at least once every 2 weeks

OR

• 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

((Qualified

A person is qualified if they have one of the following:

- Extensive knowledge, training and experience about the subject matter, work or project
- A recognized degree, certificate, or professional standing
- Successfully demonstrated problem solving skills about the subject, work, or project))

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

- Possession of a recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Repeat violation

~~((A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.))~~ A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

Responsible party

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section. It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

- leading from one level or floor to another,
- leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself

- Its length that cannot be adjusted.

~~(Strong irritant~~

~~As used in first aid, WAC 296-800-150, is a chemical that is not corrosive, but causes a strong, temporary inflammatory effect on living tissue by chemical action at the site of contact.)~~

Time weighted average (TWA)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

~~(•Chemical substance~~

~~•Biological agent (such as bacteria, virus, or fungus)~~

~~•Physical stress (such as noise, vibration, or repetitive motion)~~

~~A substance is toxic if:~~

• Listed in the latest (~~(printed)~~) edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) (~~(lists the substance)~~)

~~• ((Testing by or known to the employer has shown))~~

Shows positive evidence (~~(that the substance is)~~) of an acute or chronic health hazard in testing conducted by, or known to, the employer

• The subject of a material safety data sheet kept by or known to the employer (~~(shows)~~) showing the material may (~~(be)~~) pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in employer chemical hazard communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For underground circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, rain-tight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day
- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

- The term workplace means:
 - Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

– As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-800-23030 Keep containers used for garbage or waste in a sanitary condition.

WAC 296-800-23035 Remove garbage and waste in a way that does not create a health hazard.

WSR 03-12-091**EXPEDITED RULES****DEPARTMENT OF HEALTH**

(Medical Quality Assurance Commission)

[Filed June 4, 2003, 10:19 a.m.]

Title of Rule: WAC 246-919-100 through 246-919-150, 246-919-350, and 246-919-720.

Purpose: These rules are being proposed as an expedited repeal because they are outdated, and duplicative of other rules and statutes or unnecessary due to changed circumstances.

Statutory Authority for Adoption: RCW 18.71.017.

Statute Being Implemented: Chapter 18.71 RCW.

Summary: Repealing the rules which set requirements for appearance before the commission, panel composition, examination application timelines and reporting requirements for health care institutions.

Reasons Supporting Proposal: Eliminating these rules will assure the commission's rules are up-to-date and reflect current practices. As a result of this action the remaining rules will be clearer and more concise.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Health Administrator, 310 Israel Road, Tumwater, WA 98501, (360) 236-4788.

Name of Proponent: Department of Health, Medical Quality Assurance Commission, Beverly Teeter, Health Administrator, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules repeal[ed] will limit redundancy and assure that the regulations are up-to-date and reflect current practices.

Proposal Changes the Following Existing Rules: Repealing WAC 246-919-100 Panel composition, 246-919-120 Appearance and practice before agency—Solicitation of business unethical, 246-919-130 Appearance and practice before agency—Standards of ethical conduct, 246-919-140 Appearance and practice before agency—Appearance by former member of attorney general's staff, 246-919-150 Appearance and practice before agency—Former employee and board/commission member as witness, 246-919-350 Examinations, and 246-919-720 Health care institutions.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beverly A. Teeter, Health Administrator, Department of Health, Medical Quality Assurance Commission, 310 Israel Road, Tumwater, WA 98501, P.O. Box 47866, Olympia, WA 98501, P.O. Box 47866, Olympia, WA 98504, AND RECEIVED BY August 19, 2003.

May 2, 2003
 Doron N. Maniece
 Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-919-100 Panel composition.
- WAC 246-919-120 Appearance and practice before agency—Solicitation of business unethical.
- WAC 246-919-130 Appearance and practice before agency—Standards of ethical conduct.
- WAC 246-919-140 Appearance and practice before agency—Appearance by former member of attorney general's staff.
- WAC 246-919-150 Appearance and practice before agency—Former employee and board/commission member as witness.
- WAC 246-919-350 Examinations.
- WAC 246-919-720 Health care institutions.

WSR 03-12-092
EXPEDITED RULES
DEPARTMENT OF PERSONNEL
 [Filed June 4, 2003, 10:24 a.m.]

Title of Rule: WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified.

Purpose: The purpose of this rule is to deal with the employee's status when the position they are appointed in is converted from exempt to classified.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: This rule was adopted on an emergency basis effective March 14, 2002. It was adopted on a second emergency effective July 11, 2002. When the CR-103 for the second emergency adoption was filed with the code reviser the rule language that was attached to the CR-103 had a typographical error in the language in subsection (10) of the rule. When the CR-103 was filed for permanent adoption the incorrect language was once again attached. This will correct the typographical error.

Reasons Supporting Proposal: This will correct a typographical error.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; 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 rule is to deal with the employee's status when the position they are appointed to is converted from exempt to classified.

When this rule was originally adopted on an emergency basis two separate versions of subsection (10) were presented to the board for consideration. The version the board adopted was filed with the code reviser for the first emergency adoption effective March 14, 2002. The board adopted the identical language on a second emergency effective July 11, 2002. When the CR-103 for the second emergency adoption was filed with the code reviser the rule language that was attached to the CR-103 was the incorrect version of subsection (10). When the permanent adoption was filed with the code reviser the incorrect language was once again attached. This will correct the typographical error.

Proposal Changes the Following Existing Rules: See above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING

EXPEDITED

AND THEY MUST BE SENT TO Connie Goff, Department of Personnel, 521 Capitol Way South, Olympia, WA 98504, AND RECEIVED BY August 4, 2003.

June 4, 2003

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 02-15-047, filed 7/11/02, effective 9/1/02)

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the fifteenth of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited will all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction.

Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) (~~Once an incumbent is placed in a position converted under the provisions of this section, he/she shall be covered by the merit system rules and shall have appeal rights as set forth in these rules and Title 358 WAC.~~) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

WSR 03-12-094
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 4, 2003, 11:02 a.m.]

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

Other Identifying Information: These rules are the result of Pacific Fisheries Management Council recommendations and housekeeping changes that conform with the rule proposals from the 2003-2004 sport rules adopted in February 2003 and printed in the 2003-2004 sport fishing pamphlet.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amends exceptions to statewide rules.

Reasons Supporting Proposal: Recommendations from North of Falcon process for freshwater salmon seasons and housekeeping to conform to earlier agreed-upon changes captured in the sport pamphlet.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, 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 exceptions to the statewide rules regarding seasons and catch limits. Additionally they set certain areas aside and restrict fishing gear in others. These rules provide recreational opportunity while maintaining brood stock in waters managed for natural production.

Proposal Changes the Following Existing Rules: Amends statewide exceptions rule.

EXPEDITED

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY August 4, 2003.

June 4, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area

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two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters ((~~June 1 through August 31~~)).

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season ~~((except)).~~ Closed waters: August 16 through October 31 from mouth to Rodgers Street((= August 16 through December 31 closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from)). Rodgers Street to the Highway 101 Bridge ~~((=))~~; Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of

which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):
From mouth to Calispell Lake: Year around season.
From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction (~~and~~), night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release (~~pink~~) wild adult chinook and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 hatchery coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to ~~((Grist Mill Bridge))~~ 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April

16 through July 31 from mouth to high bridge, ~~((September 16))~~ October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. ~~((September 16))~~ October 1 through November 30, mouth to Porter Bridge, ~~((the daily limit may contain no more than one))~~ release adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. (~~Single point barbless hooks required September 1 through November 30.~~) Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules. Additional December 1 through March 31 season mouth to Cle Elum Dam. Whitefish gear rules apply.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Open year-round. Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Open year-round. Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Pond (Benton County): Juveniles and holders of disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through ~~((September 30))~~ August 15, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length. October 1 through December 31, daily limit 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, ~~((and))~~ wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 ~~((fish, except release all salmon except))~~ hatchery jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Release wild chinook January 1 through March 31.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. ~~((September))~~ August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bon-

neville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 ~~((fish, except release all salmon except))~~ hatchery jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet

downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulhol-land Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year-round season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than (2) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may contain no more than one adult salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Year-round season. Trout: Release cutthroat. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Release wild cutthroat. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County)((;)): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park((,-except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters)): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all

fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from

mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the

department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to ~~((four hundred feet below spillway at Lake Mills Dam))~~ Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond #2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release steelhead.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge (~~except closed from Hatchery Road Bridge to posted sign at hatchery outlet~~). Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: ~~(June)~~ April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 3 of which may be adult salmon and of the adult salmon not more than 2 may be adult chinook

salmon. Release chum and wild coho. (~~(April 1 through July 31 release wild chinook.)~~) October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to (~~(South 277th Street Bridge in Auburn)~~) SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through last day in February season (~~(except waters from the SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge are closed September 16 through September 30).~~). Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. (~~(Wild steelhead may be retained)~~) One wild steelhead per day may be retained July ((31)) 1 through ((August 15)) July 31 and September 16 through November 30. Salmon: Open only September 16 through December 31 (~~(except closed September 16 through September 30 from SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge)~~). Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and October 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and October 1 through November 30. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. (~~(Wild steelhead may be retained)~~) One wild steelhead per day may be retained July 1 through July 31 and October 16 through November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. (~~(Wild steelhead may be retained)~~) One wild steelhead per day may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. ~~((December 1 through April 15,))~~ Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): ~~((Trout, minimum length fourteen inches:))~~

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car

bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through ~~((last day in February))~~ March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October ~~((4))~~ 16 through ~~((November 30))~~ January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. ~~((Release adult chinook, and wild adult coho:))~~ Release wild adult coho. October 16 through October 31 the daily limit may contain no more than 1 adult chinook. November 1 through January 31 release adult chinook.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. ~~((Mouth to Donkey Creek Road Bridge: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches:))~~

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 (~~from Highway 109 Bridge to Ocean Beach Road Bridge~~). Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, mouth to Ballon Creek including North and South Forks (Grays Harbor County): June 1 through last day

in February season. Waters above Ballon Creek, including North and South Forks, are closed. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 (~~from mouth to Ballon Creek~~). Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction (~~and~~), night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road:

June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead May 1 through May 31. Trout: Minimum length twelve

inches. Steelhead and salmon: May 1 through May 31 Monday, Wednesday and Saturday only, daily limit ~~((one))~~ 2 hatchery steelhead or ~~((one))~~ 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only ~~((August))~~ June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. ~~((May))~~ January 1 through July 31 daily limit six fish of which not more than ~~((one))~~ 2 may be ~~((an))~~ adult salmon. August 1 through ~~((April 30))~~ December 31, daily limit ~~((6))~~ 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year-round. ~~((May))~~ January 1 through July 31 daily limit six fish of which not more than ~~((one))~~ 2 may be ~~((an))~~ adult salmon. August 1 through ~~((April 30))~~ December 31 daily limit 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1

through April 30. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. August 1 through September 30: Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. January 1 through April 30: Daily limit 6 salmon not more than 2 of which may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

~~((Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.~~

~~Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day-))~~

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Friderger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only

August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Trout and salmon: Minimum length eight inches. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steila-coom Road Bridge. Daily limit 6 fish of which no more than ((2)) 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101 ((upstream)): June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30 ((from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101)). Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum. (~~All species—Release all fish except chum.~~)

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to ((~~outside~~)) the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Moose Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County),¹ outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four

hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through March 31 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook ((or)) no more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

~~((From Highway 101 Bridge to mouth of North Fork: November 1 through March 31: All game fish: Release all fish except up to two hatchery steelhead per day may be retained.))~~

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road (~~August 16~~) October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. (~~Nonbuoyant lure restriction and~~) Night closure August 16 through November 30 on ((North)) South and Middle Nemah and October 1 through November 30 on ((South)) North Nemah ((from mouth to confluence with Middle Nemah)). Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah

from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook (~~or adult chum~~). No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of

which no more than 2 may be adult salmon. (~~Release pink salmon.~~)

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapcosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30

from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam (~~to diversion dam~~) upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon (~~and of which not more than one may be an adult chinook salmon. Release pink salmon~~).

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): ~~((June))~~ Open year-round. May 1 through ((April 30 season)) May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. ~~((July))~~ March 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length

fourteen inches. One wild steelhead per day may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the ~~((old Highway 99 Bridge and from the department rack to the))~~ Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

EXPEDITED

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~September 4~~) August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon(-) and release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~September 4~~) August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon(-) and release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June (~~4~~) 16 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the (~~Cascade River,~~) Dalles Bridge at Concrete. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon(-) and release chinook.

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200

feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30 (~~and~~). Release chum salmon. Daily limit 6 salmon October 1 through December 15, except (~~October 1 through December 15 the~~) daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. (~~August~~) October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

~~((Skokomish River, North Fork (Mason County):~~

~~From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.~~

~~Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.))~~

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open September 1 through December 31. Daily limit ((2)) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook ((and pink salmon)).

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull

Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit ((2)) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook ((and pink salmon)).

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little

Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~September 1~~) August 16 through December 31. Daily limit (~~2~~) four salmon of which no more than a total of two salmon may be coho and chum salmon. Release chinook (~~and pink salmon~~). Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: (~~June 1 through May 31~~) Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): (~~June~~) Open year-round. May 1 through (~~April 30 season~~) May 31 release all fish except up to two hatchery steelhead per day may be retained. (~~November 1 through April 30~~) Selective gear rules from the concrete pump station at the Soleduck Hatchery to the (~~Olympic National Park boundary~~. ~~November 1 through April 30 from the Highway 101 Bridge downstream from Snider Creek to the Olympic National Park boundary unlawful to fish from a floating device and all species~~. Release all fish) Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30

from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. (~~September 1 through October 31~~—night closure.) Trout: Minimum length fourteen inches. Salmon: Open only October (~~12~~) 11 through (~~October 27~~) November 2 to fishing by juveniles only. Night closure October 11 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

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From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~October 16~~) September 1 through December 31. Daily limit (~~2-chum~~) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed (~~June 1 through November 30~~). (~~Trout~~) Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only (~~October 16~~) September 1 through December 31. Daily limit (~~2-chum~~) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length

fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through last day in February ((28)) season. Game fish: Selective gear rules except single point barbless hooks required September 16 through October 31 and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho ((~~in main stem~~)). ((~~Release wild coho in North Fork.~~)) Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100

Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to lower bridge on Old Belfair Highway, June 1 through last day in February season.

~~((All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules:))~~

From ~~((Highway 300))~~ North Shore Road Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

~~((From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season:))~~ From North Shore Road Bridge upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon from mouth to watershed boundary.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish ~~((and of the adult fish not more than one may be a wild adult coho))~~. Release chum ~~((and))~~, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to ~~((the first Burlington Northern Railroad bridge downstream of the Highway 2 Bridge))~~ 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From ~~((the mouth))~~ 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release ~~((aH))~~ steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches ~~((and))~~. Release ~~((aH))~~ steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction ~~((and))~~, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

~~((Wenaha))~~ Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through ~~((December))~~ October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure (~~(August)~~ October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: (~~(July 1 through March 31 season-)~~) Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. (~~(Trout: Minimum length fourteen inches-)~~) Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure

(~~and~~), single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to (~~Highway 6 Bridge. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30 Highway 6 Bridge to~~) Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through (~~(October 31)~~) November 30. All species: Release all fish except up to two hatchery steelhead may be retained. (~~(Additional November 1 through last day of February season. Nonbuoyant lure restriction and night closure November 1 through November 30. All species: Release all fish except that up to two hatchery steelhead may be retained.)~~)

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. (~~(Mouth to High Bridge-)~~) May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31 (~~(from mouth to railroad bridge)~~). Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and non-buoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. (~~Trout: Minimum length fourteen inches.~~) Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Selective gear rules. Additional December 1 through March 31 season. (~~Selective gear rules.~~) Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

WSR 03-12-095
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 4, 2003, 11:04 a.m.]

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

EXPEDITED

Other Identifying Information: These rules are the result of Pacific Fisheries Management Council recommendations.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amends saltwater salmon rules.

Reasons Supporting Proposal: Provide recreational opportunity while protecting weak salmon stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Each year the Pacific Fisheries Management Council North of Falcon process makes recommendations for ocean salmon seasons. These recommendations, in turn, provide a framework for management of saltwater salmon stocks in inland waters. These rule proposals are the recreational component of the management decisions. The rules will provide fishing opportunity while protecting listed endangered species stocks, notably Puget Sound chinook salmon.

Proposal Changes the Following Existing Rules: Amends personal use saltwater salmon rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY August 4, 2003.

June 4, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section ~~((and as defined in the))~~. Open when a daily limit ((eodes in WAC 220-56-180)) is provided:

(1) Catch Record Card Area 1:

(a) May 1 through ~~((May-24))~~ June 28 - Closed.

~~(b) ((May 25 through June 16—Daily limit of two chinook salmon.~~

~~(e) June 17 through July 6—Closed.~~

~~(d) July 7))~~ June 29 through ((August 15)) September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, ~~((except))~~ of which not more than one may be a chinook salmon. Release wild coho.

~~((e) August 16 through September 30—Daily limit of two salmon, except release wild coho.~~

~~(f))~~ (c) October 1 through April 30 - Closed.

~~((e))~~ (d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

~~(b) ((May 25 through June 16—Daily limit of two chinook salmon.~~

~~(e) June 17 through June 29—Closed.~~

~~(d))~~ June ((30)) 22 through ((August 15)) September 14 - Open Sundays through Thursdays only. Area 2-2 west of the Buoy 13 line closed August 16 through September 14. Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 16 through September 14. Daily limit 2 salmon ((except)), of which not more than one may be a chinook salmon. Release wild coho.

~~((e) August 16 through September 8—Daily limit 2 salmon except release wild coho.~~

~~(f))~~ (c) September ((9)) 15 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through ~~((May-24))~~ September 15 - Closed.

~~(b) ((May 25 through August 31—Open concurrent with Area 2 when Area 2 is open for salmon angling.~~

~~(e))~~ September ((1)) 16 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon ~~((except no more than one of which may be an))~~. Release adult chinook.

~~((d))~~ (c) December 1 through April 30 - Closed.

~~((e))~~ (d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

~~(b) ((May-25))~~ June 22 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

~~(b) ((May 25 through June 16—Daily limit of two chinook salmon.~~

~~(e) June 17 through July 6—Closed.~~

~~(d) July 7))~~ June 22 through September ((8)) 14 - Daily limit of 2 salmon ~~((except)), of which not more than one may be a chinook salmon.~~ Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho.

~~((e))~~ (c) September (9) 15 through April 30 - Closed.
~~((f))~~ (d) Notwithstanding the provisions of this subsection, waters inside a line from Teahuit Head to "Q" buoy and then to ~~((Calee))~~ Cake Rock then east to shore open September (24) 20 through October (6) 5 - Daily limit two salmon ~~((except))~~, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through ~~((May 24))~~ June 21 - Closed.

(b) ~~((May 25 through June 16 - Daily limit of two chinook salmon-~~

~~(e) June 17 through July 6 - Closed-~~

~~(d) July 7))~~ June 22 through September ((8)) 14 - Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Waters south of a line from Kydaka Point westerly to Shipwreck Point closed July 1 through September 14 - Daily limit of 2 salmon ((except)), of which not more than one may be a chinook salmon. Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho salmon((;)). Release chinook salmon caught east of the Bonilla-Tatoosh line((-and)) June 22 through June 30 and August 1 through September ((8)) 14. Release chum salmon August 1 through September ((8)) 14.

~~((e))~~ (c) September (9) 15 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

~~((b) July 1 through September 30 - Daily limit of 2 salmon, except release chum and wild coho salmon. Release chinook July 1 through July 7. Daily limit may contain not more than one chinook July 8 through September 30.~~

~~(c) October 1 through October 31 - Closed.~~

~~(d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.~~

~~(e) December 1 through February 14 - Closed.~~

~~(f) February 15 through April 10 - Daily limit of 1 salmon.~~

~~(g) April 11 through April 30 - Closed.~~

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through September 30 - Daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

~~(c) October 1 through October 31 - Closed except Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp - Daily limit of 2 coho salmon.~~

~~(d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.~~

~~(e) December 1 through February 14 - Closed.~~

~~(f) February 15 through April 10 - Daily limit of 1 salmon.~~

~~(g) April 11 through April 30 - Closed.~~

~~(3) Catch Record Card Area 7:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through July 31 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.~~

~~(c) August 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon, release chum and wild coho.~~

~~(d) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.~~

~~(e) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.~~

~~(f) December 1 through January 31 - Closed.~~

~~(g) February 1 through March 31 - Daily limit of one salmon.~~

~~(h) April 1 through April 30 - Closed.~~

~~(i) Notwithstanding the provisions of this subsection, during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than 2 of which may be chinook.~~

~~(4) Catch Record Card Area 8-1:~~

~~(a) May 1 through July 31 - Closed.~~

~~(b) August 1 through October 31 - Daily limit 2 salmon, release chinook.~~

~~(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.~~

~~(d) December 1 through January 31 - Closed.~~

~~(e) February 1 through March 31 - Daily limit of one salmon.~~

~~(f) April 1 through April 30 - Closed.~~

~~(5) Catch Record Card Area 8-2:~~

~~(a) May 1 through July 31 - Closed.~~

~~(b) August 1 through October 31 - Daily limit 2 salmon, release chinook.~~

~~(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.~~

~~(d) December 1 through February 14 - Closed.~~

~~(e) February 15 through April 10 - Daily limit of one salmon.~~

~~(f) April 11 through April 30 - Closed.~~

~~(g) Notwithstanding the provisions of this subsection, waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings on Old Bowers Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open Friday through 11:59 a.m. the following Monday of each week June 30 through September 30. Daily limit two salmon.~~

~~(6) Catch Record Card Area 9:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.~~

~~(c) October 1 through October 31 - Daily limit of 2 salmon except release chinook.~~

~~(d) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.~~

~~(e) December 1 through January 31 - Closed.~~

(f) February 1 through March 31—Daily limit one salmon.

(g) April 1 through April 30—Closed.

(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Edmonds fishing pier—Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 30.

(i) Notwithstanding the provisions of this section, salmon fishing is permitted year round from the Hood Canal Bridge Fishing pontoon—Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook July 1 through August 31 and release chum salmon August 1 through October 15.

(7) Catch Record Card Area 10:

(a) May 1 through June 30—Closed.

(b) July 1 through October 31—Daily limit of 2 salmon except release chinook salmon, release chum August 1 through September 15, and:

(i) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except July 12 through August 18—Open Friday through Sunday only of each week—Daily limit of 2 salmon, release chum August 1 through August 18.

(ii) During the period July 1 through August 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 through September 15, it is lawful to retain chinook salmon in the daily limit in waters of Sinclair Inlet and Port Orehard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White.

(e) November 1 through November 30—Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) December 1 through December 15—Release all salmon.

(e) December 16 through December 31—Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) January 1 through last day in February—Daily limit of 1 salmon.

(g) March 1 through April 30—Closed.

(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Elliott Bay public fishing pier at Terminal 86, Seacrest pier, Waterman pier, Bremerton boardwalk, and the Illahee State Park pier—Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 15.

(i) During salmon openings in the Duwamish Waterway July 1 through October 31, it is unlawful to fish with terminal gear other than bait suspended above the bottom on a float. The Duwamish Waterway is defined as those waters upstream from an east-west line through southwest Hanford Street on Harbor Island to a line projected due east from the south tip of Harbor Island.

(8) Catch Record Card Area 11:

(a) May 1 through June 30—Closed.

(b) July 1 through October 31—Daily limit of 2 salmon.

(c) November 1 through December 31—Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) January 1 through April 10—Daily limit of one salmon.

(e) April 11 through April 30—Closed.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock—Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30—Closed.

(b) July 1 through October 15 in waters south of Ayock Point—Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.

(c) July 1 through August 31—Water north of Ayock Point—Closed.

(d) September 1 through October 15—Water north of Ayock Point—Daily limit 4 coho salmon.

(e) October 16 through December 31—Daily limit of 4 salmon, not more than one of which may be a chinook salmon.

(f) January 1 through February 14—Closed.

(g) February 15 through April 10—Daily limit of 1 salmon.

(h) April 11 through April 30—Closed.

(i) Notwithstanding the provisions of this subsection, in those contiguous waters north of a line from Point Whitney due west to the Tonandos Peninsula, open only: August 16 through October 31—Daily limit 4 coho salmon; November 1 through December 31—Daily limit 4 salmon not more than one of which may be a chinook; and February 15 through April 10—Daily limit one salmon.

(j) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(k) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) May 1 through June 30—Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) July 1 through October 31—Daily limit 2 salmon except release wild coho. Carr Inlet north of a line from Green Point to Penrose Point restricted to fly fishing gear only July 1 through July 31 with daily limit two coho, except release wild coho.

(c) November 1 through December 31—Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February 14—Release all salmon.

(e) February 15 through April 10—Daily limit of one salmon.

(f) April 11 through April 30—Release all salmon.

(g) Notwithstanding the provisions of this section, salmon fishing is permitted year round from the Fox Island public fishing pier—Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Addition-

ally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations-)) (b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(h) Waters south of a line from Kydaka Point to Shipwreck Point closed July 1 through September 30.

(i) October 1 through October 31 - Closed.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) Waters of Freshwater Bay south of a line from Angeles Point westerly to Observatory Point and waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.

(h) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(i) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon.

Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) April 11 through April 30 - Closed.

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon. Closed to salmon fishing in the Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(a).

(c) August 1 through September 30 - Daily limit of 4 salmon, of which not more than one may be a chinook salmon and not more than two of which may be coho or a combination of chinook and coho. Release chum and wild coho. Closed to salmon fishing in the Southeastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(b).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through November 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(h) December 1 through January 31 - Closed.

(i) February 1 through March 31 - Daily limit of 1 salmon.

(j) April 1 through April 30 - Closed.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho. Release chinook.

(c) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) December 1 through January 31 - Closed.

(f) February 1 through March 31 - Daily limit of 1 salmon.

(g) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - July 4 through July 28 Friday through Monday of each week - Daily limit of 2 salmon. Release chinook.

(b) August 1 through September 30 - Daily limit 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore

from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September 29 Friday through Monday of each week - Daily limit of 2 salmon.

(c) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) December 1 through February 13 - Closed.

(f) February 14 through April 10 - Daily limit of 1 salmon.

(g) During all openings provided for Area 8-2, waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

(c) August 1 through August 31 - Daily limit of 4 salmon, of which no more than 2 may be coho. Release chum and chinook.

(d) September 1 through September 30 - Daily limit of 2 salmon. Release chum and chinook.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

(g) December 1 through January 31 - Closed.

(h) February 1 through April 15 - Daily limit 1 salmon.

(i) April 16 through April 30 - Closed.

(j) Fishing is open year round when fishing from the Hood Canal Bridge Fishing Pontoon - Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chinook July 1 through August 31. Release chum August 1 through October 15.

(k) Fishing is open year round when fishing from the Edmonds Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.

(7) Catch Record Card Area 10:

(a) May 1 through June 15 - Closed.

(b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. Salmon may not be brought aboard a vessel.

(c) July 1 through October 31 - Daily limit 2 salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 31, except waters east of a line from Pier 91 to Duwamish Head open July 11 through August 17 only on Friday through Sunday - Daily limit 2 salmon. Release chum August 1 through August 17.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Lawful to retain chinook as part of the daily limit July 1 through September 30.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through December 15 - Closed.

(g) December 16 through last day in February - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through last day in February.

(h) March 1 through April 30 - Closed.

(i) Fishing is open year round when fishing from the Elliott Bay Fishing Pier, the Fishing Pier at Terminal 86, the Seacrest Pier, the Waterman Pier, the Bremerton Boardwalk, and the Illahee State Park Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(8) Catch Record Card Area 11:

(a) May 1 through May 30 - Closed.

(b) June 1 through October 31 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed June 1 through July 31.

(c) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February 13 - Closed.

(e) February 14 through April 10 - Daily limit of 1 salmon.

(f) April 11 through April 30 - Closed.

(g) Fishing is open year round when fishing from the Dash Point Dock, the Les Davis Pier, the Des Moines Pier, the Redondo Pier and the Point Defiance Boathouse Dock - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February 13 - Closed.

(g) February 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through May 31 - Daily limit 2 salmon, of which not more than one may be a chinook salmon.

(b) June 1 through June 30 - Closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from

Penrose Point to Green Point closed May 1 through July 31, except open to fly fishing only for hatchery coho July 1 through July 31.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) Fishing is open year round when fishing from the Fox Island Public Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

EXPEDITED

WSR 03-11-009
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 12, 2003, 10:02 a.m.]

Date of Adoption: May 12, 2003.

Purpose: Amendments to chapter 296-19A WAC, Vocational rehabilitation.

Chapter 296-19A WAC amends and revises the existing chapter 296-19A WAC.

New Sections:

WAC 296-19A-025 moves language from the existing WAC 296-19A-020 to define criteria the department considers when determining whether vocational rehabilitation services will be offered to industrially injured or ill workers.

New section WAC 296-19A-065 establishes ability to work assessment (AWA) services criteria.

New section WAC 296-19A-125 clarifies the purpose of forensic services.

New section WAC 296-19A-135 sets forth the department's reporting requirements for forensic services.

New section WAC 296-19A-137 establishes the department's requirements for a stand alone job analysis referral type.

New section WAC 296-19A-191 establishes prejob accommodations available for injured workers.

New section WAC 296-19A-192 establishes funding available for prejob accommodations.

New section WAC 296-19A-193 establishes service requirements for prejob accommodations.

New section WAC 296-19A-245 moves provider protest appeal rights from WAC 296-19A-240.

Amended sections:

WAC 296-19A-010 (1)(c) changes language to "restrictions" to provide consistency with industry vernacular. WAC 296-19-010(4) reorganizes language in the last bullet of the table clarifies that when an injured worker moves to a different labor market as a result of a medical condition arising from the occupational injury or disease, the department will use the worker's new labor market. WAC 296-19A-010 (7) and (8) adds the language "demonstrated" behavior. WAC 296-19A-010 (9) and (10) define the purpose of their corresponding paragraphs to resolve provider confusion between the two distinct types of services.

WAC 296-19A-020 was clarified to provide more consistency with statute and to become more reflective of the title in this section.

WAC 296-19A-030 (2)(b) and (c) establishes that the department would no longer be required to send reports to employers that do not request them and eliminates the requirement to send written notice to an injured worker if a complaint of noncooperation has been made. The department proposed an amendment to WAC 296-19A-030(5) to allow vocational providers to provide, "...upon request, copies of reports and attachments submitted to the referral source to the injured worker or their representative." RCW 51.28.070 provides authority for injured workers or their representatives to request copies of documents or their industrial insurance

claims file. As a result, the department determined that it was appropriate to allow injured workers to request this information from vocational providers rendering services.

WAC 296-19A-040 adds language to include "stand alone job analysis" as a service that requires authorization.

WAC 296-19A-060(1) changes language to clarify progress reports must be submitted every thirty calendar days from the date of the electronic referral. In response to public commentary, the amendment in WAC 296-19A-060(2) acknowledges that not all of the documentation requested in this section is always obtainable, by allowing the provider to "address" issues. WAC 296-19A-060 (2)(c) clarifies that providers are required to have the job analysis medically reviewed when submitting a closing report. WAC 296-19A-060 (2)(e)-(h) makes organization changes to clarify what items must be included or addressed in a closing report.

WAC 296-19A-070(1) clarifies that the section is referring a "report." WAC 296-19A-070 (1)(i) adds language to clarify that providers must address any gaps in employment in this work history. WAC 296-19A-070 (1)(j) adds language to include "[t]he report must address the first four return to work priorities set forth in RCW 51.32.095(2)." WAC 296-19A-070 (2)(a)(i) language addition to clarify that provider may report one or more job possibilities for which the injured worker may be qualified. WAC 296-19A-070 (2)(a)(ii) clarifies that providers are required to have the job analysis medically reviewed when submitting a closing report. WAC 296-19A-070 (2)(a)(iii) clarifies that when a job analysis is not obtainable, the vocational provider may submit medically approved physical capacities information. WAC 296-19A-070 (2)(b)(i) clarifies that providers identify the reasons that an injured worker may benefit from vocational rehabilitation services. WAC 296-19A-070 (2)(b)(ii) clarifies that providers should submit labor market information when it is necessary to support the recommendation. WAC 296-19A-070 (2)(c)(ii) clarifies that providers identify barriers that make it unlikely that an injured worker will become employable at gainful employment as a result of vocational services. WAC 296-19A-070 (2)(c)(iii) clarifies the department's expectation that vocational providers submit all necessary information to support their determinations. WAC 296-19A-070 (2)(d) makes organizational changes and language additions to clarify that "return to work" is a recommendation that can be made in AWA. WAC 296-19A-070(3) changes language to clarify that the documentation regarding work release should be obtained before contacting the department. WAC 296-19A-070 (3) and (4) clarifies when the provider must inform the department that the injured worker is medically released to work and when a closing report is required.

WAC 296-19A-090(3) clarifies that the development of a plan is billable under plan development. WAC 296-19A-090(6) clarifies the department's intentions and identifies that these activities are an important element in ensuring the success of a plan.

WAC 296-19A-100(1) changes language to clarify progress reports must be submitted every thirty calendar days from the date of the electronic referral. WAC 296-19A-100 (2)(h)(ii) changes language to "statement" clarifies the process and the document available from the department. WAC

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296-19A-100(3) changes language to clarify that the provider should submit closing reports even in circumstances when a proposed goal has not been identified. WAC 296-19A-100(3)(c) requires the provider to determine whether further services are appropriate.

WAC 296-19A-110(1) changes language to clarify that providers are responsible for injured workers starting and progressing in a plan. WAC 296-19A-110(6) acknowledges that providers cannot resolve all possible barriers and allows providers to address these issues with supporting documentation if they cannot be brought to resolution. WAC 296-19A-110(7) clarifies that providers may assist with job search assistance when appropriate in plan implementation. WAC 296-19A-110(10) allows providers to assist injured workers in obtaining preferred worker status if it is appropriate.

WAC 296-19A-130 more clearly describes the requirements for a forensic evaluation.

WAC 296-19A-140 makes organizational and language changes to clarify and better reflect the information needed and the desired format for a Labor Market Survey.

WAC 296-19A-170(1) will allow providers to use the DOT code but also use other sources as they become available. WAC 296-19A-170(2) clarifies that vocational providers are required to include the employer name and contact information in a job analysis when the analysis is based on site-specific information. WAC 296-19A-170(3) defines the term "essential functions" and clarifies the product the department is requesting from the provider. WAC 296-19A-170(5) changes language to "skills" clarifies by providing consistency with other language in chapter 296-19A WAC. WAC 296-19A-170(6) clarifies this requirement, which would increase flexibility for vocational providers and decrease costs. WAC 296-19A-170(7) clarifies that describing environmental hazards is only required if it is pertinent.

WAC 296-19A-180 and 296-19A-190 are intended to ensure that each WAC section is consistent with and addresses the specific topic for the WAC section in question and more clearly states the requirements and expectations for these services.

WAC 296-19A-200(1) clarifies that the provider's responsibility is to provide assistance to the employer when applying for job modification assistance. WAC 296-19A-200(2)(d) is intended to more clearly state the requirements for these services.

WAC 296-19A-210(1)(b) clarifies and more clearly states which providers are eligible for transition rights. WAC 296-19A-210(1)(b) extends the deadline for meeting the new requirements to November 30, 2010. WAC 296-19A-210(1)(c) clarifies that the VRC assigned to a referral is responsible for all of the work performed on that referral. WAC 296-19A-210(2)(a) removes backslashes and clarifies the term "VRC supervisor." WAC 296-19A-210(2)(a) revises the language to clarify that experience must be "direct." WAC 296-19A-210(2)(b) clarifies and more clearly states which providers are eligible for transition rights. WAC 296-19A-210(3) deletes language included in WAC 296-19A-130 to alleviate redundancy. WAC 296-19A-210(3) clarifies that the change in experience requirements from three to five years would not be applied retroactively. WAC 296-19A-210(3) revises the language to clarify that experience must be

"direct." WAC 296-19A-210(4)(b) explains that interns not previously registered with the department would remain in internship status until they have obtained on [one] of the required certifications. WAC 296-19A-210(4)(c) clarifies the department's intention of providing transition rights to all interns who were registered with the department as of November 30, 2000, by clearly stating which providers are eligible for transition rights and the length of those rights. WAC 296-19A-210(4)(c) clarifies that this WAC provides transition rights only to those providers who were registered with the department as of November 30, 2000. WAC 296-19A-210(4)(e) limits an intern to work as an intern for up to seventy-two months full-time or part-time equivalent experience. WAC 296-19A-210(5) explains the allowable role of an intern. WAC 296-19A-210(6) explains the responsibilities of the provider as it relates to the electronic security requirements. WAC 296-19A-210(7) clarifies and more clearly states which providers are eligible for transition rights. WAC 296-19A-210(7) clarifies that eligible providers will have a "ten-year" period in which to meet the qualification requirements.

WAC 296-19A-240(2) clarifies that during on-site audits, auditors may copy any files or records for their review. WAC 296-19A-240(5) explains the number of days to send in materials for a desk audit is thirty days.

WAC 296-19A-260(4) includes the suspension or termination of a provider number.

WAC 296-19A-270 [(1)](a) establishes additional situations in which the department may take corrective action for a provider's failure to render prompt and efficient services. The department is adopting a "prudent practices" approach to the HIPPA regulations. WAC 296-19A-270(m) adopts this level of compliance for vocational providers.

WAC 296-19A-300(2) corrects two incorrect citations in this section.

WAC 296-19A-350(8) clarifies that only providers who bill for services must meet this requirement.

WAC 296-19A-400(2) clarifies the current policy that providers must maintain files for five years.

WAC 296-19A-440(3) and (4) clarifies the scope of vocational disputes and reinforces current policy regarding whether plan modifications could be disputed.

WAC 296-19A-480 sets forth the effective dates for these amendments.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-19A-010 Definitions, 296-19A-020 When may the department offer vocational rehabilitation services?, 296-19A-030 What are the responsibilities of the parties?, 296-19A-040 What vocational rehabilitation services require authorization?, 296-19A-060 What reports does the department require when early intervention services are provided at its request?, 296-19A-070 What is an ability to work assessment?, 296-19A-090 What are vocational rehabilitation plan development services?, 296-19A-100 What reports does the department require when vocational rehabilitation plan development services are provided at its request?, 296-19A-110 What are vocational rehabilitation plan implementation and monitoring services?, 296-19A-130 What are the requirements for a forensic evaluation?, 296-19A-140 What information must a provider include in a labor market sur-

vey?, 296-19A-170 What information must a provider include in a job analysis?, 296-19A-180 What job modification assistance benefits are available?, 296-19A-190 How much is available for job modification assistance?, 296-19A-200 How does an employer apply for job modification assistance?, 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?, 296-19A-240 What authority does the department have to audit vocational rehabilitation providers?, 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?, 296-19A-270 In what situation(s) can the department take corrective action(s)?, 296-19A-300 How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?, 296-19A-350 What are the requirements for case notes?, 296-19A-400 What records are vocational rehabilitation providers required to maintain?, 296-19A-440 What elements of a vocational determination may be disputed? and 296-19A-480 When must providers comply with these rules?; and new sections WAC 296-19A-025 What information does the department consider when exercising discretion?, 296-19A-065 What are ability to work assessment (AWA) services?, 296-19A-125 What is the purpose of forensic services?, 296-19A-135 What reports does the department require when forensic services are provided?, 296-19A-137 When can the department request a stand alone job analysis?, 296-19A-191 What pre-job accommodations are available?, 296-19A-192 How much is available for prejob accommodations?, 296-19A-193 What are the requirements for prejob accommodations?, and 296-19A-245 What is the department's formal appeal process?

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

Adopted under notice filed as WSR 02-21-102 on October 22, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-19A-020**, end the sentence with, "...likely to enable the industrially injured or ill worker to become employable."

WAC 296-19A-030, add to WAC 296-19A-030(5) as the last sentence "This includes providing, upon request, copies of reports and attachments submitted to the referral source to the injured worker or their representative."

WAC 296-19A-060(1), change this section to state, "(1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative every thirty calendar days from the date of the electronic referral...."

WAC 296-19A-065(8), add language as "(8) Assessing the industrially injured or ill worker's need for preferred worker status and educating the worker on the preferred worker benefit, if appropriate."

WAC 296-19A-070 (1)(i), change language in subsection (1)(i) to "Complete work history, addressing any gaps in employment,..."

WAC 296-19A-070 (1)(j), add as "The report must address the first four return to work priorities set forth in RCW 51.32.095(2)."

WAC 296-19A-070 (2)(a)(ii), change to "When this is not obtainable, medically approved physical capacities information..."

WAC 296-19A-070(3), change to "The provider must immediately inform the department orally if the worker has returned to work or if the provider has documentation that the worker is medically released without restrictions or has returned to work. The provider must follow the oral notification with written notification within two working days."

WAC 296-19A-090(6), change the language in WAC 296-19A-090(6) to "Identify, evaluate, and plan education and training resources, when necessary."

WAC 296-19A-100(1), change this section to state, "(1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative every thirty calendar days from the date of the electronic referral...."

WAC 296-19A-110(7), change the language to "job search assistance."

WAC 296-19A-180, change the language to the following:

"When may the department authorize job modifications? As provided for in section 13, chapter 63, Laws of 1982 (RCW 52.32.250), the supervisor or the supervisor's designee in his or her discretion may authorize job modifications when the following criteria are met:

- (1) The claim is open or in statutory pension status; and
- (2) Due to the restrictions related to the accepted industrial condition the worker:
 - (a) Is in a light-duty job (graduated or transitional) and the modification is necessary to return the worker to the job of injury or a new job; or
 - (b) Is off work and the modification is necessary to return the worker to the job of injury of a new job; and
- (3) An employer-employee relationship exists."

WAC 296-19A-191, make the following changes to this section:

"When may the department authorize prejob accommodations? As provided for in RCW 51.32.095(4), the supervisor or the supervisor's designee in his or her discretion may authorize prejob accommodations when the following criteria are met:

- (1) The claim is open or in statutory pension status; and
- (2) The injured worker's attending doctor certifies that the prejob accommodations are medically necessary due to the effects of the accepted industrial condition; and
- (3) The prejob accommodation is medically necessary to enable the industrially injured or ill worker to:
 - (a) Participate in an approved retraining program; or
 - (b) Perform the essential functions of a job or a return to work goal in which the worker is seeking employment consistent with a completed retraining plan or the recommendations of an ability to work assessment, and
- 4) No employer-employee relationship exists."

WAC 296-19A-192, strike all language after the second sentence.

WAC 296-19A-193, change to: "What documentation must be submitted to the department for prejob accommodations?"

(1) A vocational provider assisting the injured worker in applying for prejob accommodation assistance must submit to the department a prejob accommodation assistance application. Prejob accommodation assistance applications shall be submitted on a form prescribed by the department.

(2) The prejob accommodation assistance application shall include, but is not limited to:

(a) A document supporting the need for prejob accommodation;

(b) A description of the prejob accommodation;

(c) An itemized account of each expense to be incurred in the prejob accommodation;

(d) An ownership agreement;

(e) Physician's certification of medical necessity."

WAC 296-19A-200 [(2)](d), add "(d) An ownership agreement."

WAC 296-19A-210 (1)(b), change the language to: "...registered with the department as of November 30, 2000."

WAC 296-19A-210 (1)(c), add "The VRC assigned to or directly receiving the referral from the referral source is responsible for all work performed by any vocational provider on that referral."

WAC 296-19A-210 (2)(a), change language to "In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC supervisor must provide proof of five years full-time experience providing direct vocational services to Washington state injured or ill workers."

WAC 296-19A-210 (2)(b), change the language to: "...registered with the department as of November 30, 2000."

WAC 296-19A-210(3), change to "In order to provide forensic services to the department, on or after the effective date of this rule, a VRC must... Vocational providers previously approved to provide this service, under chapter 296-19A WAC, will retain that status."

WAC 296-19A-210(3), change language to "...must provide proof of five years full-time experience providing direct vocational services to Washington state injured or ill workers."

WAC 296-19A-210 (4)(c), change language to "...November 30, 2010."

WAC 296-19A-210 (4)(c), change the language in first sentence to: "...registered with the department as of November 30, 2000."

WAC 296-19A-210 (4)(e), change the language "...for more than seventy-two months..."

WAC 296-19A-210(5), remove the last sentence of the proposed language.

WAC 296-19A-210(7), change the language to "...registered with the department as of November 30, 2000,"

WAC 296-19A-210(7), change "six" to "ten" year period.

WAC 296-19A-270, remove proposed language in WAC 296-19A-270 (1)(a).

WAC 296-19A-400, remove "Paper copies..." from proposed language.

WAC 296-19A-480, change to, "WAC 296-19A-480 When must providers comply with these rules?"

(1) The amendments to the following section of chapter 296-19A WAC becomes effective on July 1, 2003:

WAC 296-19A-137 "When can the department request a stand alone job analysis?"

(2) The following amendments to chapter 296-19A WAC and new sections become effective February 1, 2004:

WAC 296-19A-010 "Definitions."

WAC 296-19A-020 "When may the department offer vocational rehabilitation services?"

WAC 296-19A-025 "What information does the department consider when exercising discretion?"

WAC 296-19A-030 "What are the responsibilities of the parties?"

WAC 296-19A-040 "What vocational rehabilitation services require authorization?"

WAC 296-19A-060 "What reports does the department require when early intervention services are provided at its request?"

WAC 296-19A-065 "What are ability to work assessment (AWA) services?"

WAC 296-19A-070 "What is an ability to work assessment?"

WAC 296-19A-090 "What are vocational rehabilitation plan development services?"

WAC 296-19A-100 "What reports does the department require when vocational rehabilitation plan development services are provided at its request?"

WAC 296-19A-110 "What are vocational rehabilitation plan implementation and monitoring services?"

WAC 296-19A-125 "What is the purpose of forensic services?"

WAC 296-19A-130 "What are the requirements for a forensic evaluation?"

WAC 296-19A-135 "What reports does the department require when forensic services are provided?"

WAC 296-19A-140 "What information must a provider include in a labor market survey?"

WAC 296-19A-170 "What information must a provider include in a job analysis?"

WAC 296-19A-180 "What job modification assistance benefits are available?"

WAC 296-19A-190 "How much is available for job modification assistance?"

WAC 296-19A-191 "What prejob accommodations are available?"

WAC 296-19A-192 "How much is available for prejob accommodations?"

WAC 296-19A-193 "What are the requirements for prejob accommodations?"

WAC 296-19A-200 "How does an employer apply for job modification assistance?"

WAC 296-19A-210 "What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?"

WAC 296-19A-230 "Why does the department audit vocational rehabilitation providers?"

WAC 296-19A-240 "What authority does the department have to audit vocational rehabilitation providers?"

WAC 296-19A-245 "What is the department's formal appeal process?"

WAC 296-19A-260 "What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?"

WAC 296-19A-270 "In what situation(s) can the department take corrective action(s)?"

WAC 296-19A-300 "How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?"

WAC 296-19A-350 "What are the requirements for case notes?"

WAC 296-19A-400 "What records are vocational rehabilitation providers required to maintain?"

WAC 296-19A-440 "What elements of a vocational determination may be disputed?"

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 28, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 28, 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: **The amendments to the following section becomes effective on July 1, 2003:** WAC 296-19A-137 When can the department request a stand alone job analysis?

The following amendments and new sections become effective February 1, 2004: WAC 296-19A-010 Definitions, 296-19A-020 When may the department offer vocational rehabilitation services?, 296-19A-025 What information does the department consider when exercising discretion?, 296-19A-030 What are the responsibilities of the parties?, 296-19A-040 What vocational rehabilitation services require authorization?, 296-19A-060 What reports does the department require when early intervention services are provided at its request?, 296-19A-065 What are ability to work assessment (AWA) services?, 296-19A-070 What is an ability to work assessment?, 296-19A-090 What are vocational rehabilitation plan development services?, 296-19A-100 What reports does the department require when voca-

tional rehabilitation plan development services are provided at its request?, 296-19A-110 What are vocational rehabilitation plan implementation and monitoring services?, 296-19A-125 What is the purpose of forensic services?, 296-19A-130 What are the requirements for a forensic evaluation?, 296-19A-135 What reports does the department require when forensic services are provided?, 296-19A-140 What information must a provider include in a labor market survey?, 296-19A-170 What information must a provider include in a job analysis?, 296-19A-180 What job modification assistance benefits are available?, 296-19A-190 How much is available for job modification assistance?, 296-19A-191 What prejob accommodations are available?, 296-19A-192 How much is available for prejob accommodations?, 296-19A-193 What are the requirements for prejob accommodations?, 296-19A-200 How does an employer apply for job modification assistance?, 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?, 296-19A-230 Why does the department audit vocational rehabilitation providers?, 296-19A-240 What authority does the department have to audit vocational rehabilitation providers?, 296-19A-245 What is the department's formal appeal process?, 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?, 296-19A-270 In what situation(s) can the department take corrective action(s)?, 296-19A-300 How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?, 296-19A-350 What are the requirements for case notes?, 296-19A-400 What records are vocational rehabilitation providers required to maintain?, and 296-19A-440 What elements of a vocational determination may be disputed?

May 12, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-010 Definitions. (1) **What does it mean to say an injured worker is employable?**

(a) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be capable of performing and obtaining gainful employment on a reasonably continuous basis when considering the worker's:

(i) Age, education, and experience;

(ii) Preexisting physical and mental limitations; and

(iii) Physical and mental limitations caused, at least in part, by the worker's industrial injury or occupational disease.

(b) Physical and/or mental conditions that arose after the industrial injury/occupational disease that were not caused or aggravated by the industrial injury/occupational disease are not considered in determining whether the worker is employable under the Industrial Insurance Act.

(c) If there are no physical or mental (~~limitations~~) restrictions caused by the worker's industrial injury/occupational

tional disease, the worker must be found employable under the Industrial Insurance Act.

(2) What are vocational rehabilitation services?

Vocational rehabilitation services are those provided by a vocational rehabilitation provider and include, but are not limited to, the following:

(a) Gathering industrially injured or ill workers' work and/or education histories and physical capacities information;

(b) Assessing industrially injured or ill workers' employability;

(c) Developing, documenting, and writing vocational rehabilitation plans;

(d) Monitoring injured workers' progress during training;

(e) Writing progress reports;

(f) Analyzing and documenting the transferable skills of the injured worker and writing transferable skills analyses;

(g) Performing occupational research;

(h) Conducting labor market surveys and writing labor market survey reports;

(i) Conducting and writing job analyses;

(j) Communicating with industrially injured or ill workers, employers, physicians and others;

(k) Developing job modifications and work site modifications, as well as prejob accommodations, and writing reports for this work; and

(l) All work done to obtain any job with any employer for injured workers referred for vocational rehabilitation services.

(3) What is a vocational rehabilitation provider (provider)? A provider is any person, firm, partnership, corporation, or other legal entity that provides vocational rehabilitation services to industrially injured or ill workers, pursuant to RCW 51.32.095. A provider must meet the qualifications listed in WAC 296-19A-210.

(4) What is an injured worker's labor market? Generally, the worker's relevant labor market is the geographic area where the worker was last gainfully employed. The labor market must be within a reasonable commuting distance and be consistent with the industrially injured or ill worker's physical and mental capacities. The exceptions to this rule are listed in the table below:

When a worker:	Then the department:
<ul style="list-style-type: none"> Relocates to a labor market other than at the time of injury and Returns to work and Suffers an aggravation of the work-related condition. 	Uses the labor market where the industrially injured or ill worker worked at the time of the aggravation. This applies whether the department closed and reopened the claim or whether the claim remained open during the period of aggravation.

When a worker:	Then the department:
<ul style="list-style-type: none"> Relocates after the industrial injury/illness or aggravation and Now lives in a labor market with more employment opportunities than where the industrially injured or ill worker worked at the time of injury. 	Uses the industrially injured or ill worker's current labor market. For example, an industrially injured or ill worker was injured in Forks but after the injury, moves to Tacoma. Provider would use Tacoma as the industrially injured or ill worker's labor market.
<ul style="list-style-type: none"> Relocates to a labor market other than at the time of injury or onset of illness and The ((industrial injury or occupational disease was a proximate cause of the)) move <u>was proximately caused by the medical condition arising from the occupational injury or disease.</u> 	Uses the injured or ill worker's current labor market. For example, an industrially injured or ill worker moves to a drier climate due to an accepted asthma condition. Provider would use the labor market in the drier climate.

(5) What is a labor market survey (LMS)? It is a survey of employers in an industrially injured or ill worker's labor market to obtain specific information (such as physical demands and qualifications) related to job possibilities.

(6) What is a job analysis (JA)? It is the gathering, evaluating, and recording of accurate, objective data about the characteristics of a particular job.

(7) What is a transferable skill? Transferable skills are any combination of learned or demonstrated behavior, education, training, work traits, and work-related skills that can be readily applied by the worker. They are skills that are interchangeable among different jobs and workplaces. Nonwork-related talents or skills that are both demonstrated and applicable may also be considered.

(8) What is a transferable skills analysis? It is a systematic study of the transferable skill or skills a worker has demonstrated to see if that skill set makes him/her employable.

(9) What are job modifications? Job modifications are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of job modification benefits is to encourage employers to modify jobs to retain or hire injured workers. Job modifications are used when an employer-employee relationship exists, and they may include worksite adjustment; job restructuring; and/or tools, equipment or appliances.

(10) What are prejob accommodations? Prejob accommodations are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of prejob accommodation benefits is to make it possible for the worker to perform the essential functions of a job. Accommodations are used when an industrially injured

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or ill worker is engaged in a vocational rehabilitation plan or in a job search, and they may include tools, equipment or appliances.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-020 **When may the department offer vocational rehabilitation services?** The department may, at its sole discretion, authorize vocational rehabilitation services that are necessary and likely to ~~((make the worker))~~ enable the industrially injured or ill worker to become employable. ~~((In exercising its discretion the department considers, but is not limited to:~~

~~(1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;~~

~~(2) The worker's ability and willingness to participate in and benefit from vocational rehabilitation services; and~~

~~(3) The likelihood that the worker will be employable after the vocational rehabilitation services are completed.))~~

NEW SECTION

WAC 296-19A-025 **What information does the department consider when exercising discretion?** In exercising its discretion the department considers, but is not limited to:

(1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;

(2) The worker's ability and willingness to participate in and benefit from vocational rehabilitation services; and

(3) The likelihood that the worker will be employable after the vocational rehabilitation services are completed.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-030 **What are the responsibilities of the parties?** All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the industrially injured or ill worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

(2) The claims unit within the department shall ~~((~~ ~~((a))~~ notify the employer of the referral to a vocational rehabilitation provider ~~((;~~

~~((b) Send the employer a copy of the closing report; and~~
~~((c) Give written notice to an injured worker if a complaint of noncooperation has been made.))~~

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Fur-

ther, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095 and the requirements as set out in this chapter. This includes providing, upon request, copies of reports and attachments submitted to the referral source to the injured worker or their representative.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-040 **What vocational rehabilitation services require authorization?** All vocational rehabilitation services must be preauthorized. The department may make one or more of the following type of referrals: Early intervention; ability to work assessment ("AWA" or "assessment"); plan development; plan implementation; ~~((or))~~ forensic services; or stand alone job analysis. Each referral is a separate authorization for vocational rehabilitation services.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-060 **What reports does the department require when early intervention services are provided at its request?** (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Summarized results of all contacts the provider had with the industrially injured or ill worker, employer of injury or current employer, and medical provider(s);

(b) Summary of all actions taken including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Closing reports. The provider must always submit an early intervention closing report at the conclusion of services. In the report the provider must include or address:

(a) A brief description of the industrially injured or ill worker's work history ~~((;~~

(b) Summary of the industrially injured or ill worker's education, training, licenses, and certificates;

(c) A medically reviewed job analysis for the job of injury and any other return to work options;

(d) Description of the worker's medical status and physical capacities;

(e) ~~((The date the worker returned to work and the monthly salary or wage, or document attempts to obtain this information;~~

(f) ~~Indication of which return to work priority relates to the situation;~~

(g) ~~Documentation that no return to work options exist with the employer of injury or current employer, if applicable;~~

~~(h) Any other supporting documentation.))~~ Indication of which return to work priority relates to the situation;

(f) Any other supporting documentation;

(g) The date the worker returned to work and the monthly salary or wage, or document attempts to obtain this information, if applicable;

(h) Documentation that no return to work options exist with the employer of injury or current employer, if applicable.

(3) The provider must notify the department orally and in writing within two working days after learning of an unsuccessful return to work by the injured worker.

(4) The provider must notify the department orally and in writing within two working days after learning of a return to work by the injured worker.

NEW SECTION

WAC 296-19A-065 What are ability to work assessment (AWA) services? AWA services are used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation plan development services. AWA services may include, but are not limited to, the following:

(1) Performing job analyses;

(2) Conducting labor market surveys;

(3) Assessing transferable skills;

(4) Obtaining work restrictions;

(5) Evaluating the injured worker's ability to work at the job of injury or any other job;

(6) Coordinating with medical providers to obtain physical capacities and restriction information and a release to participate in vocational rehabilitation plan development services;

(7) With authorization from the department, vocational testing may be used to evaluate the industrially injured or ill worker's ability to benefit from vocational rehabilitation services;

(8) Assessing the industrially injured or ill worker's need for preferred worker status and educating the worker on the preferred worker benefit, if appropriate.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-070 What is an ability to work assessment? (1) ~~((An AWA is a written report used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation services.))~~ The AWA

report must include an evaluation of the industrially injured or ill worker's:

(a) Age, education and experience;

(b) Transferable skills;

(c) Preexisting physical and mental conditions and the effect of those conditions on the worker's employability;

(d) Physical and mental conditions proximately caused by the worker's industrial injury or occupational disease and the effect of those conditions on the worker's employability;

(e) Wage at the time of injury;

(f) Work pattern;

(g) Significant barriers to employment;

(h) Labor market; ~~((and))~~

(i) Complete work history, addressing any gaps in employment, in addition to information about education level, courses or transcripts, licenses, certifications or registrations that the worker may have obtained in the past; and

(j) The report must address the first four return to work priorities set forth in RCW 51.32.095(2).

(2) The AWA must also include one of the following recommendations:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, ~~((the))~~ a list of job ((possibility(ies))) possibilities for which the worker is qualified;

(ii) A medically approved job analysis ((or)). When this is not obtainable, medically approved physical capacities information ((when a JA is not possible)) regarding the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when ((not returning to the employer of injury or current employer)) the injured worker is medically released to work for their job of injury at their previous work pattern;

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating ~~((why the worker is unlikely to return to work without vocational rehabilitation services))~~ how vocational rehabilitation plan development services are necessary and likely to enable the injured worker to become employable at gainful employment;

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out including labor market information when necessary; or

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational rehabilitation services are not appropriate;

(ii) ~~((Any))~~ Identifying barriers that will ((interfere with the worker's return to work or)) make it unlikely the worker will benefit from vocational rehabilitation services, consistent with the requirements in WAC 296-19A-010(1);

(iii) ~~((If appropriate))~~ Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

- (i) A description of the job the worker returned to;
- (ii) The name of the employer;
- (iii) The date that the worker returned to work;
- (iv) The worker's monthly wages.

~~(3) ((The provider must notify the department in writing within two working days if the worker is medically released to work without restrictions.))~~ The provider must immediately inform the department orally if the worker has returned to work. The provider must follow the oral notification with written notification within two working days. The provider must attach documentation showing the worker was medically released to work without restrictions. Except for completing the closing report, the provider should not perform any other work on the AWA without the prior authorization of the referral source.

~~((4) The provider must notify the department orally and in writing within two working days if the worker has returned to work. This report must specify and/or document attempts to obtain the following information:~~

- ~~(a) A description of the job the worker returned to;~~
- ~~(b) The name of the employer;~~
- ~~(c) The date that the worker returned to work;~~
- ~~(d) The worker's monthly wages.))~~

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-090 What are vocational rehabilitation plan development services? Vocational rehabilitation plan development services are authorized to obtain the vocational rehabilitation provider's assistance in producing a vocational rehabilitation plan for an industrially injured or ill worker. The provider will work with the industrially injured or ill worker in the development of the plan. Covered services include, but are not limited to, the following:

- (1) Vocational counseling and occupational exploration;
- (2) Identifying job goal, training needs, resources, and expenses;
- (3) Vocational rehabilitation plan development services are authorized for the vocational rehabilitation provider to produce a recommended vocational rehabilitation plan for an industrially injured or ill worker;
- (4) Coordinating with medical providers to obtain physical capacities and restrictions information and a release to participate in a vocational rehabilitation plan; ~~(and~~
- ~~(4))~~ (5) Vocational testing; and
- (6) Identify, evaluate, and plan education and training resources, when necessary.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-100 What reports does the department require when vocational rehabilitation plan devel-

opment services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

- (a) Description of the return to work goals explored, accepted or ruled out;
- (b) Review of the return to work priorities being addressed;
- (c) Summary of all actions taken, including progress on previously recommended actions;
- (d) Identification and analysis of any barriers preventing completion of the referral; and
- (e) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Vocational rehabilitation plan. The provider must address the return to work priorities listed in RCW 51.32.095(2) in the plan and explain why each preceding priority would not help the industrially injured or ill worker return to work. The vocational plan must also include the following information:

- (a) An assessment of the industrially injured or ill worker's skills and abilities considering the industrially injured or ill worker's physical capacities and mental status, aptitudes and transferable skills gained through prior work experience, education, training and avocation;
- (b) The services necessary to enable the industrially injured or ill worker to become employable in the labor market;
- (c) Labor market survey supportive of the industrially injured or ill worker's employability upon plan completion;
- (d) Documentation of the time and costs required for completion of the plan;
- (e) A direct comparison of the industrially injured or ill worker's skills, both existing and those to be acquired through the plan, with potential types of employment to demonstrate a likelihood of plan success;
- (f) A medically approved job analysis for the proposed retraining job goal;
- (g) Any other information that may significantly affect the plan; and
- (h) An agreement signed by the provider and industrially injured or ill worker that:
 - (i) Acknowledges that the provider and the industrially injured or ill worker have reviewed, understand and agree to the vocational rehabilitation plan; and
 - (ii) Sets forth the provider's and industrially injured or ill worker's responsibilities for the successful implementation and completion of the vocational rehabilitation plan.

The provider must use a ~~((form))~~ statement approved by, or substantially similar to a ~~((form))~~ statement used by, the department in order to document this agreement.

(3) Closing report. If the provider has to stop plan development before ~~((reaching a vocational goal))~~ a rehabilitation plan is submitted and/or approved, submit a plan development closing report. The report must include:

(a) A list of the reasons the provider cannot proceed with vocational rehabilitation plan development activities; ~~((and))~~

(b) Supporting documentation, such as: Goals researched, job analyses developed, and/or labor market research conducted; and

(c) Address whether or not further vocational rehabilitation services may be necessary and likely to enable the injured worker to become employable.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-110 What are vocational rehabilitation plan implementation and monitoring services? Vocational rehabilitation plan implementation and monitoring services are those services a vocational rehabilitation provider provides to assist an industrially injured or ill worker to successfully complete a vocational rehabilitation plan. These services may include, but are not limited to, the following:

(1) Maintain sufficient contact with the industrially injured or ill worker, trainer and medical providers to make sure the worker ~~((is))~~ successfully ~~((progressing))~~ enters and progresses in the vocational rehabilitation plan;

(2) Confirm that the industrially injured or ill worker has received all necessary equipment and supplies;

(3) Contact the industrially injured or ill worker and trainer at least every thirty days to identify potential problems;

(4) Notify the department if the plan needs to be interrupted;

(5) Notify the department when the industrially injured or ill worker completes the plan;

(6) Monitor the industrially injured or ill worker's progress and resolve any problems that might arise or address by submitting supporting documentation regarding why it cannot be brought to resolution;

(7) Assisting in job search assistance prior to the completion of the vocational rehabilitation plan.

(8) Document the industrially injured or ill worker's acquisition of skills; and

~~((8))~~ (9) Notify the department if the plan needs to be terminated.

(10) Obtain preferred worker status for worker, if appropriate.

NEW SECTION

WAC 296-19A-125 What is the purpose of forensic services? The department may make a referral for forensic services to obtain an independent and objective evaluation of the vocational rehabilitation components of a complex claim. The department will only authorize a forensic evaluation when previous vocational referrals have not resolved an injured worker's vocational issues, except when necessary to make a determination regarding whether a deceased worker was totally and permanently disabled at the time of death. The forensic evaluation shall define what additional services, if any, are necessary and likely to enable an industrially injured or ill worker to become employable at gainful employment. A forensic evaluation shall also include col-

lecting information relevant to making a vocational recommendation, according to the provisions in WAC 296-19A-130.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-130 What are the requirements for a forensic evaluation? ~~((Vocational forensic services are authorized to obtain the vocational rehabilitation provider's assistance in reviewing the claim file and making recommendations to resolve vocational issues. Except when necessary to make a determination regarding whether a deceased worker was totally and permanently disabled at the time of death, the department will only authorize a forensic evaluation when previous vocational referrals have not resolved an injured worker's vocational issues.~~

~~(1) The recommendations may include, but are not limited to:~~

~~(a) Vocational rehabilitation services are not appropriate. The vocational rehabilitation provider will provide the rationale for the recommendation.~~

~~(b) Vocational rehabilitation services are appropriate. The vocational rehabilitation provider will provide specific suggestions for the type of vocational rehabilitation services recommended.~~

~~(c) Able to work.~~

~~(d) Further clarification of medical or vocational issues is needed. The vocational rehabilitation provider will identify issues impacting the vocational rehabilitation process and requiring clarification.~~

~~(2) Covered services include, but are not limited to:~~

~~(a) Reviewing medical and vocational records;~~

~~(b) Identifying barriers to employment and possibilities for resolving the barriers;~~

~~(c) Coordinating with providers to obtain physical, mental and vocational capacities and restrictions;~~

~~(d) Identifying training needs and resources.~~

~~Vocational recommendations must follow department guidelines and have supporting documentation attached.)~~ (1)

A forensic evaluation constitutes an analysis of prior vocational services and the medical conditions of an injured worker, including pre and post injury, to determine whether any further vocational services are necessary and likely to enable the injured worker to become employable at gainful employment. Services that may be conducted in order to make a recommendation to the department may include, but are not limited to:

(a) Reviewing medical and vocational records;

(b) Obtaining, clarifying, and/or evaluating an industrially injured or ill worker's:

(i) Work and/or education history;

(ii) Skills, knowledge and aptitudes;

(iii) Physical capacities information related to the injury or other medical conditions;

(c) Identifying barriers to employment and possibilities for resolving the barriers;

(d) Identifying potential training needs and resources;

(e) Performing recommended services as needed to make a recommendation. These services may include con-

ducting and writing job analyses, conducting labor market surveys, performing transferable skills analysis and performing occupational research.

(2) Recommendations must address the return to work priorities in RCW 51.32.095(2) and be documented by providing evidence of previous services and/or services performed under this referral.

(3) Development of a vocational rehabilitation plan is specifically precluded during a forensic evaluation.

(4) Any vocational provider that has provided any vocational rehabilitation services to the industrially injured or ill worker may not receive a referral for a forensic evaluation of that industrially injured or ill worker. Any vocational provider who begins a forensic evaluation cannot receive further vocational referrals for that worker.

NEW SECTION

WAC 296-19A-135 What reports does the department require when forensic services are provided? A forensic evaluation requires thirty-day progress report(s) and a final report.

(1) Progress reports. Each progress report must include:

(a) A detailed explanation why the forensic referral was not completed as of the date of the report;

(b) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) A description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Final report. The final report must include recommendations and a recommended outcome. The report must comprehensively evaluate the vocational and medical aspects of the claim so that the adjudicator can make an appropriate vocational decision. The vocational provider must designate an outcome in the closing report when the forensic evaluation is complete. The recommendations may include, but are not limited to:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, a list of job possibilities for which the worker is qualified;

(ii) A medically approved job analysis. When this is not obtainable, medically approved physical capacities information supporting the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when the injured worker is medically released to work for their job of injury at their previous work pattern.

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating how vocational rehabilitation plan development services are necessary and likely to

enable the injured worker to become employable at gainful employment.

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out, including labor market information when necessary.

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational services are not appropriate;

(ii) Identifying barriers that will make it unlikely the worker will benefit from vocational services, consistent with the requirements in WAC 296-19A-010(1);

(iii) Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

(i) A description of the job the worker returned to;

(ii) The name of the employer;

(iii) The date that the worker returned to work;

(iv) The worker's monthly wages.

(e) Further clarification of medical issues is needed. The vocational rehabilitation provider will identify issues impacting the vocational rehabilitation process and requiring clarification.

NEW SECTION

WAC 296-19A-137 When can the department request a stand alone job analysis? The department can request a stand alone job analysis to analyze the requirements and characteristics of a job(s), an injured worker's ability to perform job functions and duties, and whether the injured worker requires further vocational rehabilitation services in order to become employable at gainful employment. Stand alone job analysis services are distinct services from any other referral type and may not be performed in conjunction with another referral for vocational rehabilitation services. A referral for a stand alone job analysis may be made at any time while the claim is open or in provisional status. The provider shall conduct an on-site job analysis whenever possible. Stand alone job analysis services must be completed and submitted to the department within fifteen calendar days of the referral assignment. The provider shall prepare a report addressing all elements set forth in WAC 296-19A-170.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-140 What information must a provider include in a labor market survey? (1) The following information must be included in a labor market survey(=

~~(a) The specific job title surveyed;~~

~~(b) If the provider completes a LMS on a referral, include a summary;~~

~~(c) Indicate in the summary whether the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based on either the industrially~~

injured or ill worker's attending physician or the preponderance of medical information; and

(d) ~~The LMS must note the name of the surveyor and list all employer contacts, positive and negative, and the dates of contact.~~

(2) ~~A positive labor market exists if one of the following circumstances is present:~~

~~(a) If the provider performs a LMS to assess the industrially injured or ill worker's employability, it is considered positive if the LMS shows enough jobs suitable for that injured worker, consistent with WAC 296-19A-010(1); or~~

~~(b) If the provider performs a LMS for a vocational rehabilitation plan, it is considered positive if the LMS shows the proposed job goal, and jobs suitable for that injured worker, consistent with WAC 296-19A-010(1), exist in sufficient numbers to reasonably conclude that the worker will be employable at successful plan completion.~~

~~(3) The labor market survey report must include, or document attempts to obtain:)) that is submitted to the department as documentation in support of a vocational recommendation. This information must be presented in the form of a summary report and accompanied by the results of the individual employer contacts:~~

~~(a) The specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;~~

~~(b) The name of the surveyor;~~

~~(c) A summary of all contacts and the dates of contact;~~

~~(d) A summary of whether or not the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based upon information from the attending physician or from a preponderance of medical information;~~

~~(e) A summary of whether the labor market matches the industrially injured or ill worker's work pattern;~~

~~(f) A summary of whether the labor market is considered positive or negative, as follows:~~

~~(i) If the labor market survey is conducted during an ability to work assessment, a labor market is considered positive if it shows that there are sufficient job opportunities in the worker's relevant labor market to enable the injured worker to become employable.~~

~~(ii) If the labor market is conducted during a plan development, a labor market is considered positive if it shows that jobs suitable for the injured worker for the proposed job goal exist in sufficient numbers to reasonably conclude that the worker will be employable at plan completion.~~

~~(g) Additional information may be presented in the summary, but only as a supplement to the labor market survey. Additional information may include, but is not limited to, published statistical data regarding occupations and projected job openings.~~

~~(2) The following information must be obtained from the individual employer contacts and submitted to the department with the summary report. If the information is not available, the VRC should document attempts made to obtain the information and why it was not available.~~

~~(a) The specific job title surveyed;~~

(b) All specific employer contacts, including their firm names, phone numbers, contact name and job title;

(c) Physical and mental/cognitive demands of the job in relation to the industrially injured or ill worker's physical and mental/cognitive capacities;

(d) Minimum hiring requirements and the skills and training commonly and currently necessary to be gainfully employed in the job;

(e) Work patterns;

(f) Number of positions per job title;

(g) Wage;

(h) Date of last hire;

(i) Number of current openings; and

~~(j) ((A summary of the labor market survey results and whether the survey is)) An indication of whether each contact was considered positive or negative. The provider must include specific documentation to support why a contact was positive or negative for the recommended occupation or proposed vocational goal.~~

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-170 What information must a provider include in a job analysis? When completing a job analysis, the vocational rehabilitation provider must:

(1) Include identifying information on each page. This information includes the worker's name and claim number, and ~~((job title and DOT number))~~ the specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;

(2) Note the name of the vocational rehabilitation provider who completed the job analysis, where the provider completed the job analysis and the date of the job analysis. If the analysis is ~~((done on-site))~~ based on site specific information, include the employer name and employer contact person(s) name(s) with phone number(s);

(3) Describe the essential functions and all other tasks required to perform the job. Essential job functions are the basic, necessary, and integral parts of a job performed by a worker;

(4) List the tools and equipment required to do the job;

(5) Evaluate and describe the ~~((competencies))~~ skills required to perform the job;

(6) Evaluate and describe the physical demands and their frequency required to perform the job ~~((This must include demands for sitting, standing, lifting, etc)),~~ utilizing the physical demands listing consistent with the DOT. If the DOT does not represent an accurate reflection/description of the job, then list the specific job surveyed, the physical demands and the source from which the physical demands listing was obtained. The vocational rehabilitation provider should pay special attention to any job duties and physical demands that may be affected by the industrially injured or ill worker's condition;

(7) Describe, if pertinent, any environmental hazards encountered on the job;

(8) Describe possible modifications to the job for employer job offers or job modifications;

(9) A section for medical approval, signature, and comments; and

(10) The signature of the vocational rehabilitation provider presenting the job analysis for review and date signed.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-180 (~~What job modification assistance benefits are available~~) **When may the department authorize job modifications?** As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor or supervisor's designee, in his or her discretion, may (~~pay job modification costs. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund~~) **authorize job modifications** when the following criteria are met:

(1) The claim is open or in statutory pension status; and

(2) Due to the restrictions related to the accepted industrial condition to the worker:

(a) Is in a light-duty job (graduated or transitional) and the modification is necessary to return the worker to the job of injury or a new job; or

(b) Is off work and the modification is necessary to return the worker to the job of injury or a new job; and

(3) An employer-employee relationship exists.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-190 **How much is available for job modification assistance?** An amount not to exceed five thousand dollars from the department is available per worker per (~~modification~~) **job or job site. If combined with prejob accommodations for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars.** The employer may add to this amount with its own contribution.

NEW SECTION

WAC 296-19A-191 **When may the department authorize prejob accommodations?** As provided for in RCW 51.32.095(4), the supervisor or the supervisor's designee, in his or her discretion, may authorize prejob accommodations when the following criteria are met:

(1) The claim is open or in statutory pension status; and

(2) The injured worker's attending doctor certifies that the prejob accommodations are medically necessary due to the effects of the accepted industrial condition; and

(3) The prejob accommodation is medically necessary to enable the industrially injured or ill worker to:

(a) Participate in an approved retraining program; or

(b) Perform the essential functions of a job or a return to work goal in which the worker is seeking employment con-

sistent with a completed retraining plan or the recommendations of an ability to work assessment; and

(4) No employer-employee relationship exists.

NEW SECTION

WAC 296-19A-192 **How much is available for prejob accommodations?** An amount not to exceed five thousand dollars from the department is available per worker per claim. If combined with job modifications for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars.

NEW SECTION

WAC 296-19A-193 **What documentation must be submitted to the department for prejob accommodations?** (1) A vocational provider assisting the injured worker in applying for prejob accommodation assistance must submit to the department a prejob accommodation assistance application. Prejob accommodations assistance applications shall be submitted on a form prescribed by the department.

(2) The prejob accommodation assistance application shall include, but is not limited to:

(a) A document supporting the need for prejob accommodation;

(b) A description of the prejob accommodation;

(c) An itemized account of each expense to be incurred in the prejob accommodation;

(d) An ownership agreement;

(e) Physician's certification of medical necessity.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-200 **How does an employer apply for job modification assistance?** (1) An employer requesting job modification assistance must submit to the department a job modification assistance application. **A vocational provider may assist the employer with the application.**

(2) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification; (~~and~~)

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department; **and**

(d) An ownership agreement.

(3) The supervisor or supervisor's designee shall accept, reject or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 12/1/00)

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers? Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher quality level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department shall only issue a provider number to persons, firms, partnerships, corporations, and other legal entities that meet the following qualification requirements:

(1) Vocational rehabilitation counselor (VRC).

(a) VRCs not registered with the department and applying for a provider number with the department effective on or after December 1, 2000, must meet the following minimum qualifications:

Education Masters Degree	Experience 1 year full-time industrial insurance experience	Certification and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor
 CDMS = Certified Disability Management Specialist
 ABVE = American Board of Vocational Experts

(b) VRCs registered with the department (~~prior to December 1~~) as of November 30, 2000, will be required to (apply for a provider number and will be given six years from December 1, 2000, to meet the above requirements) meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC assigned to or directly receiving the referral from the referral source is responsible for all work performed by any vocational provider on that referral.

(2) VRC supervisor.

(a) In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC(~~f~~)supervisor must provide proof of five years full-time experience (~~working with~~) providing direct vocational services to Washington state injured workers. The VRC supervisor must meet all of the qualification requirements in subsection (1) of this section.

(b) Supervisors registered with the department (~~prior to December 1~~) as of November 30, 2000, will be required to (apply for a provider number and will be given six years from December 1, 2000, to meet all VRC/supervisor requirements) meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC supervisor is responsible for ensuring that all work performed by an intern for the department or self-

insurer conforms with Title 51 RCW, department rules and department policies.

(3) Forensic services—In order to provide forensic services to the department, on (~~claims other than those for which the VRC provided the vocational rehabilitation services~~) or after the effective date of this rule, a VRC must provide proof of (~~three~~) five years full-time experience (~~working with~~) providing direct vocational services to Washington state industrially injured or ill workers, and must possess a CRC or ABVE certification. Vocational providers previously approved to provide this service, under chapter 296-19A WAC, will retain that status.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must obtain one of the required VRC certifications within one year of completing their required internship. Interns will remain in internship status during this time frame.

(c) Interns registered with the department (~~prior to December 1~~) as of November 30, 2000, will be required to apply for a provider number with the department and may work as an intern until the end of their current internship. Upon completion of the internship the intern may submit an application to the department as a VRC. These providers must obtain one of the required VRC certifications by November 30, (~~2006~~) 2010.

(d) All interns are required to conform to Title 51 RCW, department rules, and department policies. All interns granted a provider number by the department must be supervised by a VRC supervisor.

(~~(5)~~) (e) No person shall serve as an intern under these rules for more than seventy-two months of full-time experience, or its equivalent, working with industrially injured or ill workers. The intern must notify the department when there is a change in the status of an internship.

(5) Interns may not receive referrals directly from the department or self-insured employers. Interns may perform aspects of vocational rehabilitation services under the supervision of a VRC supervisor.

(6) Providers who receive or are assigned referrals must comply with all electronic security requirements in place for accessing department files.

PERMANENT

~~(7)~~ Providers registered with the department (~~(prior to December 4)~~) as of November 30, 2000, who do not meet the above qualification requirements within the (~~(six-year)~~) ten-year period will no longer be eligible to provide vocational rehabilitation services to industrially injured or ill workers and the department will terminate their provider number(s).

~~((6))~~ (8) Business requirements.

(a) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(b) Providers must be covered by general liability insurance, automobile liability insurance, errors and omission insurance, malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Providers must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational rehabilitation services issues. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(d) Providers must have telephone-answering capability during regular business hours, Monday through Friday. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(e) In order to receive referrals made by the department, providers must maintain or have access to equipment that can utilize the department's remote access system for transmitting vocational referrals.

~~((7))~~ (9) The department may assign a provider number to a vocational rehabilitation firm, partnership, corporation or other legal entity so long as substantial control over the daily management of the vocational rehabilitation firm, partnership, corporation or other legal entity is performed by a VRC that satisfies the qualifications set forth in this rule.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-240 What authority does the department have to audit vocational rehabilitation providers?

~~((1))~~ The department has the authority to:

~~((a))~~ (1) Conduct audits of a provider, either for cause or at random;

~~((b))~~ (2) Conduct audits at a provider's place of business using copies and originals of all files and records maintained by the provider;

~~((c))~~ (3) Conduct audits away from a provider's place of business, using copies of all files and records supplied by the provider;

~~((d))~~ (4) Require a provider to submit legible copies of all files and records requested for audit;

~~((e))~~ (5) When the department requires the provider to submit copies of records and files to the department, the pro-

vider shall submit the requested material within thirty calendar days of the request;

(6) Inspect and audit all of the provider's vocational rehabilitation files and records relating to services delivered under Title 51 RCW;

~~((f))~~ (7) Inspect and audit a provider's documentation supporting charges billed for vocational rehabilitation services delivered.

~~((2))~~ For information regarding the formal appeals process refer to chapter 51.52 RCW.)

NEW SECTION

WAC 296-19A-245 What is the department's formal appeal process? For information regarding the formal appeals process refer to chapter 51.52 RCW.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs, or department policies? The department may order corrective action(s) when it determines that a provider is not in compliance with department statute, rule, or written department policy. Possible corrective actions include, but are not limited to:

(1) Submission and implementation of a written corrective action by the provider showing how the provider will come into compliance;

(2) Recoupment of payments, plus interest, made to the provider;

(3) Requirement that the provider satisfactorily complete remedial education courses and/or other educational or training programs;

(4) Suspension or termination of ~~((the))~~ a provider's provider number and ability to receive payment for vocational rehabilitation services rendered to industrially injured or ill workers under the Industrial Insurance Act;

(5) Rejection of a provider's application to provide vocational rehabilitation services to industrially injured or ill workers under the Industrial Insurance Act;

(6) Denial or rejection of a request for payment submitted by or on behalf of the provider;

(7) Placement of the provider on prepayment review status requiring the submission of supporting documents prior to payment;

(8) Assessment of penalties.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-270 In what situation(s) can the department take corrective action(s)? (1) Reasons the department can order corrective actions against a vocational rehabilitation provider include, but are not limited to, the following:

(a) Charging the department for services that do not contribute to the completion of a vocational referral, including, but not limited to:

(i) Preparation and submission of job analyses during plan development for jobs that are beyond the worker's documented or expected capacities and physical abilities as demonstrated by the medical information in the file at the time the job analysis was performed;

(ii) Preparation and submission of job analyses or labor market surveys during early intervention or assessment that are not supported by the injured worker's education, work history and/or transferable skills as demonstrated by the information in the file at the time the job analysis and/or labor market survey was performed;

(iii) Hand delivery of records when other less expensive means of delivery are reasonably appropriate and available;

(b) Commission of an act involving moral turpitude, dishonesty, or corruption relating to the provision of vocational rehabilitation services whether the act constitutes a crime or not;

~~((b))~~ (c) Misrepresentation or concealment of a material fact in obtaining a department provider number, or in response to any request for information about service delivery made by the department;

~~((e))~~ (d) Provision of vocational rehabilitation services without having a department provider number;

~~((d))~~ (e) Use of persons that do not possess a department provider number to deliver vocational rehabilitation services;

~~((e))~~ (f) Operation of a vocational firm, partnership, corporation, or other legal entity in violation of the business requirements set forth in RCW, WAC, or written department policy;

~~((f))~~ (g) Use of false, fraudulent, or misleading advertising;

~~((g))~~ (h) Commission of any incompetent or negligent action which presents the significant risk of resulting in harm to an industrially injured or ill worker, the referral source, or an employer;

~~((h))~~ (i) Submission of a false or misleading report or document as part of delivering vocational rehabilitation services;

~~((i))~~ (j) Failure to supervise a vocational rehabilitation intern in accordance with RCW, WAC, or written department policy;

~~((j))~~ (k) Failure to comply with any order issued by the department;

~~((k))~~ (l) Disclosure of confidential information on vocational rehabilitation services to a person who is not entitled to it;

~~((l))~~ (m) Unauthorized disclosure of confidential claim information, including, but not limited to, private health care information;

(n) Charges an industrially injured or ill worker or employer a fee for delivering vocational rehabilitation services on a referral from the referral source; and

~~((m))~~ (o) Bills an industrially injured or ill worker or state fund employer for providing services under the Industrial Insurance Act.

(2) The department can take corrective action(s) for other violations of RCW, WAC, or written department policy not specifically mentioned above.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-300 How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers? (1) Several situations exist in which a vocational rehabilitation provider may not have a performance rating with the department or may not have sufficient experience with Washington industrially injured or ill workers covered by the department to establish a performance rating.

(2) Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. Based upon this information, the department concludes that referrals to providers who satisfy these minimum qualification criteria set forth in WAC 296-19A-210 (1)(a) ~~((and (2)(a)))~~, but who do not have a performance rating with the department, may be appropriate. The department will ensure that these providers are complying with department statutes, rules, and policies and furnishing a high level of service through close and continued monitoring. The department may consider making referrals to vocational rehabilitation providers, on a trial basis, for whom the department does not have performance rating data, under the following circumstances:

(a) The provider fulfills the qualification requirements set forth in WAC 296-19A-210 (1)(a) ~~((, (2)(a)))~~; and

(b) The department may consider making referrals sufficient to develop a reliable performance rating.

(3) If the department elects to refer and monitor a limited number of cases to the provider(s) in order to evaluate a provider's performance and develop performance rating, the department makes no guarantee of future referrals to the provider.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-350 What are the requirements for case notes? Vocational rehabilitation providers must maintain case notes. Case notes must:

(1) Include the first and last name of the industrially injured or ill worker being served and the worker's claim number at the top of each page;

(2) Include the first and last name of the vocational rehabilitation provider providing each service documented on each page;

(3) Be kept in a claimant file corresponding to the reports, medical information, correspondence, and other materials that they provide documentation for;

(4) Testing and other records with special confidentiality requirements may be kept in separate files;

- (5) Be legible;
- (6) Be in chronological order;
- (7) Record the date each service was provided month/month/day/year year;
- (8) For providers who bill for vocational services, include the amount of time, recorded in tenths of an hour, required to provide each service;
- (9) Describe each service sufficiently to allow the referral source to verify the purpose, level, type, and outcome of each service provided and substantiate the charges billed for them.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-400 What records are vocational rehabilitation providers required to maintain? (1) A vocational rehabilitation provider must maintain adequate documentation in claimant-specific files to verify the level, type, and extent of the vocational rehabilitation services provided to and on behalf of industrially injured or ill workers.

(2) A vocational rehabilitation provider who requests payment from the referral source for vocational rehabilitation services must maintain all records necessary for the director's authorized auditors to audit the provision of services. Providers need to keep all records necessary to disclose the specific nature and extent of all services provided for an industrially injured or ill worker, along with the amounts billed to the department, for those services. Records must be maintained for audit purposes for a minimum of five years from the date of closure by the provider.

VOCATIONAL DISPUTES

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-440 What elements of a vocational determination may be disputed? (1) A finding that an industrially injured or ill worker is eligible for vocational rehabilitation services, or a finding that he or she is ineligible for vocational rehabilitation services, may be disputed.

(2) An approved vocational rehabilitation plan may also be disputed.

(3) An approved plan modification may also be disputed.

(4) A previously approved vocational rehabilitation plan may not be disputed through a plan modification dispute process.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-480 When must providers comply with these rules? (1) The amendments to the following section of chapter 296-19A WAC becomes effective on ((December 1, 2000:

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?

(2) The following sections of chapter 296-15 WAC become effective on December 1, 2000:

(a) WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers?

(b) WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employers?

(3) All remaining sections of chapter 296-19A WAC become effective on June 1, 2001:)) July 1, 2003:

WAC 296-19A-137 "When can the department request a stand alone job analysis?"

(2) The following amendments to chapter 296-19A WAC and new sections become effective February 1, 2004:

WAC 296-19A-010 "Definitions."

WAC 296-19A-020 "When may the department offer vocational rehabilitation services?"

WAC 296-19A-025 "What information does the department consider when exercising discretion?"

WAC 296-19A-030 "What are the responsibilities of the parties?"

WAC 296-19A-040 "What vocational rehabilitation services require authorization?"

WAC 296-19A-045 "Which rules under 'department vocational rehabilitation referrals' apply only to the department?"

WAC 296-19A-060 "What reports does the department require when early intervention services are provided at its request?"

WAC 296-19A-065 "What are ability to work assessment (AWA) services?"

WAC 296-19A-070 "What is an ability to work assessment?"

WAC 296-19A-080 "How often must written progress reports be completed and submitted during assessment activities?"

WAC 296-19A-090 "What are vocational rehabilitation plan development services?"

WAC 296-19A-100 "What reports does the department require when vocational rehabilitation plan development services are provided at its request?"

WAC 296-19A-110 "What are vocational rehabilitation plan implementation and monitoring services?"

WAC 296-19A-120 "What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request?"

WAC 296-19A-125 "What is the purpose of forensic services?"

WAC 296-19A-130 "What are the requirements for a forensic evaluation?"

WAC 296-19A-135 "What reports does the department require when forensic services are provided?"

WAC 296-19A-140 "What information must a provider include in a labor market survey?"

WAC 296-19A-170 "What information must a provider include in a job analysis?"

WAC 296-19A-180 "What job modification assistance benefits are available?"

WAC 296-19A-190 "How much is available for job modification assistance?"

WAC 296-19A-191 "What prejob accommodations are available?"

WAC 296-19A-192 "How much is available for prejob accommodations?"

WAC 296-19A-193 "What are the requirements for pre-job accommodations?"

WAC 296-19A-200 "How does an employer apply for job modification assistance?"

WAC 296-19A-210 "What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?"

WAC 296-19A-230 "Why does the department audit vocational rehabilitation providers?"

WAC 296-19A-240 "What authority does the department have to audit vocational rehabilitation providers?"

WAC 296-19A-245 "What is the department's formal appeal process?"

WAC 296-19A-260 "What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?"

WAC 296-19A-270 "In what situation(s) can the department take corrective action(s)?"

WAC 296-19A-300 "How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?"

WAC 296-19A-350 "What are the requirements for case notes?"

WAC 296-19A-400 "What records are vocational rehabilitation providers required to maintain?"

WAC 296-19A-440 "What elements of a vocational determination may be disputed?"

(3) All remaining sections of chapter 296-19A WAC shall remain in full force and effect.

WSR 03-11-060

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 19, 2003, 11:30 a.m., effective August 1, 2003]

Date of Adoption: May 20, 2003.

Purpose: Chapter 296-817 WAC, Hearing loss prevention (noise); chapter 296-54 WAC, Safety standards—Logging operations; chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations; chapter 296-59 WAC, Safety standards for ski area facilities and operations; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking; and chapter 296-305 WAC, Safety standards for fire fighters.

The Department of Labor and Industries has adopted newly rewritten and clarified requirements relating to hearing conservation in nonagricultural industries. This rule making is part of our four-year plan to rewrite for clarity all of our general occupational safety and health rules. This project provides additional flexibility for employers in some situations. We have identified several reference changes that have

been updated with this rule making. The following was adopted:

- The hearing conservation requirements from chapter 296-62 WAC were renumbered in chapter 296-817 WAC.
- The rule was reorganized and rewritten to improve clarity.
- References to consensus standards were updated to equivalent requirements in current consensus documents.
- Program options are provided for employers with short-term (less than one year) employees. These program options can be used in place of employer provided audio-grams.
- References to chapters 296-54, 296-56, 296-59, 296-62, 296-155, 296-304, and 296-305 WAC were updated.

WAC 296-54-51130 Hearing protection.

- Updated a reference.

WAC 296-56-60001 Scope and applicability.

- Updated a reference.

WAC 296-59-090 Mobile equipment and lift trucks.

- Updated a reference.

WAC 296-62-09015 Hearing conservation.

- Added a note stating, "The requirements in WAC 296-62-09015 through 296-62-09055 apply only to agriculture. The requirements for all other industries relating to noise have been moved to chapter 296-817 WAC, Hearing loss prevention (noise)."

WAC 296-155-145 Occupational noise exposure.

- Updated a reference.

WAC 296-155-210 Hearing protection.

- Updated a reference.

WAC 296-304-08009 Powder-actuated fastening tools.

- Updated a reference.

WAC 296-304-09009 Hearing protection.

- Updated a reference.

WAC 296-305-02005 Hearing protection.

- Updated references.

WAC 296-305-05503 Summary of training requirements.

- Updated a reference.

Chapter 296-817 WAC, Hearing loss prevention (noise).

- Created this chapter and incorporated all the noise requirements in this one chapter.

WAC 296-817-100 Scope.

- Created this section and inserted revised language from WAC 296-62-09015. No new requirements have been added.
- Added a table explaining "noise evaluation criteria."

WAC 296-817-200 Summary.

- Created this section and inserted revised language from WAC 296-62-09015. No new requirements have been added.

WAC 296-817-20005 Conduct employee noise exposure monitoring.

- Created this section and inserted revised language from WAC 296-62-09019, 296-62-09021, 296-62-09024, and 296-62-09025. No new requirements have been added.

WAC 296-817-20010 Control employee noise exposures that equal or exceed 90 dBA TWA₈.

- Created this section and inserted revised language from WAC 296-62-09026. No new requirements have been added.

WAC 296-817-20015 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA₈.

- Created this section and inserted revised language from WAC 296-62-09031, 296-62-09033, and 296-62-09053. No new requirements have been added.

WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.

- Created this section and inserted revised language from WAC 296-62-09035 and 296-62-09037. No new requirements have been added.

WAC 296-817-20025 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

- Created this section and inserted revised language from WAC 296-62-09039. No new requirements have been added.

WAC 296-817-20030 Arrange for oversight of audiometric testing.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-20035 Identify and correct deficiencies in your hearing loss prevention program.

- Created this section and inserted revised language from WAC 296-62-09015. No new requirements have been added.

WAC 296-817-20040 Document your hearing loss prevention activities.

- Created this section and inserted revised language from WAC 296-62-09041. No new requirements have been added.

WAC 296-817-300 Noise measurement and computation—Summary.

- Created this table of contents/summary page relating to noise measurement and computation. No new requirements have been added.

WAC 296-817-30005 Make sure that noise-measuring equipment meets recognized standards.

- Created this section and inserted revised language from WAC 296-62-09021 and 296-62-09023. No new requirements have been added.

WAC 296-817-30010 Measure employee noise exposure.

- Created this section and inserted revised language from WAC 296-62-09019. No new requirements have been added.

WAC 296-817-30015 Use these equations when estimating full-day noise exposure from sound level measurements.

- Created this section and inserted revised language from WAC 296-62-09055. No new requirements have been added.

WAC 296-817-400 Audiometric testing—Summary.

- Created this table of contents/summary page relating to audiometric testing. No new requirements have been added.

WAC 296-817-40005 Provide audiometric testing at no cost to employees.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-40010 Establish a baseline audiogram for each exposed employee.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-40015 Conduct annual audiograms.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-40020 Review audiograms that indicate a standard threshold shift.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-40025 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

- Created this section and inserted revised language from WAC 296-62-09027. No new requirements have been added.

WAC 296-817-40030 Make sure a record is kept of audiometric tests.

- Created this section and inserted revised language from WAC 296-62-09041. No new requirements have been added.

WAC 296-817-40035 Make sure audiometric testing equipment meets these requirements.

- Created this section and inserted revised language from WAC 296-62-09029. No new requirements have been added.

WAC 296-817-500 Options to audiometric testing—Summary.

- Created this table of contents/summary page relating to program assessment options. These options are new but not required.

WAC 296-817-50005 Conduct hearing protection audits at least quarterly.

- Created this section relating to conducting hearing protection audits. This option is new but not a requirement.

WAC 296-817-50010 Make sure staff conducting audits are properly trained.

- Created this section relating to training for conducting audits. This option is new but not a requirement.

WAC 296-817-50015 Assess the hearing protection used by each employee during audits.

- Created this section relating to assessment of hearing protection being used during an audit. This option is new but not a requirement.

WAC 296-817-50020 Document your hearing protection audits.

- Created this section relating to documentation of audits. This option is new but not a requirement.

WAC 296-817-50025 Make sure third-party hearing loss prevention programs meet the following requirements.

- Created this section relating to third party hearing loss prevention programs. No new requirements have been added.

WAC 296-817-600 Noise definitions.

- The following definitions were incorporated into this section:
 - A-weighted
 - Audiogram
 - Audiologist
 - Baseline audiogram
 - Continuous noise
 - Criterion sound level
 - C-weighted
 - Decibel (dB)
 - Fast Response
 - Hertz (Hz)
 - Impulsive or impact noise
 - Noise dose
 - Noise dosimeter
 - Occupational hearing loss
 - Otolaryngologist
 - Permanent threshold shift
 - Qualified reviewer
 - Slow Response
 - Sound level

- Sound level meter
- Standard threshold shifts (STS)
- Temporary threshold shift
- TWA_s—Equivalent 8-hour time weighted average sound level

Citation of Existing Rules Affected by this Order: Amending WAC 296-54-51130 Hearing protection, 296-56-60001 Scope and applicability, 296-59-090 Mobile equipment and lift trucks, 296-62-09015 Hearing conservation, 296-155-145 Occupational noise exposure, 296-155-210 Hearing protection, 296-304-08009 Powder-actuated fastening tools, 296-304-09009 Hearing protection, 296-305-02005 Hearing protection, and 296-305-05503 Summary of training requirements.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 02-24-055 on December 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: The department renumbered the sections of this rule since the CR-102 filing to make the numbering consistent with the style of the rest of the clear writing projects.

The department also received public comment on the following sections and modified the proposed amendments to these sections as indicated below.

Chapter 296-817 WAC, Noise.

- The title of this chapter was changed to "Hearing loss prevention (noise)."

WAC 296-817-100 Scope.

- Proposed as WAC 296-817-010.
- This section was proposed as "Summary and scope." Changed title to "Scope" and moved the summary to WAC 296-817-200.
- Deleted the phrase "that do not rely primarily on individual employee behavior" from the 4th bullet.
- Replaced the word "above" in the table to read, "whose exposure equals or exceeds" for consistency.
- After "noise controls" in the table added the following language for clarity "and hearing protection, training, audiometric testing."

WAC 296-817-200 Summary.

- Proposed as WAC 296-817-010.
- Changed all the WAC section numbers to reflect correct numbers.
- Changed titles of WAC 296-817-20010 and 296-817-20025.

WAC 296-817-20005 Conduct employee noise exposure monitoring.

- Proposed as WAC 296-817-01005.
- Add a note that reads, "Representative monitoring may be used where several employees perform the same tasks in substantially similar conditions."
- In the note replaced the word "above" with "which equal or exceed" for consistency.
- In the note deleted the word "possible."
- Corrected a reference in the second bullet.

- In the third bullet, replaced "exposed at or above" with "whose exposure equals or exceeds" for consistency.
- In the third bullet added the following language, "Exposure levels for selection of hearing protection."
- In the fifth bullet, replaced "exposed at or above" with "whose exposure equals or exceeds" for consistency.
- In the fifth bullet, added the following language at the end of the bullet, "of when you receive the results."
- In the sixth, replaced "exposed at or above" with "whose exposure equals or exceeds" for consistency.

WAC 296-817-20010 Control employee noise exposures that equal or exceed 90 dBA TWA₈.

- Proposed as WAC 296-817-01010.
- Changed the title of section from "Reduce noise where employee exposures are at or above 90 dBA TWA₈" to "Control employee noise exposures that equal or exceed 90 dBA TWA₈."
- Deleted the language in this section and replaced with the following,

Important:

Hearing protection provides a barrier to noise and protects employees but is not considered a control of the noise hazard. Separate requirements apply to hearing protection and are found in WAC 296-817-20015.

You must

- Reduce employee noise exposure, using feasible controls, wherever exposure equals or exceeds 90 dBA TWA₈.

Note:

- Once noise exposures are brought below 90 dBA TWA₈, no further reduction is required. However, further reduction of noise may reduce the need for other hearing loss prevention requirements.
- Controls that eliminate noise at the source or establish a permanent barrier to noise are typically more reliable. For example:

- Replacing noisy equipment with quiet equipment
- Using silencers and mufflers
- Installing enclosures
- Damping noisy equipment and parts

- Other controls and work practices may also be useful for reducing noise exposures. Examples include:

- Employee rotation
- Limiting use of noisy equipment
- Rescheduling work

WAC 296-817-20015 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA₈.

- Proposed as WAC 296-817-01015.
- Changed the title of section from "Make sure employees use hearing protection when exposed to noise exposures greater than 85 dBA TWA₈" to "Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA₈."
- In the first bullet, replaced "exposed at or above" with "exposure equals or exceeds" for consistency.
- Changed the table number from "3" to "2."

- In the sixth bullet, deleted "less than" and added "or less."
- In the seventh bullet, replaced "greater than or equal to" with "that equals or exceeds" for consistency.

WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.

- Proposed as WAC 296-817-01020.
- In the first bullet, replaced "exposed to noise at or above" with "whose noise exposure equals or exceeds" for consistency.
- In the second bullet, replaced "at or above" with "that equals or exceeds" for consistency.
- Corrected a reference in the fourth bullet.

WAC 296-817-20025 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

- Proposed as WAC 296-817-01025.
- Changed the title of this section from "Make sure warning signs are posted for areas with noise levels above 115 dBA" to "Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA."
- In the first bullet, replaced "at or above" with "that equals or exceeds" for consistency.

WAC 296-817-20030 Arrange for oversight of audiometric testing.

- Proposed as WAC 296-817-01030.
- Corrected a reference in the first bullet.

WAC 296-817-20035 Identify and correct deficiencies in your hearing loss prevention program.

- Proposed as WAC 296-817-01035.
- Modified language in the first bullet to read, "Use audiometric testing to identify hearing loss, which may indicate program deficiencies."
- In the second bullet, replaced the word "is" with "may be."
- Corrected a reference in the second bullet.
- In the third bullet, deleted "and conduct additional monitoring as necessary."
- In the third bullet, deleted "and make appropriate corrections or adjustments."
- Corrected references in the reference note.

WAC 296-817-20040 Document your hearing loss prevention activities.

- Proposed as WAC 296-817-01040.
- In the note, replaced the word "standard" with "chapter."

WAC 296-817-300 Summary.

- Proposed as WAC 296-817-020.
- Changed all the WAC section numbers to reflect correct numbers.

WAC 296-817-30005 Make sure that noise-measuring equipment meets recognized standards.

- Proposed as WAC 296-817-02005.

WAC 296-817-30010 Measure employee noise exposure.

- Proposed as WAC 296-817-02010.
- Corrected a reference in the note.

- Replaced the word "above" in the table to read, "whose exposure equals or exceeds" for consistency.
- After "noise controls" in the table added the following language for clarity "and hearing protection, training, audiometric testing."

WAC 296-817-30015 Use these equations when estimating full-day noise exposure from sound level measurements.

- Proposed as WAC 296-817-02015.
- Corrected the equations.
- Changed the table number from "2" to "3."

WAC 296-817-400 Summary.

- Proposed as WAC 296-817-030.
- Changed all the WAC section numbers to reflect correct numbers.
- Changed title of WAC 296-817-40025.

WAC 296-817-40005 Provide audiometric testing at no cost to employees.

- Proposed as WAC 296-817-03005.

WAC 296-817-40010 Establish a baseline audiogram for each exposed employee.

- Proposed as WAC 296-817-03010.
- In the first bullet, replaced "at or above" with "that equal or exceed" for consistency.
- In the first bullet corrected a reference.

WAC 296-817-40015 Conduct annual audiograms.

- Proposed as WAC 296-817-03015.
- In the first bullet, replaced "at or above" with "that equals or exceeds" for consistency.

WAC 296-817-40020 Review audiograms that indicate a standard threshold shift.

- Proposed as WAC 296-817-03020.
- In the fifth bullet, add the word "suspected."

WAC 296-817-40025 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

- Proposed as WAC 296-817-03025.
- Changed the title of this section from "Revise the baseline when annual audiograms indicate a persistent threshold shift or a significant improvement in hearing" to "Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing."
- In the first bullet, changed the language to read, "Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing."

WAC 296-817-40030 Make sure a record is kept of audiometric tests.

- Proposed as WAC 296-817-03030.

WAC 296-817-40035 Make sure audiometric testing equipment meets these requirements.

- Proposed as WAC 296-817-03035.
- In the first bullet, replaced the word "superaural" with "supra-aural."
- In the third bullet, modified the language to read,
- "Check the functional operation of the audiometer each day before use by doing all of the following:
 - Make sure the audiometer's output is free from distorted or unwanted sound.
 - Test either a person with known, stable hearing thresholds or a bio-acoustic simulator.
 - Perform acoustic calibration for deviations of 10 dB or greater."

WAC 296-817-500 Summary.

- Proposed as WAC 296-817-040.
- Changed all the WAC section numbers to reflect correct numbers.
- Added the word "for" after the word "exposures" in the "Your responsibility" section.
- Reformatted this section for clarity.
- Changed title of WAC 296-817-50015.

WAC 296-817-50005 Conduct hearing protection audits at least quarterly.

- Proposed as WAC 296-817-04005.

WAC 296-817-50010 Make sure staff conducting audits are properly trained.

- Proposed as WAC 296-817-04010.

WAC 296-817-50015 Assess the hearing protection used by each employee during audits.

- Proposed as WAC 296-817-04015.

WAC 296-817-50020 Document your hearing protection audits.

- Proposed as WAC 296-817-04020.

WAC 296-817-50025 Make sure third-party hearing loss prevention programs meet the following requirements.

- Proposed as WAC 296-817-04025.
- Added the words "duties having" and "exposures" to the note.
- Reformatted this section for clarity.

WAC 296-817-600 Noise definitions.

- Proposed as WAC 296-817-050.
- Modified language to the definition of "audiologist." It now reads, "A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association, or the American Academy of Audiology, and is licensed by the state board of examiners."
- Modified language to the definition of "baseline audiogram." It now reads, "The audiogram against which future audiograms are compared. The baseline audiogram is collected when an employee is first assigned to work with noise exposure. The baseline audiogram may be revised if persistent standard threshold shift (STS) or improvement is found."
- In the definition of "C-weighted," replaced the word "weight" with "represents."

- In the definition of "impulsive or impact noise," deleted the following sentence, "Where the intervals are less than one second, the noise levels must be considered continuous."
- Added a definition for "Occupational hearing loss." It reads, "A reduction in the ability of an individual to hear either caused or contributed to by exposure in the work environment."
- Added a definition for "Permanent threshold shift." It reads, "A hearing level change that has become persistent and is not expected to improve."
- Added a definition for "Temporary threshold shift." It reads, "A hearing level change that improves. A temporary threshold shift may occur with exposure to noise and hearing will return to normal within a few days. Temporary threshold shifts can be indicators of exposures that lead to permanent hearing loss."

WAC 296-54-51130 Hearing protection, 296-56-60001 Scope and applicability, 296-59-090 Mobile equipment and lift trucks, 296-62-09015 Hearing conservation, 296-155-145 Occupational noise exposure, 296-155-210 Hearing protection, 296-304-08009 Powder-actuated fastening tools, 296-304-09009 Hearing protection, 296-305-02005 Hearing protection, and 296-305-05503 Summary of training requirements.

- Corrected the references to reflect the name of chapter 296-817 WAC, Hearing loss prevention (noise).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 29, Amended 10, 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 29, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 29, 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 29, Amended 10, Repealed 0.

Effective Date of Rule: August 1, 2003.

May 20, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-51130 Hearing protection. The employer must provide hearing protection when required by ~~((the general occupational health standards, chapter 296-62 WAC))~~ chapter 296-817 WAC, Hearing loss prevention (noise).

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-56-60001 Scope and applicability. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24, 296-62 and 296-800 WAC are applicable to all longshore, stevedore and related waterfront operations: Provided, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24, 296-62 and 296-800 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—Chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

~~(c) ((Hearing conservation—Chapter 296-62 WAC Part K))~~ Hearing loss prevention (noise)—Chapter 296-817 WAC.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—Chapter 296-24 WAC Part J-2.

(f) Safe practices of abrasive blasting operations—Chapter 296-24 WAC Part H-2.

(g) Access to employee exposure and medical records—Chapter 296-62 WAC Part B.

(h) Respiratory protection—Chapter 296-62 WAC Part E.

(i) Safety standards for grain handling facilities—Chapter 296-99 WAC.

(j) Chemical hazard communication program—WAC 296-800-170.

(k) Asbestos—Chapters 296-62 Part I-1 and 296-65 WAC.

(l) Permit - required confined spaces and confined space—Chapter 296-62 WAC Part M.

(m) Servicing multi-piece and single-piece rim wheels—Chapter 296-24 WAC Part D.

(n) First-aid requirements—WAC 296-800-150.

(o) Employee emergency plans and fire prevention plans—Chapter 296-24 WAC Part G-1.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

(5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-090 Mobile equipment and lift trucks.

(1) Mobile equipment shall be designed, constructed, maintained, and used in accordance with this section and appropriate ANSI and/or SAE requirements.

(2) Operator training.

(a) Methods shall be devised by management to train personnel in the safe operation of mobile equipment.

(b) Training programs for all mobile equipment shall include the manufacturer's operating instructions when such instructions are available.

(c) 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) Test brakes, steering gear, lights, horns, warning devices, clutches, etc., before operating vehicle;

(b) Not move a vehicle while an unauthorized rider is on the vehicle;

(c) Slow down and sound horn upon approaching blind corners or other places where vision or clearance is limited;

(d) Comply with all speed and traffic regulations and other applicable rules;

(e) Have the vehicle being operated under control at all times so that he can safely stop the vehicle in case of emergency; and

(f) Keep the load on the uphill side when driving a fork-lift vehicle on a grade.

(4) Operator to be in proper position. Control levers of lift trucks, front end loaders, or similar types of equipment shall not be operated except when the operator is in his proper operating position.

(5) Raised equipment to be blocked. Employees 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.

(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) Reporting suspected defects. If, in the opinion of the operator, a power-driven vehicle is unsafe, the operator shall report the suspected defect immediately to the person in charge. Any defect which would make the vehicle unsafe to operate under existing conditions shall be cause for immediate removal from service. The vehicle shall 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 compatible with existing conditions.

(9) Unobstructed view.

(a) Vehicle operators shall have a reasonably unobstructed view of the direction of travel. Where this is not possible, the operator shall be directed by a person or by a safe guidance means or device.

(b) Where practical, mirrors shall be installed at blind corners or intersections which will allow operators to observe oncoming traffic.

(c) It is recommended that vehicles operating in congested areas be provided with an automatic audible or visual alarm system.

(10) Passengers to ride properly.

(a) Passengers shall not be permitted to ride with legs or arms extending outside the running lines of the cab, FOPS, or ROPS of any vehicle.

(b) Passengers on mobile oversnow equipment shall ride within the cab unless exterior seating is provided. The exterior seating may include the cargo bed provided that the bed is equipped with sideboards and a tailgate at least ten inches high. If passengers are permitted to stand in the bed, adequate handholds shall be provided.

(c) The number of passengers and seating arrangements within the cab on any mobile equipment shall not interfere with the operator's ability to safely operate the equipment.

(d) Exterior passengers shall not be permitted on mobile oversnow equipment which has snow grooming equipment mounted on the bed or when the machine is towing any kind of equipment, sleds, etc.

(e) Operators shall use good judgment with respect to speed and terrain when carrying exterior passengers.

(11) Horns and lights.

(a) Every vehicle shall be provided with an operable horn distinguishable above the surrounding noise level.

(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) 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.

(13) Cleaning vehicles. All vehicles shall be kept free of excessive accumulations of dust and grease which may present a hazard.

(14) 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 or carried. Such lifting capacity may only be altered with the approval of the equipment manufacturer or a qualified design engineer.

(15) 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.

(16) 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.

(17) Position of lift forks or clamps. The forks or clamps of lift trucks shall be kept as low as possible while the vehicle is moving. They shall be lowered to the ground or floor when the vehicle is parked.

(18) Walking under loads prohibited. No person shall be allowed under the raised load of a lift truck, backhoe, or front end loader.

(19) Hoisting of personnel on vehicle forks prohibited. Personnel shall not be hoisted by standing directly on the forks of vehicles.

(20) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are met:

(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 one hundred thirty-five 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. A qualified operator shall remain in attendance whenever an employee is on the work 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; and

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(21) 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.

(22) Protection from exhaust system. Any exhaust system which might be exposed to contact shall be properly insulated or isolated to protect personnel. Exhaust systems on lift trucks and jitneys shall be constructed to discharge either within twenty inches from the floor or eighty-four inches or more above the floor. The exhausted gases shall be directed away from the operator. The equipment shall be designed in such a manner that the operator will not be exposed to the fumes.

(23) Emergency exit from mobile equipment. Mobile equipment with an enclosed cab shall be provided with an escape hatch or other method of exit in case the regular exit cannot be used.

(24) Vehicle wheels chocked. When driving mobile equipment onto the bed of a vehicle, the wheels of the vehicle shall be chocked.

(25) Prevent trailer from tipping. Suitable methods shall be used or devices installed which will prevent the trailer from tipping while being loaded or unloaded.

(26) Refueling. Gasoline or LPG engines shall be shut off during refueling.

(27) Close valve on LPG container. 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 shall be closed.

(28) LPG tanks. LPG vehicle fuel tanks shall be installed and protected in a manner which will minimize the possibility of damage to the tank.

(29) Inspecting and testing of LPG containers. LPG containers shall be inspected and tested as required by chapter 296-24 WAC.

(30) Spinners on steering wheels. The use of spinners on steering wheels shall be prohibited unless an antikick device is installed or the equipment has a hydraulic steering system.

(31) The ~~((hearing conservation requirements of the general occupational health standards, WAC 296-62-09015, shall be applicable for))~~ requirements of chapter 296-817 WAC, Hearing loss prevention (noise), apply to mobile equipment operation.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-09015 Hearing conservation.

Note: The requirements in WAC 296-62-09015 through 296-62-09055 apply only to agriculture. The requirements for all other industries relating to noise have been moved to chapter 296-817 WAC, Hearing loss prevention (noise).

The employer shall administer a continuing effective hearing conservation program, as described in WAC 296-62-09015 through 296-62-09055 whenever employee noise exposures equal or exceed an 8-hour time-weighted average (TWA) sound level of 85 decibels (dB) measured on the A-scale weighting at slow response or, equivalently, a noise dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with WAC 296-62-09055, Appendix E: Noise exposure computation, without regard to any attenuation provided by the use of personal protective equipment.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-155-145 Occupational noise exposure. The occupational noise exposure requirements of ~~((the general occupational health standards,))~~ chapter ~~((296-62))~~ 296-817 WAC, ((shall)) Hearing loss prevention (noise), apply.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-155-210 Hearing protection. The hearing protection requirements of ~~((the general occupational health standards, chapter 296-62 WAC, shall))~~ chapter 296-817 WAC, Hearing loss prevention (noise), apply.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-08009 Powder-actuated fastening tools. (1) The employer must ensure powder-actuated fastening tools are used, designed, constructed, and maintained according to the requirements of WAC 296-24-663, Safety requirements for powder-actuated fastening systems.

(2) The employer must ensure that employees using powder-actuated fastening tools are protected by personal protective equipment that meets the requirements of WAC 296-304-09005 (1) and (2). The employer must also meet the ~~((hearing conservation))~~ requirements of ~~((the general occupational health standards,))~~ chapter ((296-62)) 296-817 WAC, ((Part K)) Hearing loss prevention (noise).

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-09009 Hearing protection. The employer must meet the ~~((hearing conservation))~~ requirements of ~~((the general occupational health standards,))~~ chapter ((296-62)) 296-817 WAC, ((Part K)) Hearing loss prevention (noise).

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-02005 Hearing protection. ~~(((1) Fire departments shall administer a continuing effective hearing conservation program, as described in chapter 296-62 WAC, Part K, Hearing Conservation, except for WAC 296-62-09031 (2)(b), whenever employees noise exposure equal or exceed an eight hour time weighted average (TWA) sound level of 85 decibels (dBA) measured on the A scale weighing at slow response or, equivalently, a noise dose of fifty percent.~~

~~(2) For the purpose of a hearing conservation program, employee noise exposure shall be computed in accordance with WAC 296-62-09055, Appendix E, Noise exposure computation, without regard to any attenuation provided by the use of personal protective equipment.~~

~~(3) The hearing conservation program shall be provided at no cost to the employee.~~

~~(4) Hearing protection shall be provided for and used by all members when exposed to an eight hour time weighted average of 85 dBA or greater or when exposed to noise in excess of 115 dBA from power tools, engine warm-ups, drafting, or other such activities, except in situations where the use of such protective equipment would create an additional hazard to the user such as in fire suppression.~~

~~(5) Audiometric test shall be performed by a licensed or certified audiologist, otolaryngologist, or other qualified physician, or by a technician who is certified by the council of accreditation in occupational hearing conservation. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or other qualified physician.~~

~~(6) The fire department shall institute a hearing conservation training program for all employees and shall ensure their participation in such programs, meeting the minimum requirements specified in chapter 296-62 WAC, Part K.~~

~~(7) The use of personal protective equipment to limit noise exposure shall be considered as an interim approach until the noise levels produced by vehicles, warning devices, and radios can be reduced. Protective muffs are recommended for fire fighters, due to the difficulties of proper fit and insertion of ear plugs.~~

~~(8) Noise levels in new fire apparatus purchased after the effective date of this chapter, shall not exceed at any seated position to be a maximum of 90 dBA when measured, as specified in this section, without any warning device in operation.~~

~~(a) Interior noise levels shall be measured with the vehicle in motion at the speed that produces the highest noise level, up to 55 mph.~~

~~(b) All windows should be closed and the noise level shall be measured in each passenger area.~~

~~(c) For existing apparatus, compliance with this section will be required within two years of the effective date of this chapter.~~

Note: ~~In order to reduce noise levels, the following engineering controls may achieve such a reduction:~~

- ~~a. Move siren speakers and air horns down onto the front bumper.~~
- ~~b. Respond with windows closed.~~
- ~~c. Install sound attenuating insulation in cabs of apparatus.~~
- ~~d. Lower the pitch of siren and air horns.~~
- ~~e. Improve radio equipment with higher clarity and less output volume.~~

~~(9) For existing fire apparatus that cannot be brought into compliance, the employer shall be required to provide members with hearing protectors.~~

~~(10) The fire department shall provide training in the use and care of all hearing protectors provided to employees.~~

~~(11) The training program shall be repeated annually for each employee included in the hearing conservation program.~~

~~(12) Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.~~

~~Additional References: Chapter 296-62 WAC, Part K.)~~
Fire departments must address noise issues as required by chapter 296-817 WAC, Hearing loss prevention (noise).

Note: Although noise levels may exceed the 115 dBA ceiling limit for noise exposures during structural fire fighting activities, hearing protection that will survive these conditions and not interfere with other essential gear may not always be available. Fire departments must consider daily noise exposures and exposures to noise outside direct fire fighting activities when selecting hearing protection and may use less protection during direct fire protection when adequate hearing protection is not technically feasible.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-305-05503 Summary of training requirements. (1) Training on (~~hearing conservation shall~~) noise must conform to chapter ((296-62)) 296-817 WAC, ((Part K)) Hearing loss prevention (noise), and WAC 296-305-02005.

(2) Training on medical procedures shall conform to WAC 296-305-02501.

(3) Training on respiratory equipment shall conform to chapter 296-62 WAC, Part E, Respiratory protection, and WAC 296-305-04001.

(4) Training on employee right-to-know procedures shall conform to WAC 296-800-170, chemical hazard communication program.

(5) Training on overhaul procedures and operations shall conform to WAC 296-305-05001.

(6) Training on wildland fires shall conform to WAC 296-305-07001 through 296-305-07019.

(7) Training on confined space entry and/or rescue shall conform to chapter 296-62 WAC, Part M, Permit-required confined spaces and WAC 296-305-05003.

(8) Live fire training in structures shall conform to NFPA 1403 and this section.

(9) The employer shall provide training and education for all members commensurate with those duties and functions that members are expected to perform. Such training and education shall be provided to members before they perform emergency activities. Fire service leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire department.

(10) The employer shall assure that training and education is conducted frequently enough to assure that each member is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger members or other employees. All members shall be provided with training at least annually. In addition, members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.

Chapter 296-817 WAC

HEARING LOSS PREVENTION (NOISE)

NEW SECTION

WAC 296-817-100 Scope.

The purpose of this chapter is to:

- Prevent employee hearing loss by minimizing employee noise exposures

AND

- Make sure employees exposed to noise are protected.

These goals are accomplished by:

- Measuring and computing the employee noise exposure from all equipment and machinery in the workplace, as well as any other noise sources in the work area

- Protecting employees from noise exposure by using feasible noise controls
 - Making sure employees use hearing protection, if you cannot feasibly control the noise
 - Training employees about hearing loss prevention
 - Evaluating your hearing loss prevention efforts by tracking employee hearing or periodically reviewing controls and protection
 - Making appropriate corrections to your program.
- Use Table 1 to help you determine the hearing loss prevention requirements for your workplace:

Table 1
Noise Evaluation Criteria

Criteria	Description	Requirements
85 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	<ul style="list-style-type: none"> - Hearing protection - Training - Audiometric testing
90 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	<ul style="list-style-type: none"> - Noise controls AND - Hearing protection - Training - Audiometric testing
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	<ul style="list-style-type: none"> - Hearing protection - Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

HEARING LOSS PREVENTION PROGRAM

NEW SECTION

WAC 296-817-200 Summary.

Your responsibility:

To prevent employee hearing loss by minimizing, and providing protection from, noise exposures.

You must:

Conduct employee noise exposure monitoring

WAC 296-817-20005

Control employee noise exposures that equal or exceed 90 dBA TWA₈

WAC 296-817-20010

Make sure employees use hearing protection when their noise exposure equals or exceed 85 dBA TWA₈

WAC 296-817-20015

Make sure exposed employees receive training about noise and hearing protection

WAC 296-817-20020

Make sure warning signs are posted for areas with noise levels that equal or exceed 115 dBA

PERMANENT

WAC 296-817-20025

Arrange for oversight of audiometric testing

WAC 296-817-20030

Identify and correct deficiencies in your hearing loss prevention program

WAC 296-817-20035

Document your hearing loss prevention activities

WAC 296-817-20040.

NEW SECTION

WAC 296-817-20005 Conduct employee noise exposure monitoring.

You must:

- Conduct employee noise exposure monitoring to determine the employee's actual exposure when reasonable information indicates that any employee's exposure may equal or exceed 85 dBA TWA₈.

Note: • Representative monitoring may be used where several employees perform the same tasks in substantially similar conditions

• Examples of information or situations that can indicate exposures which equal or exceed 85 dBA TWA₈, include:

• Noise in the workplace that interferes with people speaking, even at close range

• Information from the manufacturer of equipment you use in the workplace that indicates high noise levels for machines in use

• Reports from employees of ringing in their ears or temporary hearing loss

• Warning signals or alarms that are difficult to hear

• Work near abrasive blasting or jack hammering operations

• Use of tools and equipment such as the following:

– Heavy equipment or machinery

– Fuel-powered hand tools

– Compressed air-driven tools or equipment in frequent use

– Power saws, grinders or chippers

– Powder-actuated tools.

You must:

- Follow applicable guidance in WAC 296-817-300 when conducting noise exposure monitoring

- Make sure your sampling for noise exposure monitoring identifies:

- All employees whose exposure equals or exceeds the following:

- 85 dBA TWA₈ (noise dosimetry, providing an average exposure over an eight-hour time period)

- 115 dBA (slow response sound level meter, identifying short-term noise exposures)

- 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

- Exposure levels for selection of hearing protection.

- Provide exposed employees and their representatives with an opportunity to observe any measurements of employee noise exposure that are conducted

- Notify each employee whose exposure equals or exceeds 85 dBA TWA₈ of the monitoring results within five working days of when you receive the results

- Conduct additional noise monitoring whenever a change in production, process, equipment or controls, may reasonably be expected to result in:

- Additional employees whose exposure equals or exceeds 85 dBA TWA₈

- Employees exposed to higher level of noise requiring more effective hearing protection

Note: Conditions that may be expected to increase exposure include:

- Adding machinery to the work area

- Increasing production rates

- Removal or deterioration of noise control devices

- Increased use of noisy equipment

- Change in work schedule

- Change of job duties.

NEW SECTION

WAC 296-817-20010 Control employee noise exposures that equal or exceed 90 dBA TWA₈.

IMPORTANT:

Hearing protection provides a barrier to noise and protects employees but is not considered a control of the noise hazard. Separate requirements apply to hearing protection and are found in WAC 296-817-20015.

You must:

- Reduce employee noise exposure, using feasible controls, wherever exposure equals or exceeds 90 dBA TWA₈.

Note: • Once noise exposures are brought below 90 dBA TWA₈, no further reduction is required. However, further reduction of noise may reduce the need for other hearing loss prevention requirements

• Controls that eliminate noise at the source or establish a permanent barrier to noise are typically more reliable. For example:

- Replacing noisy equipment with quiet equipment

- Using silencers and mufflers

- Installing enclosures

- Damping noisy equipment and parts.

• Other controls and work practices may also be useful for reducing noise exposures. Examples include:

- Employee rotation

- Limiting use of noisy equipment

- Rescheduling work.

NEW SECTION

WAC 296-817-20015 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA₈.

You must:

- Make sure employees wear hearing protectors that will provide sufficient protection when exposure equals or exceeds:

- 85 dBA TWA₈ (noise dosimetry, providing an average exposure over an eight-hour time period)

- 115 dBA (slow response sound level meter, identifying short-term noise exposures)

- 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

- Provide employees with an appropriate selection of hearing protectors:

- The selection must include at least two distinct types (such as molded earplugs, foam earplugs, custom-molded earplugs, earcaps, or earmuffs) for each exposed employee and must be sufficient to cover:

■ Different levels of hearing protection needed in order to reduce all employee exposures to a level below 85 dBA TWA₈

- Different sizes
- Different working conditions.
 - Consider requests of the employees regarding:
- Physical comfort
- Environmental conditions
- Medical needs
- Communication requirements.

Note: Hearing protector selection should include earplugs, ear-caps and earmuffs.

You must:

- Provide hearing protection at no cost to employees
- Supervise employees to make sure that hearing protection is used correctly
 - Make sure hearing protectors are:
 - Properly chosen for fit
 - Replaced as necessary.
 - Make sure all hearing protection is sufficient to reduce the employee's equivalent eight-hour noise exposure to 85 dBA or less. When using the A-weighted exposure measurements, reported as "dBA TWA₈," the reduction in noise exposure by hearing protectors is given by Table 2:

Table 2
Effective Protection of Hearing Protectors

Type of hearing protection	Effective protection
Single hearing protection (earplugs, earcaps or earmuffs)	7 dB less than the manufacturer assigned noise reduction rating (NRR); for example, earplugs with an NRR of 20 dB are considered to reduce employee exposures of 95 dBA TWA ₈ to 82 dBA TWA ₈
Dual hearing protection (earplug and earmuff worn together)	2dB less than the higher NRR of the two protectors; for example, earplugs with an NRR of 20 dB and earmuffs with an NRR of 12 dB are considered to reduce employee exposures of 100 dBA TWA ₈ to 82 dBA TWA ₈

• In addition to protection based on daily noise dose, make sure hearing protection has an NRR of at least 20 dB when exposures involve noise that equals or exceeds 115 dBA (slow response sound level meter) or 140 dBC (fast response sound level meter).

Note: You may also evaluate hearing protection by using the other methods given in the NIOSH *Compendium of Hearing Protection* (NIOSH Publication No. 95-105). These methods require additional monitoring and are more complex, but provide a more thorough evaluation of protection. This may be useful in cases where communication is critical or for evaluating hearing protection for employees with hearing impairment.

NEW SECTION

WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.

You must:

- Train all employees whose noise exposure equals or exceeds 85 dBA TWA₈
 - Provide training when an employee is first assigned to a position involving noise exposure that equals or exceeds 85 dBA TWA₈ and at least annually after that
 - Update information provided in the training program to be consistent with changes in controls, hearing protectors and work processes
 - Make sure your noise and hearing protection training includes:
 - The effects of noise on hearing (including both occupational and nonoccupational exposures)
 - Noise controls used in your workplace
 - The purpose of hearing protectors: The advantages, disadvantages, and attenuation of various types
 - Instructions about selecting, fitting, using, and caring for hearing protection
 - The purpose and procedures for program evaluation including audiometric testing and hearing protection auditing when you choose to rely upon auditing (see WAC 296-817-500)
 - The employees' right to access records kept by the employer.
 - Maintain a written program describing initial and refresher training.

NEW SECTION

WAC 296-817-20025 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

You must:

- Make sure warning signs are posted at the entrances or boundaries of all well-defined work areas where employees may be exposed to noise that equals or exceeds 115 dBA (measured using a sound level meter with slow response).
 - Warning signs must clearly indicate that the area is a high noise area and that hearing protectors are required.

NEW SECTION

WAC 296-817-20030 Arrange for oversight of audiometric testing.

You must:

- Make sure audiometric testing as described by WAC 296-817-400 is supervised and reviewed by one of the following licensed or certified individuals:
 - An audiologist
 - An otolaryngologist
 - Another qualified physician.
- Make sure audiograms are conducted by one of the above individuals or by a technician certified by the Council of Accreditation in Occupational Hearing Conservation (CAOHC) and responsible to a qualified reviewer.

NEW SECTION

WAC 296-817-20035 Identify and correct deficiencies in your hearing loss prevention program.

PERMANENT

You must:

- Use audiometric testing to identify hearing loss, which may indicate program deficiencies
- Take appropriate actions when deficiencies are found with your program.
 - A deficiency may be indicated when:
 - Any employee experiences measurable hearing loss indicated by a standard threshold shift

OR

- Any employee is not wearing appropriate hearing protection during an audit when auditing is used in place of baseline audiograms for short term employees (see WAC 296-817-500, Option to audiometric testing).

Note: A standard threshold shift or audit deficiency does not necessarily indicate that a significant hearing loss has occurred. These criteria are intended to help identify where there may be flaws in your hearing loss prevention program that can be fixed before permanent hearing loss occurs. There are additional statistical tools and tests that may be used to improve the effectiveness of your program. Staff conducting audiometric testing and auditing may be able to suggest additional ways to improve your hearing loss prevention program and tailor it to your worksite.

You must:

- Evaluate the following, at a minimum, when responding to a standard threshold shift:
 - Employee noise exposure measurements
 - Noise controls in the work area
 - The selection of hearing protection available and refit employees as necessary
 - Employee training on noise and the use of hearing protection and conduct additional training as necessary.

Reference: You may use the option of auditing hearing protection (see WAC 296-817-500) for employees hired or transferred to jobs with noise exposure for less than one year. You may also use audiograms provided by a third-party hearing loss prevention program in some circumstances. Details of these program options are found in WAC 296-817-500, Options to audiometric testing.

NEW SECTION**WAC 296-817-20040 Document your hearing loss prevention activities.****You must:**

- Create and retain records documenting noise exposures. Include, at a minimum:
 - Exposure measurements required by this chapter for at least two years and for as long as you rely upon them to determine employee exposure
 - Audiometric test records for the duration of employment for the affected employees
 - Hearing protection audits, if you choose to rely upon them, for the duration of employment of the affected employees.

Note: • You need to keep as complete a record as possible. Records developed under previous rules or in other jurisdictions need to be kept, even when they do not fulfill the full requirements of this chapter. Similarly, records found to have errors in collection or processing need to be kept if they provide an indication of employee exposure or medical condition not found in other records

• You may want to consider your other business needs, such as worker's compensation claims management, before discarding these records.

Reference: You need to follow additional requirements for records considered employee exposure or medical records. See chapter 296-62 WAC, Part B, Access to records for requirements for access to records, employee rights, and transfer of records.

NOISE MEASUREMENT AND COMPUTATION**NEW SECTION****WAC 296-817-300 Summary.****Your responsibility:**

Conduct noise monitoring or measurement to evaluate employee exposures in your workplace.

You must:

- Make sure that noise-measuring equipment meets recognized standards
 - WAC 296-817-30005
 - Measure employee noise exposure
 - WAC 296-817-30010
 - Use these equations when estimating full-day noise exposure from sound level measurements
 - WAC 296-817-30015.

NEW SECTION**WAC 296-817-30005 Make sure that noise-measuring equipment meets recognized standards.****You must:**

- Make sure that noise dosimetry equipment meets these specifications:
 - Dosimeters must be equipment class 2AS-90/80-5 of the American National Rule Specification for Personal Noise Dosimeters, ANSI S1.25-1991, such dosimeters are normally marked "Type 2."

Note: Make sure any dosimeter you use is Type 2 equipment that:

- Uses slow integration and A-weighting of sound levels.
- Has the **criterion level** set to 90 dB, so the dosimeter will report a constant 8-hour exposure at 90 dBA as a 100% dose.
- Has the **threshold level** set at 80 dB, so the dosimeter will register all noise above 80 dB.
- Uses a 5 dB **exchange rate** for averaging of noise levels over the sample period.

You must:

- Make sure that sound level meters meet these specifications:
 - American National Standard Specification for Sound Level Meters, S1.4-1984, Type 2 requirements for sound level meters, such sound level meters are normally marked "Type 2."
 - For continuous noise measurements, the meter must be capable of measuring A-weighted sound levels with slow response
 - For impulse or impact noise measurements, the meter must be capable of indicating maximum C-weighted sound level measurements with fast response.
 - Calibrate dosimeters and sound level meters used to monitor employee noise exposure:

– Before and after each day's use

AND

– Following the instrument manufacturer's calibration instructions.

- Note:**
- You may conduct dosimetry using an exchange rate less than 5 dB and compare the results directly to the noise evaluation criteria in Table 1
 - For measuring impulse and impact noise you may also use a sound level meter set to measure maximum impulse C-weighted sound levels or peak C-weighted sound levels.

NEW SECTION

WAC 296-817-30010 Measure employee noise exposure.

IMPORTANT:

A noise dosimeter is the basis for determining total daily noise exposure for employees. However, where you have constant noise levels, you may estimate employee noise exposure using measurements from a sound level meter. Calculation of the employee noise exposure must be consistent with WAC 296-817-30015.

You must:

- Include all:
 - Workplace noise from equipment and machinery in use
 - Other noise from sources necessary to perform the work
 - Noise outside the control of the exposed employees.
- Use a noise dosimeter when necessary to measure employee noise dose
 - Use a sound level meter to evaluate continuous and impulse noise levels
 - Identify all employees whose exposures equal or exceed the Noise Evaluation Criteria in Table 1:

Table 1
Noise Evaluation Criteria

Criteria	Description	Requirements
85 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	<ul style="list-style-type: none"> – Hearing protection – Training – Audiometric testing
90 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	Noise controls (in addition to the requirements for 85 dBA TWA ₈)
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	<ul style="list-style-type: none"> – Hearing protection – Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

NEW SECTION

WAC 296-817-30015 Use these equations when estimating full-day noise exposure from sound level measurements.

You must:

- Compute employee's full-day noise exposure by using the appropriate equations from Table 3 "Noise Dose Computation" when using a sound level meter to estimate noise dose.

Table 3
Noise Dose Computation

Description	Equation
Compute the noise dose based on several time periods of constant noise during the shift	The total noise dose over the work day, as a percentage, is given by the following equation where C _n indicates the total time of exposure at a specific noise level, and T _n indicates the reference duration for that level. $D = 100 * ((C_1/T_1) + (C_2/T_2) + (C_3/T_3) + \dots + (C_n/T_n))$
The reference duration is equal to the time of exposure to continuous noise at a specific sound level that will result in a one hundred percent dose	The reference duration, T, for sound level, L, is given in hours by the equation: $T = 8 / (2^{(L - 90)/5})$
Given a noise dose as a percentage, compute the equivalent eight-hour time weighted average noise level	The equivalent eight-hour time weighted average, TWA ₈ , is computed from the dose, D, by the equation: $TWA_8 = 16.61 * \text{Log}_{10}(D/100) + 90$

PERMANENT

AUDIOMETRIC TESTING

NEW SECTION

WAC 296-817-400 Summary.

Your responsibility:

To conduct audiometric testing of employees exposed to noise to make sure that their hearing protection is effective.

You must:

- Provide audiometric testing at no cost to employees
WAC 296-817-40005
- Establish a baseline audiogram for each exposed employee
WAC 296-817-40010
- Conduct annual audiograms
WAC 296-817-40015
- Review audiograms that indicate a standard threshold shift
WAC 296-817-40020
- Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing
WAC 296-817-40025
- Make sure a record is kept of audiometric tests
WAC 296-817-40030

Make sure audiometric testing equipment meets these requirements

WAC 296-817-40035.

NEW SECTION

WAC 296-817-40005 Provide audiometric testing at no cost to employees.

You must:

- Provide audiograms, including any required travel or necessary additional examinations or testing, at no cost to exposed employees.

NEW SECTION

WAC 296-817-40010 Establish a baseline audiogram for each exposed employee.

You must:

- Conduct a baseline audiogram when an employee is first assigned to work involving noise exposures that equal or exceed 85 dBA TWA₈.

- Make sure this audiogram is completed no more than one hundred eighty days after the employee is first assigned

OR

- Make sure employee is covered by a hearing protection audit program (as described by WAC 296-817-500 and available as an alternative only for employees hired for less than one year).

Note:

Employers who utilize mobile test units are allowed up to one year to obtain a valid baseline audiogram for each exposed employee. The employees must still be given training and hearing protection as required by this chapter.

You must:

- Make sure employees are not exposed to workplace noise at least fourteen hours before testing to establish a baseline audiogram.

- Hearing protectors may be used to accomplish this.

- Notify employees of the need to avoid high levels of nonoccupational noise exposure (such as loud music, headphones, guns, power tools, motorcycles, etc.) during the fourteen-hour period immediately preceding the baseline audiometric examination.

NEW SECTION

WAC 296-817-40015 Conduct annual audiograms.

You must:

- Conduct annual audiograms for employees as long as they continue to be exposed to noise that equals or exceeds 85 dBA TWA₈.

Note:

Annual audiometric testing may be conducted at any time during the work shift. By conducting the annual audiogram during the work shift with the employee exposed to typical noise for their job, the test may record a temporary threshold shift. This makes the test more sensitive to potential hearing loss and may help you improve employee protection before a permanent threshold shift occurs. A suspected temporary shift is one reason an employer may choose to retest employee hearing.

You must:

- Make sure each employee is informed of the results of his or her audiometric test.

- Include whether or not there has been a hearing level decrease or improvement since their previous test.

- Make sure each employee's annual audiogram is compared to his or her baseline audiogram by an audiologist, otolaryngologist, another qualified physician, or the technician conducting the test to determine if a standard threshold shift has occurred.

- If the annual audiogram indicates that an employee has suffered a standard threshold shift, you may obtain a retest within thirty days and consider the results of the retest as the annual audiogram.

- Make sure that an audiologist, otolaryngologist, or other qualified physician sees any annual audiogram that indicates a standard threshold shift.

NEW SECTION

WAC 296-817-40020 Review audiograms that indicate a standard threshold shift.

You must:

- Make sure the health care professional supervising audiograms has:

- A copy of this chapter

- The baseline audiogram and most recent audiogram of the employee to be evaluated

- Background noise level records for the testing room

- Calibration records for the audiometer.

- Obtain an opinion from the health care professional supervising audiograms as to whether the audiograms indicate possible occupational hearing loss and any recommendations for changes in hearing protection

- Pay for any clinical audiological evaluation or otological examination required by the reviewer, if:

- Additional review is necessary to evaluate the cause of hearing loss

OR

- If there is indication of a medical condition of the ear caused or aggravated by the wearing of hearing protectors.

- Inform the employee in writing of the existence of a standard threshold shift within twenty-one calendar days of the determination.

- Make arrangements for the reviewer to communicate to the employee any suspected medical conditions that are found unrelated to your workplace. This information is confidential and must be handled appropriately.

NEW SECTION

WAC 296-817-40025 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

You must:

- Keep the baseline audiogram without revision, unless a qualified reviewer determines:

- The standard threshold shift revealed by the audiogram is persistent
- OR**
- The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

NEW SECTION

WAC 296-817-40030 Make sure a record is kept of audiometric tests.

You must:

- Retain a legible copy of all employee audiograms conducted under this chapter.
 - Make sure the record includes:
 - Name and job classification of the employee
 - Date of the audiogram
 - The examiner's name
 - Date of the last acoustic or exhaustive calibration of the audiometer
 - Employee's most recent noise exposure assessment
 - The background sound pressure levels in audiometric test rooms.

NEW SECTION

WAC 296-817-40035 Make sure audiometric testing equipment meets these requirements.

You must:

- Use pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz
 - Tests at each frequency must be taken separately for each ear
 - Supra-aural headphones must be used.
- Conduct audiometric tests with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used according to, American National Standard Specification for Audiometers, S3.6-1996
 - Check the functional operation of the audiometer each day before use by doing all of the following:
 - Make sure the audiometer's output is free from distorted or unwanted sound
 - Test either a person with known, stable hearing thresholds or a bio-acoustic simulator
 - Perform acoustic calibration for deviations of 10 dB or greater.
 - Audiometer calibration must be checked acoustically at least annually to verify continued conformance with ANSI S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check
 - An exhaustive calibration must be performed at least every two years according to the American National Standard Specification for Audiometers, S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from the calibration.
 - Provide audiometric test rooms that meet the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric

Test Rooms using the following table of maximum ambient sound pressure levels:

**Table 4
Maximum Ambient Sound Pressure Levels**

Frequency (Hz)	500	1000	2000	4000	8000
Sound Pressure Level (dB)	40	40	47	57	62

Note: The American Industrial Hygiene Association and National Hearing Conservation Association recommend conducting audiograms using the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms with adjustments at only 500 Hz and below.

OPTIONS TO AUDIOMETRIC TESTING

NEW SECTION

WAC 296-817-500 Summary.

Your responsibility:

This section provides options to baseline audiometric testing for employees assigned to duties with noise exposures for **less than one year**. These program options may also be used to provide added assessment of longer-term employees in addition to audiometric testing.

The requirements of this section apply only if you decide to use auditing or a third-party hearing loss prevention program and do not conduct baseline audiometric testing for those employees.

Hearing Protection Audits

You must:

- Conduct hearing protection audits at least quarterly
- WAC 296-817-50005
- Make sure staff conducting audits are properly trained
- WAC 296-817-50010
- Assess the hearing protection used by each employee during audits
- WAC 296-817-50015
- Document your hearing protection audits
- WAC 296-817-50020

Third-Party Audiometric Testing

You must:

- Make sure third-party hearing loss prevention programs meet the following requirements
- WAC 296-817-50025

IMPORTANT:

Hearing protection audits are a tool for use in evaluating your hearing loss prevention program in cases where audiometric testing does not provide a useful measure. For example, if most of your employees are hired on a temporary basis for a few months at a time, audiometric testing may not identify the small changes in hearing acuity that could occur. Auditing provides an alternative to audiometric testing in these cases.

PERMANENT

Auditing is not required unless you use it in place of baseline audiometric testing for employees hired for a period of **less than one year** and is permitted as a substitute for audiometric testing only for these employees.

Third-party hearing loss prevention programs are full hearing loss prevention programs and are distinct from audiometric testing provided by third parties as part of your own hearing loss prevention program. These programs may be organized by labor groups, trade associations, labor-management cooperatives, or other organizations to:

- Cover a specific group of employees

OR

- Combine efforts for several employers with common employees.

Although you remain responsible for the program, third-party programs can have at least two benefits over running your own program:

- The audiometric testing is portable between the participating employers so new testing will not be needed when an employee changes employers
- Employees who only work for short periods for any one employer can be monitored under the group program over a longer period of time increasing the effectiveness of the audiometric testing in preventing hearing loss for these employees.

NEW SECTION

WAC 296-817-50005 Conduct hearing protection audits at least quarterly.

You must:

- Conduct audits at least quarterly to provide a representative assessment of your workplace
 - The assessment is representative if it:
 - Covers all processes and work activities in your business at full production levels
- AND
- Covers all employees present on the audit day.
 - If your business is mobile or involves variable processes, auditing may need to be repeated more often than quarterly
 - Auditing does not need to be repeated more than monthly as long as a reasonable effort is made to cover:
 - The activities with greatest exposure
- AND
- As many employees as possible.
 - Assess exposures and hearing protection for the full shift for each employee covered at the time of the audit.

NEW SECTION

WAC 296-817-50010 Make sure staff conducting audits are properly trained.

You must:

- Make sure staff conducting hearing protection audits:
 - Can demonstrate competence in:
 - Evaluating hearing protection attenuation
 - Evaluating hearing protector choices
 - Assessing the correct use of hearing protectors.

– Are certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) or have training in the following areas:

- Noise and hearing loss prevention
- Washington state noise regulations
- Hearing protectors
- Fitting of hearing protectors
- Basic noise measurement
- Hearing loss prevention recordkeeping.

NEW SECTION

WAC 296-817-50015 Assess the hearing protection used by each employee during audits.

You must:

- Confirm that:
 - Current site conditions during audits are consistent with conditions existing during noise monitoring
 - The hearing protection used by the employee is sufficient and appropriate for the conditions
 - The hearing protection is worn properly
 - The employees are satisfied with the performance and comfort of the hearing protection.

NEW SECTION

WAC 296-817-50020 Document your hearing protection audits.

You must:

- Keep a record of audit results for each employee assessed for the length of their employment and for the length of time you will rely upon the audit results
- Include the following information in the record:
 - The make and model of the hearing protectors
 - The size of the protectors
 - Average noise exposure of the employee
 - Any problems found with use of the hearing protection
 - Any comments or complaints from the employee regarding the hearing protection.

THIRD-PARTY AUDIOMETRIC TESTS

NEW SECTION

WAC 296-817-50025 Make sure third-party hearing loss prevention programs meet the following requirements.

IMPORTANT:

Third-party hearing loss prevention programs are intended:

- For short-term employees hired or assigned to duties having noise exposures for **less than one year**

AND

- For seasonal employees.

However, other employees may be included as long as you meet all requirements for hearing loss follow-ups and recordkeeping.

You must:

- Make sure that the third-party program is:

– Equivalent to an employer program as required by this chapter

AND

- Uses audiometric testing to evaluate hearing loss.
 - Make sure a licensed or certified audiologist, otolaryngologist, or other qualified physician administers the third-party program
 - Make sure the third-party program has written procedures for:
 - Communicating with participating employers of program requirements
 - Follow-up procedures for detected hearing loss
 - Annual review of participating employer programs.
 - Make sure the following program elements are corrected by you or the third-party program when deficiencies are found:
 - Noise exposures
 - Hearing protection
 - Employee training
 - Noise controls.
 - Obtain a review of your hearing loss prevention program at least once per year, conducted by the third-party program administrator or their representative, in order to:
 - Identify any tasks needing a revised selection of hearing protection
- AND
- Provide an overall assessment of the employers' hearing loss prevention activities.

NEW SECTION

WAC 296-817-600 Noise definitions.

A-weighted - An adjustment to sound level measurements that reflects the sensitivity of the human ear. Used for evaluating continuous or average noise levels.

Audiogram - A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Audiologist - A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association, or the American Academy of Audiology, and is licensed by the state board of examiners.

Baseline audiogram - The audiogram against which future audiograms are compared. The baseline audiogram is collected when an employee is first assigned to work with noise exposure. The baseline audiogram may be revised if persistent standard threshold shift (STS) of improvement is found.

Continuous noise - Noise with peaks spaced no more than one second apart. Continuous noise is measured using sound level meters and noise dosimeters with the slow response setting.

Criterion sound level - A sound level of ninety decibels. An eight-hour exposure to constant 90 dBA noise is a one hundred percent noise dose exposure.

C-weighted - An adjustment to sound level measurements that evenly represents frequencies within the range of human hearing. Used for evaluating impact or impulse noise.

Decibel (dB) - Unit of measurement of sound level. A-weighting, adjusting for the sensitivity of the human ear, is indicated as "dBA." C-weighting, an even reading across the frequencies of human hearing, is indicated as "dBC."

Fast response - A setting for a sound level meter that will allow the meter to respond to noise events of less than one second. Used for evaluating impulse and impact noise levels.

Hertz (Hz) - Unit of measurement of frequency, numerically equal to cycles per second.

Impulsive or impact noise - Noise levels which involve maxima at intervals greater than one second. Impulse and impact noise are measured using the fast response setting on a sound level meter.

Noise dose - The total noise exposure received by an employee during their shift. It can be expressed as a percentage indicating the ratio of exposure received to the noise exposure received in an eight-hour exposure to constant noise at 90 dBA. It may also be expressed as the sound level that would produce the equivalent exposure during an eight-hour period (TWA_8).

Noise dosimeter - An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.

Occupational hearing loss - A reduction in the ability of an individual to hear either caused or contributed to by exposure in the work environment.

Otolaryngologist - A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

Permanent threshold shift - A hearing level change that has become persistent and is not expected to improve.

Qualified reviewer - An audiologist, otolaryngologist, or other qualified physician who has experience and training in evaluating occupational audiograms.

Slow response - A setting for sound level meters and dosimeters in which the meter does not register events of less than about one second. Used for evaluating continuous and average noise levels.

Sound level - The intensity of noise as indicated by a sound level meter.

Sound level meter - An instrument that measures sound levels.

Standard threshold shift (STS) - A hearing level change, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

Temporary threshold shift - A hearing level change that improves. A temporary threshold shift may occur with exposure to noise and hearing will return to normal within a few days. Temporary threshold shifts can be indicators of exposures that lead to permanent hearing loss.

TWA_8 - Equivalent eight-hour time-weighted average sound level - That sound level, which if constant over an eight-hour period, would result in the same noise dose measured in an environment where the noise level varies.

WSR 03-12-005
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed May 22, 2003, 8:28 a.m.]

Date of Adoption: May 15, 2003.

Purpose: To correct an erroneous cross-reference in subsection (3).

Citation of Existing Rules Affected by this Order: Amending WAC 388-543-1100.

Statutory Authority for Adoption: RCW 74.08.090, 34.05.353.

Adopted under notice filed as WSR 03-05-054 on February 14, 2003.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-054, filed 8/1/02, effective 9/1/02)

WAC 388-543-1100 Scope of coverage and coverage limitations for DME and related supplies, prosthetics, orthotics, medical supplies and related services. The federal government deems **durable medical equipment (DME)** and related supplies, **prosthetics, orthotics, and medical supplies** as optional services under the **Medicaid** program, except when prescribed as an integral part of an approved plan of treatment under the home health program or required under the early and periodic screening, diagnosis and treatment (**EPSDT**) program. The **department** may reduce or eliminate coverage for optional services, consistent with legislative appropriations.

(1) The medical assistance administration (MAA) covers DME and related supplies, prosthetics, orthotics, medical supplies, related services, repairs and labor charges when all of the following apply. They must be:

(a) Within the scope of an eligible client's medical care program (see chapter 388-529 WAC);

(b) Within accepted medical or physical medicine community standards of practice;

(c) Prior authorized as described in WAC 388-543-1600, 388-543-1800, and 388-543-1900;

(d) Prescribed by a qualified **provider**, acting within the scope of the provider's practice. The prescription must state the specific item or service requested, diagnosis, prognosis, estimated length of need (weeks or months, not to exceed six months before being reevaluated), and quantity;

(e) Billed to the department as the payor of last resort only. MAA does not pay first and then collect from Medicare;

(f) **Medically necessary** as defined in WAC 388-500-0005. The provider or client must submit sufficient objective evidence to establish medical necessity. Information used to establish medical necessity includes, but is not limited to, the following:

(i) A physiological description of the client's disease, injury, impairment, or other ailment, and any changes in the client's condition written by the prescribing physician, licensed prosthetist and/or orthotist, physical therapist, occupational therapist, or speech therapist; or

(ii) Video and/or photograph(s) of the client demonstrating the impairments as well and client's ability to use the requested equipment, when applicable.

(2) MAA evaluates a request for any equipment or devices that are listed as noncovered in WAC 388-543-1300 under the provisions of WAC 388-501-0165.

(3) MAA evaluates a request for a service that is in a covered category, but has been determined to be experimental or investigational under WAC ((388-531-0050)) ~~388-531-0550~~, under the provisions of WAC 388-501-0165 which relate to medical necessity.

(4) MAA evaluates requests for covered services in this chapter that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions when medically necessary, under the standards for covered services in WAC 388-501-0165.

(5) MAA does not reimburse for DME and related supplies, prosthetics, orthotics, medical supplies, related services, and related repairs and labor charges under **fee-for-service (FFS)** when the client is any of the following:

(a) An inpatient hospital client;

(b) Eligible for both **Medicare** and Medicaid, and is staying in a **nursing facility** in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(6) MAA covers medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services, repairs, and labor charges listed in MAA's published issuances, including Washington Administrative Code (WAC), billing instructions, and numbered memoranda.

(7) An interested party may request MAA to include new equipment/supplies in the billing instructions by sending a written request plus all of the following:

(a) Manufacturer's literature;

(b) Manufacturer's pricing;

(c) Clinical research/case studies (including FDA approval, if required); and

(d) Any additional information the requester feels is important.

(8) MAA bases the decision to purchase or rent DME for a client, or to pay for repairs to client-owned equipment on medical necessity.

(9) MAA covers replacement batteries for purchased medically necessary DME equipment covered within this chapter.

(10) MAA covers the following categories of medical equipment and supplies only when they are medically necessary, prescribed by a physician or other licensed practitioner of the healing arts, are within the scope of his or her practice as defined by state law, and are subject to the provisions of this chapter and related WACs:

(a) Equipment and supplies prescribed in accordance with an approved plan of treatment under the home health program;

(b) Wheelchairs and other DME;

(c) Prosthetic/orthotic devices;

(d) Surgical/ostomy appliances and urological supplies;

(e) Bandages, dressings, and tapes;

(f) Equipment and supplies for the management of diabetes; and

(g) Other medical equipment and supplies, as listed in MAA published issuances.

(11) MAA evaluates a **BR** item, procedure, or service for its medical appropriateness and reimbursement value on a case-by-case basis.

(12) For a client in a **nursing facility**, MAA covers only the following when medically necessary. All other DME and supplies identified in MAA billing instructions are the responsibility of the nursing facility, in accordance with chapters 388-96 and 388-97 WAC. See also WAC 388-543-2900 (3) and (4). MAA covers:

(a) The purchase and repair of a speech generating device (SGD), a wheelchair for the exclusive full-time use of a permanently disabled nursing facility resident when the wheelchair is not included in the nursing facility's per diem rate, or a **specialty bed**; and

(b) The rental of a specialty bed.

(13) Vendors must provide instructions for use of equipment; therefore, instructional materials such as pamphlets and video tapes are not covered.

(14) Bilirubin lights are limited to rentals, for at-home newborns with jaundice.

WSR 03-12-006
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 22, 2003, 8:36 a.m.]

Date of Adoption: May 22, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order:
 Amending WAC 308-56A-140, 308-56A-150, 308-56A-160, 308-56A-200, and 308-56A-215.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.040, 46.16.216.

Adopted under notice filed as WSR 03-05-001 on February 6, 2003.

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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, 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.

May 22, 2003

Denise M. Movius

for Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-140 Department temporary permit.

(1) **What is a department temporary permit?** A department temporary permit is a permit issued in lieu of registration and license plates when:

(a) ~~((The vehicle is not sold by a licensed Washington dealer;~~

~~(b)))~~ The vehicle is not currently licensed in Washington; and

~~((c)))~~ (b) Proper vehicle documentation to title and license the vehicle is not available but is likely to be available within sixty days; and

(c) The vehicle was not purchased from a licensed Washington dealer.

(2) How long is a department temporary permit valid? The department temporary permit is valid for up to sixty days.

(3) What if I ~~((am unable))~~ believe I will not be able to obtain proper documentation within sixty days, what options are available to me? When documents are not expected to be received within sixty days, you may choose to:

(a) Not ~~((obtain the department temporary permit))~~ operate your vehicle and wait to register the vehicle until all required documents are received ~~((to register your vehicle))~~; or

(b) Obtain the department temporary permit and if you do not receive the required documentation within sixty days, ~~((you will be unable to use the vehicle after the department~~

PERMANENT

temporary permit expires)) discontinue using the vehicle until proper documentation is filed with the department or apply for an extension of the temporary permit under subsection (4) of this section.

((3)) (4) May a department temporary permit be extended? Yes, a department temporary permit may be extended on a case-by-case basis if the registered owner has demonstrated all possible avenues have been explored and upon departmental approval.

(5) Where do I obtain a department temporary permit? Department temporary permits are available at all Washington vehicle license ((agencies)) offices.

((4)) (6) What fees are required to be paid when applying for a department temporary permit? In addition to other fees ((prescribed by law)) and applicable taxes, the department temporary permit fee, ((title)) certificate of ownership application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

((5)) (7) How do I display the department temporary permit? The ((hard)) cardboard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

((6)) (8) How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight? If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

((7)) (9) How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit? You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license ((agency)) office.

((8)) (10) What fees are required to be paid when clearing a department temporary permit? In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

((9)) (11) How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit((, if the original is not available))? ((If the department temporary permit was issued at a vehicle licensing agency/subagency:

(a)) You may obtain a photocopy of the department temporary permit registration certificate ((portion of the department temporary permit only at)) through the county's auditor/agent or subagent office ((in the same county you obtained the original department temporary permit.

(b) If the department temporary permit was issued at a department staffed vehicle licensing office, you must obtain a replacement from that office)). You must provide the vehicle identification number or the department temporary permit

number. The replacement department temporary permit will retain the same expiration date as the original.

((10)) (12) How do I obtain a replacement for the cardboard department temporary permit ((placard which)) that is displayed in the vehicle window? You may obtain a replacement cardboard department temporary permit ((placard)) at any Washington vehicle ((services)) license office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.

((11) How do I obtain a replacement department permit if both the application/registration certificate and the display placard are lost, stolen, or destroyed? You may obtain a photocopy of the vehicle title application/registration certificate portion of the department temporary permit only at the issuing county's auditor/agent office. If the department temporary permit was issued at a department staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit placard may also be obtained at these locations:))

AMENDATORY SECTION (Amending WSR 01-20-010 [03-05-081], filed 9/20/01 [2/19/03], effective 10/21/01 [3/22/03])

WAC 308-56A-150 Certificate of vehicle inspection.

(1) When is a certificate of vehicle inspection required? A certificate of vehicle inspection, ((signed by an)) completed by the Washington state patrol or other authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent((, for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing));

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

(e) ((A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;

(f)) A kit vehicle not previously titled as such (if no vehicle identification number (VIN) previously assigned);

((g)) (f) A street rod not previously titled as such;

((h)) (g) A glider kit not previously titled as such;

((i) Questionable as)) (h) Subject to ownership in doubt described in WAC 308-56A-210(1);

((j)) (i) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

~~((k))~~ (j) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) ~~((What))~~ **Is there a fee ((is)) charged for a Washington state patrol VIN inspection?** ~~((The VIN inspection fee is fifty dollars as authorized by chapter 46.12 RCW unless:))~~ Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other ~~((competent inspecting agencies))~~ entities or individuals designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) ~~((Thirty))~~ Sixty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With structural change in, or modification of, body or frame changing the class designation or body type;

(v) Referred for inspection for any reason not listed.

~~((b))~~ Sixty days for vehicles:

~~((i))~~ From a foreign jurisdiction;

~~((ii))~~ (vi) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.

~~((e))~~ (b) One year for vehicles required to be inspected under subsection (1)(a) through ((k)) (j) of this section and held for sale by a licensed dealer.

~~((5))~~ Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid other than in Washington state? In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.

~~((6))~~ Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001? The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is not stolen. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.)

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-160 Model year—How determined.

(1) **How is a model year assigned to a vehicle?** The model year for a vehicle ~~((, as defined in RCW 46.04.251))~~ is the model year assigned by the manufacturer or in the case of homemade vehicles, it is the year the vehicle was built.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers ~~((shall))~~ must adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards ~~((shall))~~ must be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers ~~((shall))~~ must designate the model year on the manufacturer's certificate of origin (MCO), manufacturer's statement of origin (MSO) or similar documents.

(3) **How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles?** Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs/MSOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles ~~((shall))~~ must assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year ~~((shall))~~ will be used on the certificates of ownership and registration.

(4) **How will a model year be assigned to my vehicle if the manufacturer did not assign one?** If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, ~~((is))~~ a street rod, assembled or ~~((is))~~ a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections ~~((shall))~~ will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer ~~((shall))~~ must be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle ~~((which))~~ that the vehicle most closely resembles.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 ~~((shall))~~ will not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms ~~((shall))~~ will have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactured vehicles. Manufacture (~~(shall)~~) includes the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO/MSO or similar documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

- (i) Frame and chassis structure;
- (ii) Power train;
- (iii) Steering system;
- (iv) Suspension system; and
- (v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name (~~(which)~~) that a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-200 Replacement Washington certificate of ownership. (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

- (a) Lost;
- (b) Mutilated;
- (c) Stolen; or
- (d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certificate of ownership?** A replacement certificate of ownership will be issued only to the owner(s) of record. You will need to provide an explanation of (~~(the disposition of)~~) what happened to the certificate of ownership that you are replacing and (a) the vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. ((This information may)) A request for a replacement certificate of ownership must be presented to the department on a notarized or certified:

- (a) (~~(Approved)~~) Affidavit of loss form(;;);
- (b) Letter of request from the owner(s) of record; or
- (~~(b)~~) (c) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records (~~(shall)~~) must sign the request for the replacement certificate of ownership. ((Their)) Signatures must be certified or notarized in accordance with WAC 308-56A-275.

(4) **What do I do if I find my certificate of ownership after I receive a replacement?** Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-215 Erasures (~~(and)~~), alterations, and incorrect information. (1) **Will the department accept (~~(a certificate of ownership)~~) an application for certificate of ownership or supporting documents if (~~(it has)~~) they have been altered?** The department may refuse to accept any application for certificate of ownership or supporting documents when ownership or vehicle information has been altered. (~~((A replacement ownership document may be required.))~~)

(2) **Will the department accept a certificate of ownership if it has been altered?** Any alteration or erasure voids the certificate of ownership unless documentation satisfactory to the department in accordance with subsection (3) of this section is submitted with the certificate.

(3) **What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership from a Washington licensed dealer. In lieu of a release of interest, the Washington licensed vehicle dealer(s) may attach an affidavit explaining the error in the security interest.

(c) (~~((If an erasure has been made on a title, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a release of interest.~~)

(~~(d)~~) A name erroneously shown on the (~~(title)) certificate of ownership as the purchaser must (~~(have)) be accompanied by either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed or other explanation for the erroneous designation.~~~~

WSR 03-12-007

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed May 22, 2003, 9:22 a.m.]

Date of Adoption: May 16, 2003.

Purpose: To make housekeeping amendments to the University of Washington's Title 478 WAC rules that correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Citation of Existing Rules Affected by this Order: Amending WAC 478-138-060, 478-140-018, 478-160-085, 478-168-170, 478-276-140, 478-324-020, 478-324-045, 478-324-140, and 478-324-180.

Statutory Authority for Adoption: RCW 28B.20.130 for all sections. Additionally, RCW 28B.15.031 for WAC 478-168-170; chapter 42.17 RCW for WAC 478-276-140; and RCW 43.21C.120 for WAC 478-324-020, 478-324-045, 478-324-140, 478-324-145, and 478-324-180.

Adopted under notice filed as WSR 03-05-019 on February 10, 2003.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 1, Amended 9, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 19, 2003

Rebecca Goodwin Deardorff

Director of Administrative Procedures

AMENDATORY SECTION (Amending WSR 92-14-060, filed 6/26/92, effective 7/27/92)

WAC 478-138-060 Schedule of fees. Fees for stadium boat moorage and the effective date thereof shall be established by the director of intercollegiate athletics with approval of the (~~vice president for university relations~~) special assistant to the president. The approved fee schedule shall be published (~~in the University Operations Manual~~) on the intercollegiate athletics website.

AMENDATORY SECTION (Amending WSR 99-12-110, filed 6/2/99, effective 7/3/99)

WAC 478-140-018 Education records—Student's right to inspect. (1) A student has the right to inspect and review his or her education records except where otherwise provided in this chapter.

(a) The term "education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the university.

(b) Types of education records, and the university officials responsible for those records, include, but are not limited to:

(i) Official transcripts of courses taken and grades received, records relating to prior education experience, and admission records. The executive director of admissions and records, whose office is located in Schmitz Hall, is responsible for the maintenance of such records. In addition, the director of graduate admissions, whose office is located in (~~Gerberding~~) Loew Hall, is responsible for the maintenance of certain admission and current education status records for graduate students, as are the admission directors of the professional schools of dentistry, law, medicine and pharmacy.

(ii) Tuition and fee payment records. The manager of the student accounts office, located in Schmitz Hall, is responsible for the maintenance of such records.

(iii) Student disciplinary records. The vice president for student affairs, whose office is located in Schmitz Hall, is responsible for the maintenance of such records.

(iv) Education records relating to a student's particular field of study may be maintained by the departments and colleges throughout the university. Where such education records are so maintained, the respective chair or dean of the department or college is responsible for maintenance of the records.

(c) The term "education records" does not include:

(i) Any record of instructional, supervisory, administrative or educational personnel which is in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. For the purposes of this subsection, substitute means:

(A) A person who is providing instruction in place of or as assistant to the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction, or

(B) A person who is supervising a student's thesis or research progress in place of or as an assistant to the regularly assigned faculty member during a prolonged absence.

(ii) Records created and maintained by the University of Washington police department for the purposes of law enforcement, except that education records created by another university department remain education records while in the possession of the police department.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes; however, records concerning a student who is employed as a result of his or her status as a student (e.g., graduate student service appointments) shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Health care records on a student that are created or maintained by a health care provider or health care facility in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, the student, or a health care provider of the student's choice (see also chapter 70.02 RCW).

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the university (e.g., information pertaining to the accomplishment of an alumnus or alumna).

(2)(a) Confidential recommendations, evaluations or comments concerning a student, shall nonetheless be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically waive his or her right to inspect and review education records where the information consists only of confidential recommendations respecting the student's:

(i) Admission to the University of Washington or any other educational institution, or component part thereof, or

(ii) Application for employment, or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to inspect and review confidential statements shall be valid only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning the student, the dates of such confidential statements and the purpose or purposes for which the statements were provided, and

(ii) Such confidential statements are used solely for the purpose or purposes for which they were provided, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the university, and

(iv) Such waiver is in writing and signed and dated by the student.

(d) Such a waiver may be revoked, in writing, by the student; however, the revocation will be effective only for confidential statements or records dated after the date of the revocation.

(e) Confidential recommendations, evaluations or comments concerning a student prior to January 1, 1975, shall not be subject to release under WAC 478-140-018 (2)(a); however, upon request the student shall be notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the university only for the purpose or purposes for which they were provided.

(3) Where requested education records include information on more than one student, the student making the request shall be entitled to inspect, review or be informed of only the specific portion of the record about that student.

(4) A student may not inspect and review education records that are or contain financial records of his or her parents.

(5) Students may obtain copies of their education records. Charges for copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved for certain specified services).

(a) The university may refuse to provide copies of education records including transcripts and diplomas in the following circumstances:

(i) If the record is a secure exam as determined by the department that maintains the exam, so that the integrity of such exams may be protected;

(ii) If the student has outstanding debts owed to the university, so that the university may facilitate collection of such debts;

(iii) If disciplinary action is pending or sanctions are not completed.

(b) The university must provide copies of education records, subject to the provisions of (a) of this subsection, in the following circumstances:

(i) If failure to do so would effectively prevent the student from inspecting and reviewing a record;

(ii) When records are released pursuant to a student's consent and the student requests copies; and

(iii) When the records are transferred to another educational agency or institution where the student seeks or intends to enroll and the student requests copies.

(6) The office of the registrar is the only office which may issue an official transcript of the student's academic record.

(7) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 478-140-018 or 478-140-021 be removed or destroyed prior to providing the student access.

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

WAC 478-160-085 Application forms. Prospective applicants to the graduate school may obtain information about degree programs and the online application process on the graduate school website or by an e-mail request to uwgrad@u.washington.edu (for U.S. citizens, permanent residents and immigrants) or to intlgrad@u.washington.edu for international applicants. Secondarily, an "Application for admission to the graduate school" form is available upon request by writing to the graduate program adviser of the department in which the applicant expects to engage in a program of study or by writing to the following address:

University of Washington
Office of Graduate Admissions
(98 Gerberding) 301 Loew Hall
P.O. Box ((351280)) 84808
Seattle, WA ((98195-1280)) 98124-6108

~~((An application form with instructions will be provided to prospective graduate or visiting graduate applicants upon request.))~~

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-170 Library borrowers. The following categories of individuals are eligible for library borrowing privileges:

(1) Campus borrowers:

(a) Undergraduate and unclassified students.

(b) Graduate and professional students.

(c) Graduate students with on-leave graduate status.

(d) University extension participants.

(e) Faculty, consisting of the president, the vice presidents, professors, associate professors, assistant professors, instructors, research associates, and lecturers, whether serving under acting, research, clinical, or affiliate appointment, whether serving part time or full time, and whether serving in an active or emeritus capacity; academic personnel, and administrative personnel as determined by the office of the provost.

(f) Professional staff.

(g) Classified staff.

(h) Visiting scholars with official visiting scholar status.

(i) Individuals affiliated with the university who do not have official University of Washington identification cards but who have been granted borrowing privileges by the director of libraries.

(2) Off-campus borrowers who are granted free borrowing privileges:

(a) Spouses of faculty and staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(b) Retired faculty and staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(c) Spouses of retired staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(d) Spouses of visiting scholars.

(e) Faculty and other academic staff of each of the Washington state four year colleges and universities.

(f) Federal and state governmental employees who have need of library materials in an official capacity.

(g) Other individuals accorded borrowing privileges by the director of libraries.

(3) Off-campus individuals who have need for research purposes of material not available from other sources and other individuals accorded borrowing privileges by the director of libraries are granted borrowing privileges for a nonrefundable charge. The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published (~~in the university Operations Manual~~) on the university libraries website.

(4) Organizations which have need for research purposes of material not available from other sources will be granted borrowing privileges for a nonrefundable charge. The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published (~~in the university Operations Manual~~) on the university libraries website.

(5) Individuals granted privileges through contracts or agreements with the University of Washington libraries.

AMENDATORY SECTION (Amending WSR 01-11-136, filed 5/23/01, effective 6/23/01)

WAC 478-276-140 Public records and open public meetings office—Address. All requests for public records to the University of Washington shall be addressed as follows:

University of Washington
Public Records and Open Public Meetings Office
4014 University Way N.E.
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502). The telephone number of the public records and open public meetings office is (~~((206))~~) 206-543-9180.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-020 Adoption by reference. The university hereby adopts by reference the following sections of the (~~(1984))~~ SEPA rules, chapter 197-11 of the Washington Administrative Code.

General Requirements

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
((197-11-298))	MTCA interim actions.
<u>197-11-268</u>	

Categorical Exemptions and Threshold Determination

WAC

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

Environmental Impact Statement (EIS)

WAC

197-11-400	Purpose of EIS.
197-11-402	General requirements.

197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

Commenting**WAC**

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

Using Existing Environmental Documents**WAC**

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

SEPA and Agency Decisions**WAC**

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.

197-11-680	Appeals.
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Definitions**WAC**

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-775	Open record hearing.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.

- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

Categorical Exemptions

WAC

- 197-11-800 Categorical exemptions.
- 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
- 197-11-820 Department of licensing.
- 197-11-825 Department of labor and industries.
- 197-11-830 Department of natural resources.
- 197-11-835 Department of fisheries.
- 197-11-840 Department of game.
- 197-11-845 Department of social and health services.
- 197-11-850 Department of agriculture.
- 197-11-855 Department of ecology.
- 197-11-860 Department of transportation.
- 197-11-865 Utilities and transportation commission.
- 197-11-870 Department of commerce and economic development.
- 197-11-875 Other agencies.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

Agency Compliance

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-910 Designation of responsible official.
- 197-11-912 Procedures of consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-917 Relationship to chapter 197-10 WAC.
- 197-11-918 Lack of agency procedures.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.

- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-955 Effective date.

Forms

WAC

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-045 SEPA advisory committee responsibility. (1) The responsible official shall consult with the committee as follows:

(a) After completion of an environmental checklist but before threshold determination.

(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.

(c) Prior to the responsible official issuing a mitigated DNS.

(d) Prior to the issuance of a scoping notice.

(e) Prior to the publication of any draft EIS.

(f) Prior to the publication of any final EIS.

(2) Committee review of DNS and mitigated DNS may occur without a formal meeting.

(3) The university shall give the committee notice of public hearings on the environmental impact of a proposal.

(4) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-140 Additional methods of public notice. The university shall provide public notice of scoping, DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EIS's by:

(1) Posting a notice on or near the proposed site (for project EIS's)((;)).

(2) Providing notice in such form as a press release or advertisement in a legal newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., *Daily Journal of Commerce*).

(3) Providing notice in such form as a press release or advertisement in the *University Week* and *University of Washington Daily*. If the *University Week* and/or the *University of Washington Daily* is not in publication, then notice shall instead be published in a newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., *The Seattle Times* or *The Seattle Post-Intelligencer*).

NEW SECTION

WAC 478-324-145 No administrative appeal. There is no administrative appeal of any university determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-180 Designation of responsible official. The ((assistant)) associate vice president for capital projects or his or her designee shall serve as the responsible official for all university projects.

WSR 03-12-013

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed May 27, 2003, 2:39 p.m.]

Date of Adoption: May 14, 2003.

Purpose: To allow transit city buses to keep the sun-screening devices that are being installed when buses are manufactured.

Citation of Existing Rules Affected by this Order: Amending WAC 204-82A-060, State patrol (Commission on Equipment) - Motor vehicle sunscreening devices.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 03-08-089 on April 2, 2003.

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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 20, 2003

Ronal W. Serpas
Chief

AMENDATORY SECTION (Amending WSR 89-24-023, filed 11/30/89, effective 12/31/89)

WAC 204-82A-060 Exceptions. Due to the nature of use, function and operation of such vehicles, transit city buses are exempt from the provisions of WAC 204-92A-050 (1) and (2). The following are exempted from the provisions of WAC 204-82A-050(2):

(1) Hearses.

(2) Ambulances.

(3) Limousines ((and)), passenger buses, and transit city buses used to transport persons for compensation.

Such vehicles shall have mirrors on both the right and left to provide vision at least two hundred feet to the rear. This section does not limit liability of the operators and/or owners of such vehicles involved in accidents resulting from reduced visibility.

WSR 03-12-014

PERMANENT RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed May 27, 2003, 2:50 p.m., effective July 1, 2003]

Date of Adoption: May 27, 2003.

Purpose: Implementation of chapter 158, Laws of 2002 (ESB 6380), "Retirement systems—Benefits options," also known as the "Survivor Bill." The legislature has required by the Department of Retirement Systems (DRS) adopt rules to implement ESB 6380 and make these rules effective no later than July 1, 2003. At the same time, DRS sought to clarify some of the rules regarding dissolutions and put some long-standing practices into rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-111-450; and amending WAC 415-02-380, 415-104-211, and 415-104-215.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority:

WAC	TYPE OF ADOPTION	TITLE	STATUTE(S) THAT WAC IS IMPLEMENTING
415-02-500	New	Property division in dissolution orders.	RCW 41.50.500, [41.50.]670-[41.50.]710, [41.50.]790; ESB 6380 (2002)
415-02-510	New	How can a property division dissolution order give my ex-spouse an interest in my Plan 1 or Plan 2 retirement account?	
415-02-520	New	How can my Plan 1 or Plan 2 retirement account be split by a property division dissolution order?	
415-02-530	New	How can a property division dissolution order give my ex-spouse an interest in part of my Plan 3 retirement account?	
415-02-540	New	How can my Plan 3 retirement account be split by a property division dissolution order?	
415-02-550	New	What happens to my defined contributions if I transfer to Plan 3 after DRS accepts my property division dissolution order?	
415-02-380	Amend	Survivor option factors.	RCW 41.26.162, 41.26.164, chapter 41.45 RCW
415-104-202	New	Survivor benefit options—LEOFF Plan 1.	
415-104-211	Amend	Married LEOFF Plan 2 member's benefit selection — Spousal consent required.	RCW 41.26.460
415-104-215	Amend	Retirement benefit options—LEOFF Plan 2.	
415-111-450	Repeal	How does a court-ordered division of property affect my Plan 3 account?	RCW 41.50.670

PERMANENT

Adopted under notice filed as WSR 03-05-042 on February 12, 2003.

Changes Other than Editing from Proposed to Adopted Version: REASON FOR ADOPTION: Implementation of ESB 6380 (chapter 158, Laws of 2002), "Retirement Systems—Benefits options," also known as the "Survivor Bill." The legislature has required that DRS adopt rules to implement ESB 6380 and make these rules effective no later than July 1, 2003.

WERE CHANGES MADE SINCE THE RULE WAS PROPOSED? The text of the adopted rule varies from the text of the proposed rule. The changes (other than editing changes) are described below.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
Where there is mutual agreement, a divorced couple should be able to just fill out a form and change the survivor benefit option, without having to go to court.	Only a court can enter dissolution orders or amendments. RCW 41.50.500, [41.50.]670-[41.50.]710, [41.50.]790; ESB 6380 (2002). A court must order DRS to split an account (through an order or amended order dated July 1, 2003, or later). The retiree and ex-spouse will then each have his/her own account and the survivor option can be removed from the retiree's account.

The following amendments were read into the record at the rules hearing on May 1, 2003 (the first one was for clarification; the second was to correct a typographical error):

Added to WAC 415-02-520(6) and 415-02-540(10) as new subsection (c). Current (c) will become (d): "At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account."

In WAC 415-02-540(13) reference to subsections (3) and (6) being changed to (6) and (9).

The following additional amendments are being made in the final rules (for clarification - the rules will also be renumbered, as needed, to make these changes):

WAC 415-02-520 (7)(a) (Step 1) and 415-02-540 (11)(a) (Step 1): Strike "used to reduce your benefit when you retired" and substitute "in effect at the time of the split."

New subsection (9) in WAC 415-02-510: **Can my existing order be amended to remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the order splitting your account. A conformed copy is a copy of the court order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520(8) for the language that must be used.

New subsection (6) in WAC 415-02-530: **Can I amend my existing order to remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner and on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-540 (9) and (13) for the language that must be used.

New subsection (10) in WAC 415-02-520: **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-520 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the order splitting your account. A conformed copy is a copy of the court order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520(8) for the language that must be used.

Example: Julio and May were married when Julio retired. Julio chose survivor option 2 (Joint and 100% survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "100% of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520 and be signed by the court no sooner than July 1, 2003.

New subsection (10) in WAC 415-02-540: **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-530 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit.

See WAC 415-02-540 (9) and (13) for the language that must be used.

Example: Julio and May were married when Julio retired. Julio chose survivor option 2 (Joint and 100% survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "100% of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-540 and be signed by the court no sooner than July 1, 2003.

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 7, Amended 3, Repealed 1.

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 7, Amended 3, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2003.

May 26, 2003

John Charles

Director

AMENDATORY SECTION (Amending WSR 03-02-087, filed 12/31/02, effective 2/1/03)

WAC 415-02-380 Survivor options factors. (1) What is a "surviving beneficiary"? A surviving beneficiary is a person you designate (~~when you retire~~) who will receive benefit payments for the duration of his or her life, beginning at your death.

(2) Will selecting a surviving beneficiary affect my retirement benefits? Yes. Retirees who select a surviving beneficiary retirement option receive smaller benefit payments (~~upon retirement~~) than those retirees who do not select this option.

(3) Does it matter if I am married? Yes. If you are married, you must provide your spouse's written consent to the option you select (except in LEOFF Plan 1). If you are married, and you and your spouse do not give written consent to an option, the department will pay you a joint and fifty percent survivor benefit and record your spouse as the beneficiary. For details, please review:

LEOFF Plan 1:

RCW 41.26.162

WAC 415-104-202

LEOFF Plan 2:

RCW 41.26.460(2)

WAC 415-104-211 and
415-104-215

PERS Plan 1:	RCW 41.40.188(2)	WAC 415-108-324 and 415-108-326
PERS Plan 2:	RCW 41.40.660(2)	WAC 415-108-324 and 415-108-326
PERS Plan 3:	RCW 41.40.845(2)	WAC 415-108-324 and 415-108-326
SERS Plans 2/3:	RCW 41.35.220(2)	WAC 415-110-324 and 415-110-326
TRS Plan 1:	RCW 41.32.530(2)	WAC 415-112-710 to 415-112-727
TRS Plan 2:	RCW 41.32.785(2)	WAC 415-112-710 to 415-112-727
TRS Plan 3:	RCW 41.32.851(2)	WAC 415-112-710 to 415-112-727
WSPRS Plan 2:	RCW 43.43.271(2)	WAC 415-103-225

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her surviving beneficiary. This means that Steve would receive half of Kendra's benefit amount after Kendra's death. Steve is 30 years younger than Kendra. PERS would use the survivor option factor table ("member older") to calculate the adjustment. With a 30-year age difference (member minus beneficiary), the value corresponding to PERS Plan 2 and Option 3 is 0.753. This value, 0.753, is multiplied against the amount Kendra would have received under Option 1. Kendra's retirement benefits will be reduced to about 75% of her Option 1 level.

(b) Example (b):

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. He names his wife, Susan, as his surviving beneficiary. This means Susan would receive the same benefit amount Mark had received prior to his death. Mark is five years younger than Susan. LEOFF would use the survivor option factors table ("member younger") to calculate the adjustment for the age difference. With a 5-year age difference (member minus beneficiary), the value corresponding to LEOFF Plan 2 and Option 2 is 0.894. This value, 0.894, will be multiplied against the amount Mark would have received under Option 1. Mark's retirement benefits will be reduced to about 89 percent of his Option 1 level.

(7) Table - Member older (PERS and SERS)

Survivor option factor: Member older than beneficiary
Age difference: Member age minus beneficiary age

(4) Why does the surviving beneficiary's age matter?
The surviving beneficiary's age is used in determining the amount of the payments. The younger the surviving beneficiary, the longer he or she is expected to receive payments. The monthly benefit must be reduced accordingly.

(5) What are the survivor options? The survivor options are described in detail within each plan. For details, please see the list in subsection (3) of this section.

To summarize:

- Option 2 - Joint and 100 percent survivorship
- Option 3 - Joint and 50 percent survivorship
- Option 4 - Joint and 66.67 percent survivorship

(6) Examples

(a) Example (a):

Age Difference	PERS 1	PERS 1	PERS 1	PERS 2/3	PERS 2/3	PERS 2/3	SERS 2/3	SERS 2/3	SERS 2/3
	Opt. 2	Opt. 3	Opt. 4	Opt. 2	Opt. 3	Opt. 4	Opt. 2	Opt. 3	Opt. 4
	100%	50%	66 2/3%	100%	50%	66 2/3%	100%	50%	66 2/3%
0	.870	.930	.909	.791	.883	.850	.799	.888	.857
1	.862	.926	.904	.778	.875	.840	.773	.872	.836
2	.857	.923	.900	.767	.868	.832	.760	.864	.826
3	.844	.915	.890	.758	.863	.825	.748	.856	.816
4	.840	.913	.887	.751	.858	.819	.741	.851	.811
5	.836	.910	.884	.743	.853	.813	.734	.846	.805
6	.831	.908	.881	.736	.848	.807	.726	.841	.799
7	.818	.900	.871	.728	.843	.801	.719	.836	.793
8	.814	.897	.867	.721	.838	.795	.712	.832	.787
9	.809	.895	.864	.713	.833	.789	.705	.827	.782
10	.805	.892	.861	.706	.828	.783	.698	.822	.776
11	.802	.890	.858	.699	.823	.777	.692	.818	.771
12	.787	.881	.847	.693	.818	.772	.685	.813	.766
13	.784	.879	.845	.686	.814	.766	.679	.809	.760
14	.780	.876	.842	.680	.809	.761	.673	.805	.755
15	.777	.874	.839	.673	.805	.756	.667	.800	.750
16	.773	.872	.836	.667	.801	.751	.662	.796	.746
17	.770	.870	.834	.662	.796	.746	.656	.792	.741
18	.767	.868	.832	.656	.792	.741	.651	.789	.737
19	.764	.866	.829	.651	.788	.736	.646	.785	.732
20	.762	.865	.827	.645	.785	.732	.641	.781	.728
21	.759	.863	.825	.640	.781	.728	.637	.778	.724
22	.756	.861	.823	.636	.777	.724	.632	.775	.720
23	.754	.860	.821	.631	.774	.720	.628	.771	.717

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Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
24	.752	.858	.820	.627	.771	.716	.624	.768	.713
25	.750	.857	.818	.622	.767	.712	.620	.765	.710
26	.748	.856	.817	.618	.764	.709	.616	.762	.707
27	.746	.855	.815	.615	.761	.705	.613	.760	.703
28	.744	.853	.814	.611	.758	.702	.609	.757	.700
29	.743	.852	.812	.607	.756	.699	.606	.755	.697
30	.741	.851	.811	.604	.753	.696	.603	.752	.695
31	.740	.850	.810	.601	.751	.693	.600	.750	.692
32	.738	.849	.809	.598	.748	.690	.597	.748	.690
33	.737	.849	.808	.595	.746	.688	.594	.745	.687
34	.736	.848	.807	.592	.744	.685	.592	.743	.685
35	.735	.847	.806	.589	.742	.683	.589	.741	.683
36	.734	.846	.805	.587	.740	.680	.587	.740	.680
37	.733	.846	.804	.584	.738	.678	.585	.738	.678
38	.732	.845	.804	.582	.736	.676	.582	.736	.677
39	.731	.844	.803	.580	.734	.674	.580	.734	.675
40	.730	.844	.802	.578	.732	.672	.578	.733	.673

(8) Table - Member younger (PERS and SERS)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-20	.958	.978	.971	.939	.969	.959	.949	.974	.965
-19	.955	.977	.970	.935	.967	.956	.946	.972	.963
-18	.952	.976	.968	.931	.964	.953	.942	.970	.961
-17	.949	.974	.966	.927	.962	.950	.938	.968	.958
-16	.947	.973	.964	.922	.959	.947	.934	.966	.955
-15	.944	.971	.962	.917	.957	.943	.930	.964	.952
-14	.940	.969	.959	.912	.954	.940	.926	.961	.949
-13	.937	.968	.957	.907	.951	.936	.921	.959	.946
-12	.934	.966	.955	.902	.948	.932	.917	.956	.943
-11	.930	.964	.953	.896	.945	.928	.912	.954	.939
-10	.927	.962	.950	.890	.942	.924	.907	.951	.936
-9	.923	.960	.948	.884	.938	.919	.901	.948	.932
-8	.920	.958	.945	.878	.935	.915	.896	.945	.928
-7	.916	.956	.942	.871	.931	.910	.890	.942	.924
-6	.912	.954	.940	.865	.927	.905	.885	.939	.920
-5	.908	.952	.937	.858	.924	.901	.879	.935	.916
-4	.901	.948	.931	.848	.918	.893	.873	.932	.911
-3	.896	.945	.928	.840	.913	.887	.863	.927	.905
-2	.889	.941	.923	.826	.905	.877	.853	.920	.897
-1	.879	.935	.916	.805	.892	.861	.834	.909	.883
0	.870	.930	.909	.791	.883	.850	.799	.888	.857

(9) Table - Member older (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
0	0.870	0.930	0.909	0.870	0.930	0.909

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
1	0.865	0.927	0.905	0.865	0.927	0.905
2	0.860	0.924	0.902	0.860	0.924	0.902
3	0.855	0.922	0.898	0.855	0.922	0.898
4	0.850	0.919	0.894	0.850	0.919	0.894
5	0.845	0.916	0.891	0.845	0.916	0.891
6	0.840	0.913	0.887	0.840	0.913	0.887
7	0.835	0.910	0.883	0.835	0.910	0.883
8	0.830	0.907	0.880	0.830	0.907	0.880
9	0.825	0.904	0.876	0.825	0.904	0.876
10	0.821	0.902	0.873	0.821	0.902	0.873
11	0.816	0.899	0.870	0.816	0.899	0.870
12	0.812	0.896	0.866	0.812	0.896	0.866
13	0.808	0.894	0.863	0.808	0.894	0.863
14	0.803	0.891	0.860	0.803	0.891	0.860
15	0.799	0.888	0.857	0.799	0.888	0.857
16	0.795	0.886	0.854	0.795	0.886	0.854
17	0.792	0.884	0.851	0.792	0.884	0.851
18	0.788	0.881	0.848	0.788	0.881	0.848
19	0.784	0.879	0.845	0.784	0.879	0.845
20	0.781	0.877	0.842	0.781	0.877	0.842
21	0.777	0.875	0.840	0.777	0.875	0.840
22	0.774	0.873	0.837	0.774	0.873	0.837
23	0.771	0.871	0.835	0.771	0.871	0.835
24	0.768	0.869	0.832	0.768	0.869	0.832
25	0.765	0.867	0.830	0.765	0.867	0.830
26	0.763	0.865	0.828	0.763	0.865	0.828
27	0.760	0.864	0.826	0.760	0.864	0.826
28	0.757	0.862	0.824	0.757	0.862	0.824
29	0.755	0.860	0.822	0.755	0.860	0.822
30	0.753	0.859	0.820	0.753	0.859	0.820
31	0.750	0.857	0.818	0.750	0.857	0.818
32	0.748	0.856	0.817	0.748	0.856	0.817
33	0.746	0.855	0.815	0.746	0.855	0.815
34	0.744	0.853	0.814	0.744	0.853	0.814
35	0.742	0.852	0.812	0.742	0.852	0.812
36	0.741	0.851	0.811	0.741	0.851	0.811
37	0.739	0.850	0.809	0.739	0.850	0.809
38	0.737	0.849	0.808	0.737	0.849	0.808
39	0.736	0.848	0.807	0.736	0.848	0.807
40	0.734	0.847	0.806	0.734	0.847	0.806

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(10) Table - Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-20	0.953	0.976	0.968	0.953	0.976	0.968
-19	0.950	0.974	0.966	0.950	0.974	0.966
-18	0.947	0.973	0.964	0.947	0.973	0.964
-17	0.944	0.971	0.962	0.944	0.971	0.962

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Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-16	0.940	0.969	0.959	0.940	0.969	0.959
-15	0.937	0.967	0.957	0.937	0.967	0.957
-14	0.933	0.965	0.954	0.933	0.965	0.954
-13	0.929	0.963	0.952	0.929	0.963	0.952
-12	0.925	0.961	0.949	0.925	0.961	0.949
-11	0.921	0.959	0.946	0.921	0.959	0.946
-10	0.917	0.957	0.943	0.917	0.957	0.943
-9	0.913	0.954	0.940	0.913	0.954	0.940
-8	0.908	0.952	0.937	0.908	0.952	0.937
-7	0.904	0.949	0.934	0.904	0.949	0.934
-6	0.899	0.947	0.930	0.899	0.947	0.930
-5	0.894	0.944	0.927	0.894	0.944	0.927
-4	0.890	0.942	0.924	0.890	0.942	0.924
-3	0.885	0.939	0.920	0.885	0.939	0.920
-2	0.880	0.936	0.916	0.880	0.936	0.916
-1	0.875	0.933	0.913	0.875	0.933	0.913
0	0.870	0.930	0.909	0.870	0.930	0.909

(11) Table - Member younger (TRS)

Survivor option factors: Member younger than beneficiary
Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-20	0.968	0.984	0.979	0.952	0.975	0.967
-19	0.966	0.983	0.977	0.949	0.974	0.965
-18	0.964	0.982	0.976	0.945	0.972	0.963
-17	0.962	0.981	0.974	0.942	0.970	0.960
-16	0.960	0.979	0.973	0.938	0.968	0.958
-15	0.957	0.978	0.971	0.934	0.966	0.955
-14	0.955	0.977	0.969	0.929	0.963	0.952
-13	0.952	0.976	0.968	0.925	0.961	0.949
-12	0.950	0.974	0.966	0.921	0.959	0.946
-11	0.947	0.973	0.964	0.916	0.956	0.942
-10	0.944	0.971	0.962	0.911	0.953	0.939
-9	0.942	0.970	0.960	0.906	0.951	0.935
-8	0.939	0.968	0.958	0.900	0.948	0.931
-7	0.936	0.967	0.956	0.895	0.945	0.927
-6	0.933	0.965	0.954	0.889	0.941	0.923
-5	0.927	0.962	0.950	0.884	0.938	0.919
-4	0.923	0.960	0.947	0.877	0.934	0.914
-3	0.918	0.957	0.944	0.865	0.928	0.906
-2	0.913	0.955	0.941	0.855	0.922	0.899
-1	0.907	0.951	0.936	0.839	0.912	0.887
0	0.898	0.946	0.930	0.815	0.898	0.869

(12) Table - Member older (TRS)

Survivor option factors: Member older than beneficiary
Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
0	0.898	0.946	0.930	0.815	0.898	0.869

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
1	0.892	0.943	0.925	0.801	0.889	0.858
2	0.888	0.941	0.922	0.790	0.883	0.849
3	0.877	0.935	0.915	0.781	0.877	0.842
4	0.873	0.932	0.912	0.772	0.871	0.835
5	0.869	0.930	0.909	0.765	0.867	0.830
6	0.858	0.924	0.901	0.758	0.862	0.824
7	0.855	0.922	0.898	0.751	0.858	0.819
8	0.851	0.920	0.896	0.744	0.853	0.813
9	0.848	0.918	0.893	0.737	0.849	0.808
10	0.845	0.916	0.891	0.730	0.844	0.802
11	0.842	0.914	0.889	0.724	0.840	0.797
12	0.839	0.912	0.887	0.717	0.835	0.792
13	0.836	0.911	0.884	0.711	0.831	0.787
14	0.824	0.904	0.875	0.705	0.827	0.782
15	0.821	0.902	0.873	0.699	0.823	0.777
16	0.819	0.900	0.871	0.694	0.819	0.773
17	0.816	0.899	0.869	0.688	0.815	0.768
18	0.814	0.897	0.868	0.683	0.812	0.764
19	0.812	0.896	0.866	0.678	0.808	0.760
20	0.809	0.895	0.864	0.673	0.805	0.755
21	0.807	0.893	0.863	0.668	0.801	0.751
22	0.805	0.892	0.861	0.664	0.798	0.748
23	0.803	0.891	0.860	0.660	0.795	0.744
24	0.802	0.890	0.858	0.655	0.792	0.740
25	0.800	0.889	0.857	0.651	0.789	0.737
26	0.798	0.888	0.856	0.648	0.786	0.734
27	0.797	0.887	0.855	0.644	0.783	0.731
28	0.796	0.886	0.854	0.640	0.781	0.728
29	0.794	0.885	0.853	0.637	0.778	0.725
30	0.793	0.885	0.852	0.634	0.776	0.722
31	0.792	0.884	0.851	0.631	0.774	0.719
32	0.791	0.883	0.850	0.628	0.771	0.717
33	0.790	0.882	0.849	0.625	0.769	0.714
34	0.789	0.882	0.848	0.622	0.767	0.712
35	0.788	0.881	0.848	0.620	0.765	0.710
36	0.787	0.881	0.847	0.617	0.763	0.708
37	0.786	0.880	0.846	0.615	0.762	0.706
38	0.785	0.880	0.846	0.613	0.760	0.704
39	0.785	0.879	0.845	0.611	0.758	0.702
40	0.784	0.879	0.845	0.609	0.757	0.700

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(13) Table - Member younger (LEOFF Plan 1)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
-20	0.958	0.978	0.971
-19	0.955	0.977	0.969
-18	0.952	0.975	0.967

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
-17	0.949	0.974	0.965
-16	0.946	0.972	0.963
-15	0.942	0.970	0.961
-14	0.939	0.969	0.959
-13	0.935	0.967	0.956
-12	0.932	0.965	0.953

<u>Age Differ- ence</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
<u>-11</u>	<u>0.928</u>	<u>0.963</u>	<u>0.951</u>
<u>-10</u>	<u>0.924</u>	<u>0.960</u>	<u>0.948</u>
<u>-9</u>	<u>0.920</u>	<u>0.958</u>	<u>0.945</u>
<u>-8</u>	<u>0.916</u>	<u>0.956</u>	<u>0.942</u>
<u>-7</u>	<u>0.911</u>	<u>0.954</u>	<u>0.939</u>
<u>-6</u>	<u>0.907</u>	<u>0.951</u>	<u>0.936</u>
<u>-5</u>	<u>0.902</u>	<u>0.949</u>	<u>0.933</u>
<u>-4</u>	<u>0.898</u>	<u>0.946</u>	<u>0.929</u>
<u>-3</u>	<u>0.893</u>	<u>0.943</u>	<u>0.926</u>
<u>-2</u>	<u>0.888</u>	<u>0.941</u>	<u>0.922</u>
<u>-1</u>	<u>0.883</u>	<u>0.938</u>	<u>0.919</u>

(14) Table - Member older (LEOFF Plan 1)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

<u>Age Differ- ence</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
<u>26</u>	<u>0.771</u>	<u>0.871</u>	<u>0.834</u>
<u>27</u>	<u>0.768</u>	<u>0.869</u>	<u>0.832</u>
<u>28</u>	<u>0.765</u>	<u>0.867</u>	<u>0.830</u>
<u>29</u>	<u>0.763</u>	<u>0.865</u>	<u>0.828</u>
<u>30</u>	<u>0.760</u>	<u>0.864</u>	<u>0.826</u>
<u>31</u>	<u>0.758</u>	<u>0.862</u>	<u>0.824</u>
<u>32</u>	<u>0.756</u>	<u>0.861</u>	<u>0.823</u>
<u>33</u>	<u>0.753</u>	<u>0.859</u>	<u>0.821</u>
<u>34</u>	<u>0.751</u>	<u>0.858</u>	<u>0.819</u>
<u>35</u>	<u>0.749</u>	<u>0.857</u>	<u>0.818</u>
<u>36</u>	<u>0.747</u>	<u>0.855</u>	<u>0.816</u>
<u>37</u>	<u>0.745</u>	<u>0.854</u>	<u>0.815</u>
<u>38</u>	<u>0.744</u>	<u>0.853</u>	<u>0.813</u>
<u>39</u>	<u>0.742</u>	<u>0.852</u>	<u>0.812</u>
<u>40</u>	<u>0.740</u>	<u>0.851</u>	<u>0.810</u>

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<u>Age Differ- ence</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3%</u>
<u>0</u>	<u>0.878</u>	<u>0.935</u>	<u>0.915</u>
<u>1</u>	<u>0.873</u>	<u>0.932</u>	<u>0.912</u>
<u>2</u>	<u>0.868</u>	<u>0.930</u>	<u>0.908</u>
<u>3</u>	<u>0.864</u>	<u>0.927</u>	<u>0.905</u>
<u>4</u>	<u>0.859</u>	<u>0.924</u>	<u>0.901</u>
<u>5</u>	<u>0.854</u>	<u>0.921</u>	<u>0.898</u>
<u>6</u>	<u>0.849</u>	<u>0.918</u>	<u>0.894</u>
<u>7</u>	<u>0.844</u>	<u>0.915</u>	<u>0.890</u>
<u>8</u>	<u>0.839</u>	<u>0.913</u>	<u>0.887</u>
<u>9</u>	<u>0.835</u>	<u>0.910</u>	<u>0.883</u>
<u>10</u>	<u>0.830</u>	<u>0.907</u>	<u>0.880</u>
<u>11</u>	<u>0.826</u>	<u>0.905</u>	<u>0.877</u>
<u>12</u>	<u>0.821</u>	<u>0.902</u>	<u>0.873</u>
<u>13</u>	<u>0.817</u>	<u>0.899</u>	<u>0.870</u>
<u>14</u>	<u>0.813</u>	<u>0.897</u>	<u>0.867</u>
<u>15</u>	<u>0.809</u>	<u>0.894</u>	<u>0.864</u>
<u>16</u>	<u>0.805</u>	<u>0.892</u>	<u>0.861</u>
<u>17</u>	<u>0.801</u>	<u>0.889</u>	<u>0.858</u>
<u>18</u>	<u>0.797</u>	<u>0.887</u>	<u>0.855</u>
<u>19</u>	<u>0.793</u>	<u>0.885</u>	<u>0.852</u>
<u>20</u>	<u>0.790</u>	<u>0.882</u>	<u>0.849</u>
<u>21</u>	<u>0.786</u>	<u>0.880</u>	<u>0.847</u>
<u>22</u>	<u>0.783</u>	<u>0.878</u>	<u>0.844</u>
<u>23</u>	<u>0.780</u>	<u>0.876</u>	<u>0.841</u>
<u>24</u>	<u>0.777</u>	<u>0.874</u>	<u>0.839</u>
<u>25</u>	<u>0.774</u>	<u>0.872</u>	<u>0.837</u>

PROPERTY DIVISION IN DISSOLUTION ORDERS

NEW SECTION

WAC 415-02-500 Property division in dissolution orders¹. This section applies to all retirement plans that the department of retirement systems (department) administers. This section also directs you to additional sections as needed for your particular situation.

(1) **What can a court do?** A court can divide your retirement account between you and your ex-spouse through a property division dissolution order or later amendment. A court can do this by either:

(a) Awarding an interest² in your account to your ex-spouse by using WAC 415-02-510 or 415-02-530; or

(b) Splitting³ your account into two separate accounts (one for you and one for your ex-spouse) by using WAC 415-02-520 or 415-02-540, but only if you are vested, that is, have enough service credit to receive a service retirement when you meet the age requirement for your retirement system and plan.

(2) **Which section should I use?** Consult the following table for direction to the section to use in developing your property division dissolution order. Different sections are provided depending on whether your property division dissolution order is going to provide an interest to your ex-spouse or whether you are splitting your retirement account with your ex-spouse.

If you are in this system and plan:	And the following is true:	Use this section:
Any	You need general information and rules about drafting dissolution orders related to your retirement plan and system.	415-02-500
JRF, JRS, LEOFF Plan 1, and WSPRS Plan 1	You are drafting a dissolution order. (We recommend that you contact the department for assistance because some exceptions may apply.)	415-02-510
LEOFF Plan 2, PERS Plan 1 or 2, SERS Plan 2, and TRS Plan 1 or 2, WSPRS Plan 2	You are not vested and you are drafting a dissolution order; or You are vested and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-510
	You are vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-520
PERS Plan 3, SERS Plan 3, and TRS Plan 3	You do not have enough service credit to receive a service retirement, when eligible, and you are drafting a dissolution order; or You have enough service credit to receive a service retirement, when eligible, and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-530
	You are vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-540
PERS Plan 2, SERS Plan 2, and TRS Plan 2	The department has already accepted your property division order, and you are considering a transfer to Plan 3.	415-02-550

(3) **What are the requirements for dissolution orders and amendments that provide for a property division of my retirement account?** The order must:

- (a) Be entered by a court of competent jurisdiction;
- (b) Be filed with the department within ninety days of the court's entry of the order;

(c) Establish the right of your ex-spouse to a portion of your retirement;

(d) Provide the name and date of birth of your ex-spouse;

(e) Incorporate the applicable language in this section and one of the following: WAC 415-02-510, 415-02-540, 415-02-520, or 415-02-550; and

(f) Indicate which WAC section was used in support of the order.

(4) **What else, besides a copy of the dissolution order, must my ex-spouse and I provide to the department?** You must provide address(es) and Social Security numbers for both you and your ex-spouse before the department will honor a dissolution order or amendment. This information can be submitted in a cover letter, in another document, or by other means arranged with the department.

(5) **I belong to more than one retirement plan. Does the order have to be written any differently?** The order must include specific provisions for each plan.

(a) Example for providing an interest to an ex-spouse (RCW 41.50.670 and WAC 415-02-510): Paul belongs to both TRS Plan 2 and PERS Plan 2. His preretirement dissolution order gives an interest in his retirement accounts to his ex-spouse. The order should include the language provided in:

(i) WAC 415-02-510(2) and 415-02-510 to divide Paul's TRS Plan 2 monthly retirement benefits and accumulated contributions.

(ii) WAC 415-02-510(2) and 415-02-510 to divide Paul's PERS Plan 2 monthly retirement benefits and accumulated contributions.

(b) Example for splitting an account with an ex-spouse: Mary belongs to both TRS Plan 2 and PERS Plan 2. Her preretirement dissolution order provides for splitting her retirement accounts with her ex-spouse. The order should include the language provided in:

(i) WAC 415-02-520 (5)(a) for preretirement splits to divide Mary's TRS Plan 2 retirement account.

(ii) WAC 415-02-520 (5)(a) for preretirement splits to divide Mary's PERS Plan 2 retirement account.

(6) **What happens if my ex-spouse misses the ninety-day deadline for filing a copy of the dissolution order with the department?**

(a) RCW 51.50.670(6) requires the "obligee" (ex-spouse) to file a copy of the dissolution order with the department within ninety days of the order's entry with court of record.

(b) The department will accept an order after the ninety-day deadline but will not make retroactive payments or split your defined contribution account retroactively.

(7) **How will the department divide the "after-tax" and "tax-deferred" dollars in my retirement account between my ex-spouse and me?** Depending on your plan and how long you have been a member, your retirement account may include both "after-tax" and "tax-deferred" dollars. The department will divide the "after-tax" and "tax-deferred" dollars based on the amount(s) awarded to your ex-spouse, unless the dissolution order states otherwise.

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Example: At the time of John's marriage dissolution, he had \$50,000 total contributions in his retirement account with \$20,000 in after-taxed dollars and \$30,000 in tax-deferred dollars. The dissolution order awards 50% of his accumulated contributions to his ex-spouse, Susan. Therefore, the department will give Susan \$10,000 of after-tax dollars and \$15,000 of tax-deferred dollars.

(8) If I am in a retirement plan that offers survivor options, can the court order me to name my ex-spouse as a survivor to receive survivor benefits? Yes. To do so, the dissolution order must include the language in RCW 41.50.790(1).

(9) Is there a minimum benefit amount that the department will pay to my ex-spouse if the property division dissolution order splits my retirement account with my ex-spouse? The answer is different depending on if the department accepts the property division dissolution order **BEFORE** or **AFTER** you retire.

(a) BEFORE retirement split: Yes. If the court order splits your account with your ex-spouse, and your ex-spouse's monthly benefit is less than the monthly minimum benefit amount for your retirement plan, the department may make a lump sum payment in the amount of the present value of the monthly benefit to the ex-spouse instead of paying monthly benefits. The department will **NOT** make the lump sum payment until your ex-spouse meets the age requirement for a normal retirement for your system and plan.

(b) AFTER retirement split: No. The department will pay the amount specified in the dissolution order as the ex-spouse's monthly benefit amount even if it is less than the minimum monthly benefit amount for your system and plan.

(10) Is there a maximum payment amount that the department will pay to my ex-spouse? Yes. A court may not order the department to pay more than seventy-five percent of your monthly retirement payments to your ex-spouse. See RCW 41.50.670(4).

(11) How much is the fee the department charges for making payments directly to my ex-spouse? The department charges seventy-five dollars for making the first disbursement and six dollars for each subsequent disbursement. The department will divide the fees evenly between you and your ex-spouse. See RCW 41.50.680.

(12) What happens to my account if I return to retirement system membership? Please contact the department for information if you are in this situation.

(13) What language should the property division order use to divide my deferred compensation program (DCP) account? Refer to WAC 415-501-495 or contact DCP for information about your DCP account and your marriage dissolution.

(14) How do I contact the department for additional assistance? Complete information is available in WAC 415-06-100 (How do I contact the department?).

(15) Where can I find examples of completed property division dissolution orders? Following are examples

of the required language from the statutes and WAC sections that must be used in a dissolution order. The information in *bold italics* will be dictated by your own circumstances.

(a) Example 1. Jane Doe (a nonvested member of PERS Plan 2) and her husband, John Doe, decide to divorce. WAC 415-02-510 applies to Jane's membership status. Jane and John complete the paragraphs in RCW 41.50.670(2) and WAC 415-02-510(2) as follows:

Defined Benefits: If *Jane Doe* (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to *John Doe* (the obligee), *N/A* dollars from such payments or *a fraction where the numerator is equal to 24 (the number of months in which service credit was earned while the marital community was in existence), and the denominator is equal to the number of months of service credit earned by the obligor at the time of retirement X 50* percent of such payments.

If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

Accumulated Contributions: If *Jane Doe* (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to *John Doe* (the obligee) *\$5,700* dollars plus interest at the rate paid by the Department of Retirement Systems on member contributions. Such interest will accrue from the date of this order's entry with court of record.

(b) Example 2: Binh Nguyen (a TRS Plan 3 retiree) and his wife, Lan Nguyen, are obtaining a property division dissolution order that splits his retirement account. When he retired, Binh had selected Lan to receive survivor benefits.

WAC 415-02-540 applies, and the couple completes the required paragraphs.

Defined Benefits: The Department of Retirement Systems (department) shall create a **defined benefit account for Lan Nguyen** (ex-spouse) in the **Teachers' Retirement System Plan 3** (name of retirement system and plan) and pay him or her **\$350** (amount) for his or her life. To pay for this benefit, **Binh Nguyen's** (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

Defined Contributions: The Department of Retirement Systems (department) shall split **Binh Nguyen's** (member's) **defined contribution account in the Teachers' Retirement System Plan 3** (name of retirement system and plan) and create a separate account for **Lan Nguyen** (ex-spouse). The amount of **\$25,000** (amount) shall be transferred from **Binh Nguyen's** (member's) **defined contribution account to Lan Nguyen's** (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(16) Terms used:

- (a) Department's acceptance - A dissolution order that fully complies with the department of retirement systems' requirements and with chapter 41.50 RCW.
- (b) Dissolution order - RCW 41.50.500.
- (c) Ex-spouse - WAC 415-02-030.
- (d) JRF - Judicial retirement fund.
- (e) JRS - Judicial retirement system.
- (f) LEOFF - Law enforcement officers' and fire fighters' system.
- (g) Obligee - RCW 41.50.500(5).
- (h) Obligor - RCW 41.50.500(6).
- (i) PERS - Public employees' retirement system.
- (j) Plan 3 retirement systems - WAC 415-111-100.
- (k) SERS - School employees' retirement system.
- (l) Split account - WAC 415-02-030.
- (m) Survivor benefits - WAC 415-02-030.
- (n) TRS - Teachers' retirement system.
- (o) Vested - The length of service by system and plan required for a service retirement when the age requirement is met.

(p) WSPRS - Washington state patrol retirement system.

Footnotes for section:

- ¹ "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state. RCW 41.50.500(3) (2002).
- ² When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement benefit payments or a portion of your contributions to your ex-spouse.
- ³ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account has been established, your account and your ex-spouse's account are not tied in any way.

NEW SECTION

WAC 415-02-510 How can a property division dissolution order give my ex-spouse an interest¹ in my Plan 1 or Plan 2 retirement account? (1) Who may use this section?

(a) You **MUST** use this section if you are a member of LEOFF Plan 1, WSPRS Plan 1, JRF or JRS, or a nonvested member of LEOFF Plan 2, PERS Plans 1 or 2, SERS Plan 2, TRS Plans 1 or 2, or WSPRS Plan 2.

(b) You **MAY** use this section if you are a vested member of LEOFF Plan 2, PERS Plans 1 or 2, SERS Plan 2, TRS Plans 1 or 2, or WSPRS Plan 2. If you are splitting your retirement account with your ex-spouse, use WAC 415-02-520.

(2) What language must the property division dissolution order or amendment include? The order must include the language in RCW 41.50.670(2), provided below. The order or amendment must state either a specific dollar amount or percentage of the benefit. It cannot state both. (See example in WAC 415-02-500(15).)

If _____ (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to _____ (the obligee) _____ dollars from such payments or _____ percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If _____ (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to _____ (the obligee) _____ dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest

to accrue from the date of this order's entry with the court of record.

(3) How will my account be affected if the department accepts the property division dissolution order BEFORE I retire?

(a) Your ex-spouse will not receive any payments from the department until you terminate your employment or retire.

(b) If you terminate your employment and request a withdrawal of your accumulated contributions, the department will pay your ex-spouse his or her share when you receive your payment. If you terminate your employment and do not request a withdrawal of contributions, your ex-spouse will be unable to receive his or her share until you withdraw your accumulated contributions.

(c) If you die before retirement, the department will pay your ex-spouse his or her share of your accumulated contributions in a lump-sum payment.

(4) How will my account be affected if the department accepts the property division dissolution order AFTER I retire?

(a) If included in the dissolution order, the department will begin paying your ex-spouse his or her portion of your monthly retirement benefit the first month after the department has accepted the order.

(b) If your ex-spouse dies before you, the portion of your monthly benefit being paid to him or her will be paid to you.

(c) If you die before your ex-spouse, payments to your ex-spouse stop unless the department accepted the order at least thirty days before you retired and the order required the department to name your ex-spouse as a survivor beneficiary (if allowed by your retirement system and plan). See RCW 41.50.700(1) and 41.50.790.

(d) If you are a member of LEOFF Plan 1 or WSPRS Plan 1 and if one of the provisions in RCW 41.50.700(3) applies:

(i) Your ex-spouse may be eligible to receive payments for the life of your surviving spouse; or

(ii) If you are a member of LEOFF Plan 1, your ex-spouse may be eligible to receive payments for his or her lifetime.

(5) Is there a maximum payment amount that a property division dissolution order can award to my ex-spouse? Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(6) If the property division dissolution order directs the department to make payments to my ex-spouse, how will the payments be made? The department will make the required payments as specified in the dissolution order directly to your ex-spouse.

(7) How much is the fee the department charges for making payments directly to my ex-spouse? See RCW 41.50.680 and WAC 415-02-500(11) for information.

(8) What happens if I transfer to Plan 3 after the department has accepted my property division dissolution order or most recent amendment? See WAC 415-02-550 for information.

(9) Can I amend my existing order to remove my ex-spouse as my survivor beneficiary? Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520(8) for the language that must be used.

(10) Terms used:

(a) Department's acceptance - Order that fully complies with the department of retirement systems' requirements and with chapter 41.50 RCW.

(b) Accumulated contributions - WAC 415-02-030.

(c) Dissolution order - RCW 41.50.500.

(d) Ex-spouse - WAC 415-02-030.

(e) JRF - Judicial retirement fund.

(f) JRS - Judicial retirement system.

(g) LEOFF - Law enforcement officers' and fire fighters' retirement system.

(h) Oblige - RCW 41.50.500(5).

(i) Obligor - RCW 41.50.500(6).

(j) PERS - Public employees' retirement system.

(k) Plan 3 retirement systems - WAC 415-111-100.

(l) SERS - School employees' retirement system.

(m) Split accounts - WAC 415-02-030.

(n) Survivor benefits - WAC 415-02-030.

(o) TRS - Teachers' retirement system.

(p) Vested - The length of service by system and plan required for a service retirement when the age requirement is met.

(q) WSPRS - Washington state patrol retirement system.

Footnote to section:

¹ When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement benefit payments or a portion of your contributions to your ex-spouse.

NEW SECTION

WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split¹ by a property division dissolution order? (1) Who may use this section? Vested members of LEOFF Plan 2, PERS Plans 1 or 2, TRS Plans 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) What are the rules for splitting my account? If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) How will my account be affected if the department accepts the property division dissolution order BEFORE my retirement?

(a) The department will split your retirement account into two completely separate accounts and create an account for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly retirement benefit payment or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement benefit payment, your monthly payment will have a permanent reduction to account for the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly benefit payment will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your monthly benefit payment.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her monthly payment but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, whatever decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when he or she reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly retirement benefit. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly benefit payment will be permanently reduced to account for your ex-spouse's share of your retirement account.

(4) What happens if my retirement account was split and then I retire early?

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of five hundred dollars.

Your defined benefit before ERF is applied:	\$2,500	
ERF (factor for retiring two years early)	0.82	
Your base benefit:	\$2,050	(\$2500 x 0.82 ERF)

Adjustment for divorce split:	- \$410	(ex-spouse's \$500 x 0.82 (ERF))
The defined benefit you will receive:	\$1640	(\$2050 - \$410)

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(5) What language must be used for a property division dissolution order or amendment that is accepted by the department BEFORE my retirement?

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____(ex-spouse) in the _____(name of retirement system and plan) and transfer \$ _____ from _____'s (member's) accumulated contributions account into _____'s (ex-spouse's) account. If _____(ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$ _____(amount) as a monthly payment for his or her life. If _____(member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account for _____'s (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____(ex-spouse) receives a monthly retirement payment, the department shall use _____(number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(6) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?

(a) The department will split your retirement account *only if* you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You *must* use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit the first month after the department has accepted the dissolution order.

PERMANENT

(7) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement benefit payment be calculated after the split?

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated, assuming your ex-spouse was awarded a monthly benefit of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your current monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

Example:

Current monthly benefit = \$1679.38
 Option factor = 0.9400000
 Single life benefit amount = $\$1679.38 / 0.9400000$
 = \$1786.57

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old
 Annuity factor for age 61 = 0.0084149
 Present value of single life benefit = $\$1786.57 / 0.0084149$ = \$212,310.31

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$1000
 Ex-spouse's age at time of the split = 67
 Annuity factor for age 67 = 0.0095028
 Present value of your ex-spouse's monthly benefit = $\$1000 / 0.0095028$ = \$105,232.14

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$212,310.31
 Less present value of ex-spouse's benefit = -105,232.14
 Your present value = \$107,078.17

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$107,078.17

Annuity factor = 0.0084149

Your new monthly benefit amount = $\$107,078.17 \times 0.0084149$ = \$901.05

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value: $\$107,078.17 / \$212,310.31$ = .5043

Your ex-spouse's percentage of the single life benefit present value: $\$105,232.14 / \$212,310.31$ = .4957

(8) What language must be used in a property division dissolution order or amendment that is accepted by the department AFTER my retirement?

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$_____ (amount) as a monthly benefit payment for his or her life. To pay for this benefit, _____'s (retiree's) monthly retirement benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$_____ (amount) shall be transferred to _____'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(9) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

(10) **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-520 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will

change your retirement benefit. See WAC 415-02-520(8) for the language that must be used.

Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520(8) and be signed by the court no sooner than July 1, 2003.

(11) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(12) **What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department?** See WAC 415-02-550 for information.

(13) **Terms used:**

(a) Department's acceptance - Order that fully complies with the department of retirement systems requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) LEOFF - Law enforcement officers' and fire fighters' system.

(e) PERS - Public employees' retirement system.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) Present value -

(h) SERS - School employees' retirement system.

(i) Split account - WAC 415-02-030.

(j) Survivor benefits - WAC 415-02-030

(k) TRS - Teachers' retirement system.

(l) Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.

(m) WSPRS - Washington state patrol retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split the member's retirement account using WAC 415-02-520.

NEW SECTION

WAC 415-02-530 How can a property division dissolution order give my ex-spouse an interest¹ in part of my Plan 3 retirement account? (1) Who may use this section?

(a) You *MUST* use this section if you are a member of TRS Plan 3, PERS Plan 3 or SERS Plan 3 and do not have enough service credit to receive a service retirement from the defined benefit portion of your retirement plan when you meet the age requirement.

(b) You *MAY* use this section if you are a member of TRS Plan 3, PERS Plan 3 or SERS Plan 3, and have earned enough service to receive a service retirement from the defined benefit portion of your retirement plan when you meet the age requirement. If you are splitting your retirement account with your ex-spouse, use WAC 415-02-540.

(2) **What language must the property division dissolution order or amendment include to pay a portion of my defined monthly retirement benefit to my ex-spouse?** The order must use the language in RCW 41.50.670(2), provided below. The order or amendment must state either a specific dollar amount or percentage of the benefit. It cannot state both.

If _____ (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to _____ (the obligee) _____ dollars from such payments or _____ percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

(3) **How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order *BEFORE* I retire?**

(a) Your ex-spouse will not receive any payments from your defined benefit portion until you retire.

(b) If you or your ex-spouse dies before you retire, the portion of your defined benefit account awarded to your ex-spouse in the dissolution order ends.

(4) **How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order *AFTER* I retire?**

(a) If included in the dissolution order, the department will begin paying your ex-spouse his or her portion of your defined benefit payment the first month after the department has accepted the order.

(b) If your ex-spouse dies before you, the portion of your defined benefit payment being paid to him or her will be paid to you.

(c) If you die before your ex-spouse, payments to your ex-spouse stop unless the department accepted the order at least thirty days before you retired and it required the department to name your ex-spouse as a survivor beneficiary. See RCW 41.50.700(1) and 41.50.790.

(5) **Is there a maximum payment amount of the defined benefit portion of my retirement account that the property division dissolution order can award to my ex-**

spouse? Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(6) **Can I amend my existing order to remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-540 (9) and (13) for the language that must be used.

(7) **If the property division dissolution order directs the department to make payments to my ex-spouse, how will the payments be made?** The department will make the required payments as specified in the dissolution order directly to your ex-spouse.

(8) **How much is the fee the department charges for making payment directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11).

(9) **If the department accepts the property division dissolution order BEFORE I retire, how will the department divide my defined contribution account with my ex-spouse?**

(a) The amount the dissolution order awards to *your ex-spouse* will be deducted from *your* account and set up in a separate account for your ex-spouse under his or her Social Security number.

(b) *You* and *your ex-spouse* will manage your individual portions of the account independently from one another.

(c) *You* must continue to contribute to your account during your employment.

(d) *Your ex-spouse* may not contribute to his or her account.

(10) **What options does my ex-spouse have in managing his or her separate defined contribution account?** Your ex-spouse may:

(a) Transfer money between the state-managed (WSIB) or the self-directed (SELF) investment programs; and

(b) Transfer money among the investment options in the SELF-directed program.

(11) **How will the department make distributions to both my ex-spouse and me on each of our defined contribution accounts?**

(a) When you separate from employment or retire, the funds in your defined contribution account will be disbursed to you according to your distribution choice.

(b) Your ex-spouse must begin distribution from his or her account at the same time that you request distribution from your account.

(c) Both you and your ex-spouse have the same distribution options as outlined in WAC 415-111-310.

(d) If *you* die *before* a distribution has been made from your defined contribution account, your beneficiary(ies) must apply for a lump sum distribution of the funds in your account.

(e) If *you* die *before* a distribution has been made from your defined contribution account, your ex-spouse must

begin receiving distribution of his or her funds at that time according to the distribution options in WAC 415-111-310.

(f) If *your ex-spouse* dies *before* a distribution has been made from his or her defined contribution account, your ex-spouse's beneficiary(ies) must apply for a lump sum distribution of the funds in his or her account.

(g) If *you* die *after* you begin receiving funds from your defined contribution account but before your funds have been exhausted, the remaining balance of the funds will be disbursed to your designated beneficiary(ies).

(h) If *your ex-spouse* dies *after* receiving funds from his or her account but before the funds have been exhausted, the remaining balance of the funds will be disbursed to your ex-spouse's designated beneficiary.

(12) **What language must the dissolution order or most recent amendment include to pay a portion of my defined contribution account to my ex-spouse?** The language provided in the following paragraph must be used. The order or amendment must state a specific dollar amount. The Department of Retirement Systems (department) shall divide _____'s (member's) **defined contribution account** in the _____ (retirement system and plan) and create a separate account for _____ (ex-spouse). The amount of \$_____ shall be transferred from _____'s (member's) **defined contribution account** to _____'s (ex-spouse) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(13) **If the department accepts the property division dissolution order AFTER I retire, how will the department divide my defined contribution account with my ex-spouse?** If your defined contribution account has not been exhausted at the time the department accepts the dissolution order, the department will divide the remaining funds as specified in the dissolution order according to subsections (9) through (12) of this section.

(14) **Terms used:**

(a) Department's acceptance - Order that fully complies with the department of retirement systems' requirements and chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) Obligee - RCW 41.50.500(5).

(e) Obligor - RCW 41.50.500(6).

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) Split accounts - WAC 415-02-030.

(h) Survivor benefits - WAC 415-02-030.

Footnote to section:

¹ When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement benefit payments or a portion of your contributions to your ex-spouse.

NEW SECTION

WAC 415-02-540 How can my Plan 3 retirement account be split¹ by a property division dissolution order?

(1) **Who may use this section?** You may use this section if:

(a) You are a member of TRS Plan 3, SERS Plan 3 or PERS Plan 3;

(b) You have enough service credit to receive a defined benefit payment when you meet the age requirement for your system; and

(c) You have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-530.

(2) **What are the rules for splitting my account?** If you and your ex-spouse are eligible, the department will split both portions of *your* retirement account (defined benefit and defined contributions) into two separate accounts - one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *before* or *after* retirement.

(3) **How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order *BEFORE* I retire?**

(a) The department will split *your* defined benefit account into two completely separate accounts and create an account for your ex-spouse for the amount awarded in the defined benefit portion of the dissolution order under your ex-spouse's Social Security number.

(b) The department will pay each of you a defined benefit, when eligible, out of your separate accounts.

(c) The amount awarded to your ex-spouse as his or her defined benefit payment will be a permanent reduction to your defined benefit payment amount.

(d) Your defined benefit payment will be payable over your lifetime, and your ex-spouse's defined benefit payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your defined benefit payment for your own account.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her defined benefit payment but may name a beneficiary to receive any final death payment that may be due.

(g) You may begin receiving your defined benefit payment when eligible according to the rules for your system.

(h) Your ex-spouse may begin receiving benefits the first day of the month following the month in which he or she reaches retirement age for your retirement system, or the first day of the month following the dissolution date, whichever is later. Your ex-spouse must apply for retirement according to the rules for your system.

(i) When you or your ex-spouse dies, there will be no impact to the other person's retirement account, because the accounts are independent from one another.

(4) **What happens to my defined benefit if my account was split and then I retire early?**

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in

the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of TRS Plan 3 and retire for disability five years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of two hundred fifty dollars.

Your defined benefit before ERF is applied:	\$1,000	
ERF (factor for retiring two years early)	0.61	
Your base benefit:	\$610	(\$1,000 x 0.61 ERF)
Adjustment for divorce split:	-\$152.50	(ex-spouse's \$250 x 0.61 (ERF))
The defined benefit you will receive:	\$457.50	(\$610 - \$152.50)

Your ex-spouse will receive the full monthly amount (\$250) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(5) **What language must be used in a property division dissolution order that the department accepts *BEFORE* I retire to pay a portion of my monthly defined benefit payment to my ex-spouse?** The order must use the language provided below. Do not use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's defined monthly benefit payment must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create a **defined benefit monthly account** for _____ (ex-spouse) in the _____ (name of retirement system and plan). When _____ (ex-spouse) becomes eligible for monthly payments, [s]he (upon application) will begin to receive \$_____ per month for the remainder of his/her lifetime. When _____ (member) becomes eligible for monthly payments, [s]he (upon application) will begin to receive the calculated monthly benefit less the amount herein specified for _____ (ex-spouse). This provision shall become effective no more than 30 days after the department's acceptance of the order.

(6) **If ordered in the dissolution order, how will the department split my preretirement defined contribution account?**

(a) The amount the dissolution order awards to your ex-spouse will be deducted from your defined contribution account and set up in a separate account for your ex-spouse under his or her Social Security number.

(b) You and your ex-spouse will manage your separate accounts independently from one another.

(c) You must continue to contribute to your account during your employment.

(d) Your ex-spouse may not contribute to his or her account.

(7) **What options does my ex-spouse have in managing his or her separate defined contribution account?** Your ex-spouse may:

(a) Transfer money between investment programs (state-managed (WSIB) or self-directed (SELF)); and

(b) Transfer money among the investment options in the SELF-directed program.

(8) **How will the department make distributions to my ex-spouse and me out of our defined contribution accounts?**

(a) *You* must be separated from employment before funds in your account can be distributed according to your distribution choice.

(b) *Your ex-spouse* may begin receiving distribution of the funds in his or her account at any time according to his or her distribution choice.

(c) Both you and your ex-spouse will have the same distribution options as outlined in WAC 415-111-310.

(d) If *you* die before a distribution has been made from your defined contribution account, your beneficiary(ies) must apply for a lump sum death benefit from your account.

(e) If *your ex-spouse* dies before a distribution has been made from his or her account, your ex-spouse's beneficiary(ies) must apply for a lump sum death payment from his or her account.

(f) If *you* die after you begin receiving funds but before the funds in your account have been exhausted, the balance will be paid to your designated beneficiary(ies).

(g) If *your ex-spouse* dies after receiving funds but before the funds in his or her account have been exhausted, the balance will be paid to your ex-spouse's designated beneficiary(ies).

(9) **What language must be used in a property division dissolution order to award a portion of my defined contribution account to my ex-spouse?** The order must include the language provided in the following paragraph. The exact dollar amount to transfer to your ex-spouse's defined contribution account must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b)).

The Department of Retirement Systems (department) shall split _____ (member's) **defined contribution account** in the _____ (name of retirement system and plan) and create a separate account for _____ (ex-spouse). The amount of \$_____ (amount) shall be transferred from _____'s (member's) **defined contribution account** to _____'s (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(10) **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-530 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-540 (9) and (13) for the language that must be used.

Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the

survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-540 and be signed by the court no sooner than July 1, 2003.

(11) **If the dissolution order or amendment is dated AFTER my retirement, how will my defined monthly retirement benefit payment be split?**

(a) The department will split your defined monthly retirement benefit payment *only if* you selected your ex-spouse to receive a survivor benefit at the time you retired. If you did not select your ex-spouse to receive a survivor benefit at the time you retired, you cannot use this section. You *must* use WAC 415-02-530.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit payment the first month after the department accepts the property division dissolution order.

(12) **If the dissolution order or amendment is dated AFTER my retirement, how will my monthly retirement benefit be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated assuming your ex-spouse was awarded a monthly benefit of six hundred dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your currently monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

Example:

Currently monthly benefit = \$1200

Option factor = 0.865

Single life benefit amount = $\$1200 / 0.865 = \1387.28

Step 2 The single life benefit (\$1387.28) is divided by your annuity factor (see WAC 415-02-340) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old

Annuity factor for age 61 = 0.0065448

Present value of single life benefit = $\$1387.28 / 0.0065448 = \$211,966.75$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as

awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$600

Ex-spouse's age at time of the split = 67

Annuity factor for age 67 = 0.0076715

Present value of your ex-spouse's monthly benefit = $\$600/0.0076715 = \$78,211.56$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$211,966.75

Less present value of ex-spouse's benefit = $-\$78,211.56$

Your present value = \$133,755.19

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$133,755.19

Annuity factor = 0.0065448

Your new monthly benefit amount = $\$133,755.19 \times 0.0065448 = \875.40

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value:

$\$133,755.19/\$211,966.75 = .6310$

Your ex-spouse's percentage of the single life benefit present value:

$\$78,211.56/\$211,966.75 = .3690$

(13) **What language must the postretirement property division dissolution order or most recent amendment include to split my monthly defined benefit payment with my ex-spouse?** Do not use the language in RCW 41.50.670(2). The order must include the language provided in the following paragraph. The exact dollar amount of your ex-spouse's monthly benefit payment must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b).)

The Department of Retirement Systems (department) shall create a **defined benefit account** for _____ (ex-spouse) in the ____ (name of retirement system and plan) and pay him or her \$ _____ (amount) for his or her life. To pay for this benefit, ____ (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(14) **How will the department split my postretirement defined contribution account?** If your defined contribution

account has not been fully disbursed at the time of the dissolution order, the department will split the remaining portion of your defined contribution according to the provisions of subsections (6) through (9) of this section.

(15) **Is there a maximum payment that a property division dissolution order can award to my ex-spouse?** Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(16) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(17) Terms used:

(a) Department's acceptance - A dissolution order that fully complies with the department of retirement systems' requirements and chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) Split accounts - WAC 415-02-030.

(e) Survivor benefits - WAC 415-02-030.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) TRS - Teachers' retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division order (or postretirement amendment) may split the member's retirement account using WAC 415-02-540.

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.

NEW SECTION

WAC 415-02-550 What happens to my defined contributions if I transfer to Plan 3 after the department of retirement systems accepts my property division dissolution order? (1) Who may use this section? You may use this section if you were a member of PERS Plan 2, SERS Plan 2, or TRS Plan 2 and *first* obtained a property division dissolution order using the language in RCW 41.50.670(2) and WAC 415-02-510 or 415-02-520, and *then* transfer to Plan 3.¹

(2) **What happens if the property division dissolution order (using the language in RCW 41.50.670(2) and WAC 415-02-510) did not split my account?** Refer to WAC 415-03-530 for information about your defined benefit account and about your and your ex-spouse's defined contribution accounts after you transfer to Plan 3.

(3) **What happens if the property dissolution order used the language in WAC 415-02-520 and did split my account?**

(a) Your *ex-spouse's* account will remain in Plan 2. Your ex-spouse is ineligible to transfer to Plan 3.

(b) The balance of your accumulated contributions remaining in your Plan 2 account after it was split will be transferred to your Plan 3 defined contributions account. (Refer to chapter 415-111 WAC for information about your defined contribution account.)

(4) **How will gainsharing be applied to my account?** Gainsharing is not applied to Plan 2 member accounts. If gainsharing is applied after you have transferred to Plan 3, only you will receive the gainsharing amount.

(5) **Terms used:**

- (a) Dissolution order - RCW 41.50.500.
- (b) Ex-spouse - WAC 415-02-030.
- (c) Gainsharing - Chapter 41.31 RCW (Plan 1); chapter 41.31A RCW (Plan 3); WAC 415-02-030; 415-111-440.
- (d) PERS - Public employees' retirement system.
- (e) Plan 3 retirement systems - WAC 415-111-100.
- (f) SERS - School employees' retirement system.
- (g) Split accounts - WAC 415-02-030.
- (h) TRS - Teachers' retirement system.

Footnote to section:

¹ The section does not apply to retirees, because retirees cannot transfer to Plan 3.

NEW SECTION

WAC 415-104-202 Survivor benefit options—LEOFF Plan 1. (1) **To whom does this section apply?** This section only applies to members of the law enforcement officers' and fire fighters' retirement system who first became members of the system prior to October 1, 1977 (LEOFF Plan 1).

(2) **What are flexible survivor benefit options?** RCW 41.26.164 allows a retiree to provide a survivor option for a spouse who does not otherwise qualify as an eligible surviving spouse under RCW 41.26.160 or 41.26.161. The survivor option will provide a lifetime benefit for the spouse after the retiree's death.

(3) **How will the retiree's benefit be affected by selecting a flexible survivor option?** The monthly benefit payment will be actuarially reduced beginning the first month following the month in which the department receives the completed form.

(4) **What are the flexible survivor option choices?**

(a) **Joint and whole allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to the gross monthly allowance then payable to the retiree.

(b) **Joint and one-half allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to one-half of the amount of the retiree's gross monthly retirement allowance then payable to the retiree.

(c) **Joint and two-thirds allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to two-thirds of the retiree's gross monthly retirement allowance then payable to the retiree.

(5) **How does one qualify to add a flexible survivor option?** A retiree may qualify to select a flexible survivor option if:

- (a) The retiree does not have a spouse who qualifies as an eligible surviving spouse (see subsection (2) of this section);
- (b) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation; and
- (c) The retiree has not previously selected a flexible survivor option.

(6) **What steps must one take to add a flexible survivor option?** To add a flexible survivor option, the retiree must:

- (a) Make the choice during the one year window, on or after the date of the first anniversary and before the second anniversary of the marriage;
- (b) Provide the department with proof of the birth date of the spouse and a copy of a marriage certificate as proof of the marriage; and
- (c) Properly and in a timely manner complete and file the correct forms with the department.

(7) **What happens if the survivor dies before the retiree?** If the spouse dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to the amount that the retiree would have received had the retiree not chosen a flexible survivor option plus any cost-of-living adjustments (COLA) the retiree received prior to the spouse's death.

(8) **What happens to the eligible surviving children's share if the retiree selects a flexible survivor option?** There is *no* impact to the benefit provided to surviving children if the retiree selects a flexible survivor option.

(9) **Actuarial information.** See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

Terms used in this section:

- (a) Child or children - RCW 41.26.030(7).
- (b) Eligible surviving child - RCW 41.26.160 and 41.26.161.
- (c) Eligible surviving spouse - RCW 41.26.161 and 41.26.162.
- (d) Surviving spouse - RCW 41.26.030(6).

AMENDATORY SECTION (Amending WSR 99-16-075, filed 8/3/99, effective 9/3/99)

WAC 415-104-211 Married LEOFF Plan 2 member's benefit selection—Spousal consent required. (1) A LEOFF Plan 2 member, if married, must provide the spouse's written consent to the option selected under WAC 415-104-215. If a married LEOFF Plan 2 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.

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(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 filed with the department constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 01-10-045, filed 4/26/01, effective 6/1/01)

WAC 415-104-215 Retirement benefit options—LEOFF Plan 2. RCW 41.26.460 enables the department to provide retiring LEOFF Plan 2 members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One: Benefit option without survivor features (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) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or
- (b) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or
- (c) The member's estate; or
- (d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **Benefit options with a survivor feature.**

(a) 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, any remaining balance of the retiree's accumulated contributions will be paid to:

- (i) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or
- (ii) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or
- (iii) The member's estate; or
- (iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) 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.

(c) 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.

(d) Option Four (joint and two-thirds allowance).

(i) Option Four is available 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 subsection applies to members retiring on or after January 1, 1996, who select a benefit option with a survivor feature (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:**

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:

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 employee contributions are exhausted, any remaining balance of the retiree's accumulated contributions will be paid to:

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(i) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or

(ii) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or

(iii) The member's estate; or

(iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(5) Any retiree who retired before January 1, 1996, and who elected to receive a benefit option with a survivor feature 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) Postretirement benefit options.

(a) **Postretirement marriage option.** Members who select the standard allowance (Option One) at the time of retirement and marry after retirement may subsequently select a survivor option with their new spouse as survivor beneficiary, provided that:

(i) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation;

(ii) The selection is made either:

(A) During a one year window, on or after the date of the first anniversary and before the second anniversary of the postretirement marriage; or

(B) Before June 1, 2002, if the postretirement marriage occurred before June 1, 2001;

(iii) The retiree provides a marriage certificate as proof of the postretirement marriage and provides proof of the birthdate of the new spouse; and

(iv) A member may exercise this option one time only.

(b) **Removal of a nonspouse survivor option.** Members who selected a nonspouse as survivor beneficiary at the time of retirement may remove that survivor designation and have the benefit adjusted to a standard allowance. A member may exercise this option one time only.

(c) Selection (a) or (b) of this subsection will become effective the first of the month following the department's receipt of the required paperwork.

(7) **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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-111-450

How does a court-ordered division of property affect my Plan 3 account?

WSR 03-12-019

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed May 28, 2003, 9:29 a.m., effective July 1, 2003]

Date of Adoption: May 8, 2003.

Purpose: To establish a Puget Sound pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 03-08-058 on March 31, 2003.

Changes Other than Editing from Proposed to Adopted Version: The proposed version reflects a decrease of 1.66%. The adopted version reflects a decrease of 2.20%. Therefore, the adopted rule reflects a decrease of 0.54% more than was proposed, in all tariff categories except transportation.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2003.

May 23, 2003
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 02-12-008, filed 5/23/02, effective 7/1/02)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ((2002)) 2003, through 2400 hours June 30, ((2003)) 2004.

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CLASSIFICATION	RATE	
		Trial trips, 6 hours or less (Minimum (\$822.00) <u>\$804.00</u>) (\$137.00) <u>\$134.00</u> per hr.
Ship length overall (LOA) Charges:	per LOA rate schedule in this section	Trial trips, over 6 hours (two pilots) (\$274.00) <u>\$268.00</u> per hr.
Boarding fee:	(\$41.00) <u>\$40.00</u>	Shilshole Bay – Salmon Bay (\$171.00) <u>\$167.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.		Salmon Bay – Lake Union (\$134.00) <u>\$131.00</u>
Harbor shift - Live ship (Seattle Port)	LOA Zone I	Lake Union – Lake Washington (plus LOA zone from Webster Point) (\$171.00) <u>\$167.00</u>
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I	Cancellation charge LOA Zone I
Harbor shift Dead ship	Double LOA Zone I	Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.) LOA Zone II
Dead ship towing charge:	Double LOA Zone	Docking delay after anchoring: (\$137.00) <u>\$134.00</u> per hr.
LOA of tug + LOA of tow + beam of tow	Zone	Applicable harbor shift rate to apply, plus (\$137.00) <u>\$134.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (\$137.00) <u>\$134.00</u> for every hour or fraction thereof.
<p>Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.</p>		Sailing delay: (\$137.00) <u>\$134.00</u> per hour
<p>Waterway and bridge charges:</p> <p>Ships up to 90' beam: A charge of (\$216.00) <u>\$211.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of (\$103.00) <u>\$101.00</u> per bridge.</p>		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (\$137.00) <u>\$134.00</u> for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.
<p>Ships 90' beam and/or over: A charge of (\$292.00) <u>\$286.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (\$205.00) <u>\$200.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)</p>		Slowdown: (\$137.00) <u>\$134.00</u> per hour
<p>Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.</p>		When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of (\$137.00) <u>\$134.00</u> per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.
<p>Compass adjustment (\$291.00) <u>\$285.00</u></p> <p>Radio direction finder calibration (\$291.00) <u>\$285.00</u></p> <p>Launching vessels (\$438.00) <u>\$428.00</u></p>		Tonnage charges:
		0 to 20,000 gross tons: Additional charge to LOA zone mileage of (\$0.0069) <u>\$0.0067</u> a gross ton for all gross tonnage up to 20,000 gross tons.
		20,000 to 50,000 gross tons: Additional charge to LOA zone mileage of (\$0.0706) <u>\$0.0690</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

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50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be ~~(\$0.0846)~~ \$0.0827 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ~~(\$137.00)~~
\$134.00
per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~(\$137.00)~~ \$134.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101-150 Miles	151-200 Miles & Over
Up to 449	214	329	564	841	1,132	1,468
450-459	221	336	567	853	1,150	1,475
460-469	224	341	576	867	1,166	1,482
470-479	232	350	584	884	1,169	1,485
480-489	238	357	586	901	1,176	1,492
490-499	241	361	594	917	1,191	1,498
500-509	254	367	603	928	1,199	1,508
510-519	256	374	609	942	1,212	1,512
520-529	259	386	618	946	1,222	1,527
530-539	267	392	626	956	1,242	1,543
540-549	271	397	640	967	1,262	1,556
550-559	276	411	644	981	1,271	1,572
560-569	286	427	657	989	1,284	1,587
570-579	292	431	660	994	1,297	1,597
580-589	304	439	675	1,002	1,305	1,613
590-599	319	447	679	1,006	1,323	1,632
600-609	329	460	687	1,010	1,339	1,640
610-619	349	465	701	1,015	1,353	1,654
620-629	362	471	707	1,027	1,368	1,674
630-639	379	479	715	1,029	1,380	1,688
640-649	394	491	723	1,032	1,392	1,701
650-659	422	499	735	1,040	1,409	1,719
660-669	430	504	741	1,045	1,423	1,732
670-679	445	517	749	1,063	1,440	1,742

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(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
680-689	452	527	760	1,074	1,453	1,760
690-699	465	535	770	1,092	1,468	1,795
700-719	486	552	784	1,105	1,496	1,816
720-739	515	567	804	1,121	1,527	1,847
740-759	535	594	819	1,132	1,556	1,879
760-779	556	615	839	1,150	1,587	1,905
780-799	584	641	853	1,166	1,613	1,938
800-819	607	660	870	1,172	1,640	1,967
820-839	626	683	891	1,191	1,674	1,990
840-859	652	711	906	1,203	1,700	2,024
860-879	677	735	924	1,235	1,732	2,053
880-899	701	757	942	1,264	1,760	2,083
900-919	721	780	958	1,295	1,795	2,112
920-939	743	804	981	1,323	1,814	2,140
940-959	770	825	995	1,353	1,847	2,168
960-979	788	850	1,012	1,380	1,879	2,199
980-999	815	870	1,030	1,409	1,905	2,226
1000-1019	863	926	1,076	1,483	1,994	2,323
1020-1039	887	953	1,109	1,527	2,054	2,392
1040-1059	913	976	1,142	1,572	2,114	2,463
1060-1079	942	1,011	1,175	1,620	2,179	2,537
1080-1099	969	1,040	1,211	1,667	2,243	2,612
1100-1119	997	1,071	1,246	1,718	2,310	2,691
1120-1139	1,028	1,104	1,285	1,768	2,379	2,771
1140-1159	1,058	1,136	1,322	1,821	2,451	2,855
1160-1179	1,089	1,169	1,362	1,876	2,524	2,940
1180-1199	1,123	1,205	1,402	1,932	2,600	3,028
1200-1219	1,156	1,241	1,444	1,990	2,677	3,118
1220-1239	1,191	1,278	1,487	2,049	2,757	3,211
1240-1259	1,226	1,315	1,531	2,110	2,840	3,307
1260-1279	1,262	1,354	1,577	2,173	2,925	3,406
1280-1299	1,299	1,396	1,624	2,239	3,012	3,508
1300-1319	1,338	1,436	1,672	2,305	3,103	3,612
1320-1339	1,379	1,479	1,723	2,374	3,195	3,722
1340-1359	1,419	1,524	1,774	2,445	3,290	3,833
1360-1379	1,462	1,569	1,827	2,518	3,389	3,947
1380-1399	1,505	1,615	1,882	2,593	3,490	4,066
1400-1419	1,551	1,664	1,937	2,671	3,594	4,187
1420-1439	1,596	1,714	1,996	2,751	3,702	4,313
1440-1459	1,645	1,765	2,056	2,832	3,813	4,442
1460-1479	1,692	1,818	2,116	2,917	3,927	4,575
1480-1499	1,743	1,871	2,180	3,004	4,044	4,711

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1500 & Over	1,796	1,928	2,245	3,096	4,165	4,852

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	209	322	552	822	1,107	1,436
450 - 459	216	329	555	834	1,125	1,443
460 - 469	219	333	563	848	1,140	1,449
470 - 479	227	342	571	865	1,143	1,452
480 - 489	233	349	573	881	1,150	1,459
490 - 499	236	353	581	897	1,165	1,465
500 - 509	248	359	590	908	1,173	1,475
510 - 519	250	366	596	921	1,185	1,479
520 - 529	253	378	604	925	1,195	1,493
530 - 539	261	383	612	935	1,215	1,509
540 - 549	265	388	626	946	1,234	1,522
550 - 559	270	402	630	959	1,243	1,537
560 - 569	280	418	643	967	1,256	1,552
570 - 579	286	422	645	972	1,268	1,562
580 - 589	297	429	660	980	1,276	1,578
590 - 599	312	437	664	984	1,294	1,596
600 - 609	322	450	672	988	1,310	1,604
610 - 619	341	455	686	993	1,323	1,618
620 - 629	354	461	691	1,004	1,338	1,637
630 - 639	371	468	699	1,006	1,350	1,651
640 - 649	385	480	707	1,009	1,361	1,664
650 - 659	413	488	719	1,017	1,378	1,681
660 - 669	421	493	725	1,022	1,392	1,694
670 - 679	435	506	733	1,040	1,408	1,704
680 - 689	442	515	743	1,050	1,421	1,721
690 - 699	455	523	753	1,068	1,436	1,756
700 - 719	475	540	767	1,081	1,463	1,776
720 - 739	504	555	786	1,096	1,493	1,806
740 - 759	523	581	801	1,107	1,522	1,838
760 - 779	544	601	821	1,125	1,552	1,863
780 - 799	571	627	834	1,140	1,578	1,895
800 - 819	594	645	851	1,146	1,604	1,924
820 - 839	612	668	871	1,165	1,637	1,946
840 - 859	638	695	886	1,177	1,663	1,979

PERMANENT

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
860 - 879	662	719	904	1,208	1,694	2,008
880 - 899	686	740	921	1,236	1,721	2,037
900 - 919	705	763	937	1,267	1,756	2,066
920 - 939	727	786	959	1,294	1,774	2,093
940 - 959	753	807	973	1,323	1,806	2,120
960 - 979	771	831	990	1,350	1,838	2,151
980 - 999	797	851	1,007	1,378	1,863	2,177
1000 - 1019	844	906	1,052	1,450	1,950	2,272
1020 - 1039	867	932	1,085	1,493	2,009	2,339
1040 - 1059	893	955	1,117	1,537	2,067	2,409
1060 - 1079	921	989	1,149	1,584	2,131	2,481
1080 - 1099	948	1,017	1,184	1,630	2,194	2,555
1100 - 1119	975	1,047	1,219	1,680	2,259	2,632
1120 - 1139	1,005	1,080	1,257	1,729	2,327	2,710
1140 - 1159	1,035	1,111	1,293	1,781	2,397	2,792
1160 - 1179	1,065	1,143	1,332	1,835	2,468	2,875
1180 - 1199	1,098	1,178	1,371	1,889	2,543	2,961
1200 - 1219	1,131	1,214	1,412	1,946	2,618	3,049
1220 - 1239	1,165	1,250	1,454	2,004	2,696	3,140
1240 - 1259	1,199	1,286	1,497	2,064	2,778	3,234
1260 - 1279	1,234	1,324	1,542	2,125	2,861	3,331
1280 - 1299	1,270	1,365	1,588	2,190	2,946	3,431
1300 - 1319	1,309	1,404	1,635	2,254	3,035	3,533
1320 - 1339	1,349	1,446	1,685	2,322	3,125	3,640
1340 - 1359	1,388	1,490	1,735	2,391	3,218	3,749
1360 - 1379	1,430	1,534	1,787	2,463	3,314	3,860
1380 - 1399	1,472	1,579	1,841	2,536	3,413	3,977
1400 - 1419	1,517	1,627	1,894	2,612	3,515	4,095
1420 - 1439	1,561	1,676	1,952	2,690	3,621	4,218
1440 - 1459	1,609	1,726	2,011	2,770	3,729	4,344
1460 - 1479	1,655	1,778	2,069	2,853	3,841	4,474
1480 - 1499	1,705	1,830	2,132	2,938	3,955	4,607
1500 & Over	1,756	1,886	2,196	3,028	4,073	4,745

**WSR 03-12-033
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed May 29, 2003, 2:38 p.m.]

Date of Adoption: May 27, 2003.

Purpose: To allow pledges to be made and redeemed after the date of the primary election in accordance with RCW 42.17.640(1) and WAC 390-17-302.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-245.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 03-08-051 on March 28, 2003.

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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 29, 2003

Susan Harris

Assistant Director

AMENDATORY SECTION (Amending WSR 94-07-141, filed 3/23/94, effective 4/23/94)

WAC 390-16-245 Pledges. (1) A pledge shall not be made or redeemed within twenty-one days of an election specified in RCW 42.17.105(8) if the amount of the pledge or redemption exceeds the ((Limits)) maximum amount provided in RCW 42.17.105(8). However, if payment of a pledge is in the possession of the recipient twenty-two or more days before the election, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060.

(2) If a pledge is made in an election campaign subject to the contribution limits provided in RCW 42.17.640:

(a) Except as provided in WAC 390-17-302, a pledge made with respect to the primary election shall not be made or redeemed after the date of the primary; however, if the payment of a pledge is made on or before the date of the primary, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060; and

(b) A pledge made with respect to the general election shall not be made or redeemed after the final day of the applicable election cycle; however, if the payment of a pledge is made on or before the final day of the election cycle, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060.

(3) During the time limit specified in RCW 42.17.710, a state official or a person employed by or acting on behalf of a state official shall not solicit or accept a pledge or the redemption of a pledge for any purpose specified in RCW 42.17.710.

PERMANENT

WSR 03-12-034
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed May 29, 2003, 2:38 p.m.]

Date of Adoption: May 27, 2003.

Purpose: To remove the requirement that broadcast political advertising conform to the requirements of the Federal Communications Commission (FCC) and clarify the sponsor identification requirements for political advertisement undertaken as an independent expenditure.

Citation of Existing Rules Affected by this Order:
 Amending WAC 390-18-010.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 03-08-051 on March 28, 2003.

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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 29, 2003

Susan Harris

Assistant Director

AMENDATORY SECTION (Amending WSR 00-22-055, filed 10/27/00, effective 11/27/00)

WAC 390-18-010 Political advertising—Identification of sponsor. (1) For the purposes of RCW 42.17.510 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4) Printed advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ commit-

tee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). ~~((Broadcast advertising shall conform to the requirements of the Federal Communications Commission.))~~ However, printed advertising undertaken as an independent expenditure as defined in RCW 42.17.020 shall comply with the "Notice to Voters" and, if relevant, the "Top Five Contributors" provisions of RCW 42.17.510 and provide this information in an area set apart from any other printed matter. Political committees, other than a bona fide political party, that sponsor independent expenditure printed advertising are required to provide the "Top Five Contributors" to that political committee pursuant to WAC 390-18-025.

(5)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) must identify the sponsor on the first page or fold of the advertising. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Political advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

(6) The name of the sponsor of all radio or television political advertising shall be clearly spoken. However, all radio and television political advertising undertaken as an independent expenditure as defined in RCW 42.17.020 shall comply with the "Notice to Voters" and, if relevant, the "Top Five Contributors" provisions of RCW 42.17.510 and this information shall be clearly spoken. Political committees, other than a bona fide political party, that sponsor independent expenditure radio and television political advertising are required to clearly speak the "Top Five Contributors" to that political committee pursuant to WAC 390-18-025.

WSR 03-12-035
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed May 30, 2003, 8:33 a.m.]

Date of Adoption: May 21, 2003.

Purpose: To revise the requirements for an individual serving as a school speech-language pathologist (SLP) or a special education teacher on a conditional certificate. These revisions will align the certification requirements with federal guidelines/regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 180-79A-231 (1)(c)(iv), (v), (vi), (vii).

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 03-04-019 on January 27, 2003.

Changes Other than Editing from Proposed to Adopted Version: The adopted version requires SLPs on a conditional certificate to have a BA/BS or higher degree from a regionally accredited college/university. It does not require the completion of a program, or previous experience. It allows currently certified SLPs until 2010 to become fully qualified.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, 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 1, 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.

May 29, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-13-027, filed 6/12/02, effective 7/13/02)

WAC 180-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) ~~((The applicant has completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.))~~ The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 180-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or

approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and edu-

cational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) A teacher whose continuing certificate has lapsed according to WAC 180-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must complete any continuing certificate reinstatement requirements established by the state board of education within two years of the date the holder was issued the transi-

tional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under state board policy WAC 180-79A-117.

(b) No teacher whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 180-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable.

WSR 03-12-040

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 30, 2003, 9:52 a.m.]

Date of Adoption: May 30, 2003.

Purpose: The purpose of this rule-making order is to:

(1) Repeal current chapter 16-238 WAC, WSDA Grain inspection program—Fee schedule.

(2) Replace current chapter 16-238 WAC with a new chapter 16-239 WAC, which contains the same requirements as chapter 16-238 WAC but presents those requirements in clear and readable language so they are easier to understand and follow. In addition, to further comply with the clarity criteria in Executive Order 97-02, the new chapter is organized and formatted so it is easier to use. For example, fee schedules are presented in a tabular format rather than the old narrative format. Because the changes in language and format are quite extensive, the program decided to repeal the current chapter 16-238 WAC and replace it with the new chapter 16-239 WAC, WSDA Grain inspection program—Definitions, standards, fees and charges.

(3) Increase current grain inspection fees by the OFM fiscal growth rate factors for fiscal year 2003 (3.29%) and for fiscal year 2004 (3.2%). These increases help cover the program's increased cost of doing business due to inflation and increased service requests. They are necessary so the program can continue to provide the level of service that industry expects. They are also necessary so the program can comply with RCW 22.09.790, which requires that the agency must recover the costs it incurs for inspecting, weighing and grading grain.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-238-010, 16-238-020, 16-238-030, 16-238-060, 16-238-070, 16-238-082, 16-238-090, 16-238-100, and 16-238-110.

Statutory Authority for Adoption: RCW 22.09.790 and chapter 34.05 RCW.

Adopted under notice filed as WSR 03-07-082 on March 18, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 52, Amended 0, Repealed 9; 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 52, Amended 0, 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 52, Amended 0, Repealed 9.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The United States Department of Agriculture has oversight of fees charged under the federal Grain Inspection, Packers and Stockyards Administration.

Effective Date of Rule: Thirty-one days after filing.

May 30, 2003

Valoria H. Loveland

Director

Chapter 16-239 WAC

WSDA GRAIN INSPECTION PROGRAM—DEFINITIONS, STANDARDS, FEES AND CHARGES

NEW SECTION

WAC 16-239-010 Definitions. "Department" means the Washington state department of agriculture.

"Fee" means any charge made by the department for:

- (1) Inspecting and handling any commodity; or
- (2) Any service related to weighing or storing grains or commodities.

"GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

"Official commercial inspection services" means a contractual agreement between the applicant and the department that includes, but is not limited to, the following:

(1) An applicant developed list or narrative that includes the specific inspection services and service scope they are requesting;

(2) An applicant developed timeline showing when specific inspection services must be performed by the department; and

(3) The specific inspection space and equipment that the applicant will provide at their expense.

"Overtime" means:

(1) Any time worked on Saturdays, Sundays, or holidays; and

(2) All time worked before or after regularly scheduled working hours on Monday through Friday.

"Ton" means two thousand pounds avoirdupois.

"USDA" means the United States Department of Agriculture.

NEW SECTION

WAC 16-239-020 Washington state grain and commodity inspection points. The following cities are department-designated points for inspecting and weighing standardized grains, beans, peas, lentils and other commodities:

- Colfax
- Kalama
- Olympia
- Pasco
- Seattle
- Spokane
- Tacoma
- Vancouver.

NEW SECTION

WAC 16-239-030 Commodities covered by chapter 22.09 RCW. Commodities covered under chapter 22.09 RCW with respect to sampling, inspection, weighing, and quality or constituent determinations include all:

- (1) Grains with standards or inspection criteria established under the United States Grain Standards Act;
- (2) Commodities with standards or inspection criteria established under the Agricultural Marketing Act;
- (3) Commodities with standards or inspection criteria established under Washington state standards; and
- (4) By-products resulting from conditioning or processing the grains and commodities listed in this section.

NEW SECTION

WAC 16-239-040 Grades and standards adopted by Washington state. Washington state has adopted the following grades and standards:

- (1) The grades and standards established by the United States Department of Agriculture from August 1, 1984, to the present that apply to all grains and commodities regulated by this chapter.
- (2) The procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946.

NEW SECTION

WAC 16-239-050 Scale testing. The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA/FGIS) has delegated official scale testing and scale authorization authority to the department. All scales in Washington state under USDA, GIPSA/FGIS jurisdiction must comply with the following testing requirements:

- (1) Scales must be tested and certified for accuracy at least twice each year by an authorized Washington state department of agriculture scale expert or a USDA, GIPSA/FGIS scale specialist.
- (2) When tested by the department or by USDA, GIPSA/FGIS, a seal must be placed on the scales. This seal must be dated and must indicate approval or rejection.

(3) When scales are tested, copies of the test report must be:

- (a) Forwarded to the USDA, GIPSA/FGIS;
- (b) Maintained by the department; and
- (c) Maintained at the facility where the scale is located.

NEW SECTION

WAC 16-239-060 Guarantee of expenses. When service is requested that requires assigning personnel to a facility where the volume of work at the established fee will not cover the cost of providing the service, a guarantee of expenses is required.

NEW SECTION

WAC 16-239-061 Guaranteed staffing levels. If the department has an adequate number of trained personnel, an applicant for services may contract with the department for guaranteed staffing levels at negotiated minimum hours and unit fees.

NEW SECTION

WAC 16-239-062 Additional fees to cover insufficient revenue at export locations. (1) When the lot size or workload is of insufficient size to generate revenue equivalent to the per hour straight time fee per employee, an additional fee must be assessed.

(2) The purpose of the additional fee is to insure that the total revenue generated on a daily basis is equal to the per hour straight time fee per employee.

(3) Upon the applicant's written request, the additional fee may be established using the average hourly revenue generated at the worksite over the Monday through Sunday workweek (weekly averaging).

(4) Without a written request, the additional fee must be assessed on a daily basis.

Note: The weekly averaging computation uses the prior week's invoices for ship lots completed before the start of business on Monday. It does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

NEW SECTION

WAC 16-239-063 Official commercial inspection services. The department may provide on-site official commercial inspection services, at the applicant's request, when all of the following conditions are met:

- (1) Appropriate space, equipment and security must be provided by the applicant.
- (2) The applicant must provide a written document fully describing the services requested.
- (3) The department must be able to provide appropriate licensed personnel to accomplish the service requested.
- (4) A guarantee of expenses is negotiated.

Note: The applicant must fully describe the requested services in writing so the department can determine appropriate staffing levels and develop a guarantee of expenses proposal.

NEW SECTION

WAC 16-239-064 Calculating travel time, mileage and per diem. When department personnel perform services at locations other than department-designated grain and commodity inspection points, the applicant must pay the department:

(1) Travel time for each department employee from the established inspection point to the service location and return at the rates in effect at the time the service is performed.

(2) Mileage from the established inspection point to the service location and return for each vehicle involved. The mileage rate is assessed according to the state of Washington's general administration private vehicle mileage reimbursement rate in effect at the time the service is performed.

(3) If applicable, a per diem rate will be assessed for each department employee equal to the established state of Washington travel status per diem rates in effect at the time the service is performed.

NEW SECTION

WAC 16-239-065 Payment of fees and charges. (1) All department fees and charges for services rendered are due within thirty days of the statement date.

(2) If the department does not receive payment within thirty days:

(a) Services may be withheld until the delinquent account is paid; or

(b) Cash payment for subsequent services may be required.

(3) The department assesses a penalty of twelve percent per annum on all delinquent account balances.

NEW SECTION

WAC 16-239-070 Basic WSDA grain program fees for service. Basic WSDA grain program fees for service and related requirements are contained in WAC 16-239-071 through 16-239-079.

NEW SECTION

WAC 16-239-071 Straight time rate. (1) Except for a GIPSA/FGIS scale authorization service, the department's per employee straight time rate is:

	Rate Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) The straight time rate is assessed when:

(a) No other fee, guarantee of expenses or contractual agreement exists; or

(b) It is specified in the schedule of fees; or

(c) The fees generated through the service provided are not equivalent to the straight time rate, per hour, per employee (including applicable supervisory and clerical employee hours).

NEW SECTION

WAC 16-239-072 GIPSA/FGIS scale authorization fee. (1) The department's per employee GIPSA/FGIS scale authorization fee is:

	Rate Per Hour
Effective June 30, 2003	\$38.08
Effective July 1, 2003	\$39.00

(2) The GIPSA/FGIS scale authorization fee, per hour, per employee is assessed when GIPSA/FGIS scale authorization services are requested or required.

(3) In addition to the hourly GIPSA/FGIS scale authorization fee; the department may assess travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees.

NEW SECTION

WAC 16-239-073 Overtime and night shift rates. (1) The department's per employee overtime and night shift rates are:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2) In addition to regular inspection and weighing fees, the department will charge overtime and night shift rates per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

(a) Before or after regularly scheduled working hours, Monday through Friday; or

(b) During established meal periods on any shift; or

(c) Anytime on Saturdays, Sundays or holidays.

(3) When an applicant contracts for a permanent night shift, the overtime and night shift rates for the night shift will be waived after the initial seven-day notice period expires.

NEW SECTION

WAC 16-239-074 Late notice fee. (1) The department's per employee late notice fee is:

	Rate Per Hour
Effective June 30, 2003	\$4.98
Effective July 1, 2003	\$5.12

(2)(a) Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day before the date of the requested service. For example, the inspection office must receive a request for Saturday service by 2:00 p.m. of the preceding Friday.

(b) When the service request is not received by 2:00 p.m., the department will provide services if qualified employees are available.

PERMANENT

(3)(a) Service requests beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day before the requested date of service.

(b) The department will provide the service if adequate numbers of qualified employees are available.

(4) The late notice fee will be assessed only for those hours of the service that the department is able to staff.

NEW SECTION

WAC 16-239-075 Call-back fee. (1) The department's call-back fee is:

	Fee Per Employee
Effective June 30, 2003	\$25.01
Effective July 1, 2003	\$25.80

(2) When the department receives requests for services after the close of business on a regular scheduled working day and sufficient numbers of qualified staff are available to provide the requested service, the department will assess a call-back fee for each employee scheduled for that shift or service request.

(3) The department will assess one call-back fee for each employee scheduled for a shift on a Saturday, Sunday, or holiday.

NEW SECTION

WAC 16-239-076 Shift request fee. (1) The department's per employee shift request fee is:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2) Requests for establishing a night or graveyard shift must be given to the department in writing. The requested shift will begin seven days after the department receives the applicant's written request.

(3) If the night or graveyard shift begins before the seven-day notice period has expired, the department will assess a shift request fee for every hour an employee is assigned to the new shift(s) beginning with the day the employee is assigned until the seven-day notice expires.

(4) In addition to paying shift request fees for night or graveyard shifts, those locations where the department cannot maintain full-time staffing due to inadequate workloads or inconsistent work schedules are assessed shift request fees for day shifts.

(5)(a) At locations where department staffing has been reduced below the full-time permanent day shift numbers due to a lack of work, an applicant requesting a day shift that begins before the seven-day notice period has expired must pay a shift request fee for every hour that a department employee is assigned to the location.

(b) The assessment begins when the department employee is assigned and ends when the seven-day notice for the assigned employee expires.

NEW SECTION

WAC 16-239-077 Shift cancellation fee. (1) The department's per employee shift cancellation fee is:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2)(a) All requests to cancel a previously requested night or graveyard shift must be given to the department, in writing, at least twenty-one days before the cancellation date.

(b) If the applicant does not give the department the full twenty-one day notice, a shift cancellation fee will be assessed for all hours between the time the assigned staff would have worked and the time when the twenty-one day notice expires.

(3) Locations that are not routinely staffed due to inconsistent schedules or are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice is not given.

NEW SECTION

WAC 16-239-078 Four-hour minimum standby fee. (1) The department's per employee four-hour minimum standby fee is:

	Rate Per Employee Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) When a service is requested before or after the inspection office's established standard Monday through Friday workday or anytime on Saturdays, Sundays, or holidays and the service cannot be performed through no fault of the department, the per employee four-hour minimum standby fee will be assessed.

(3) The per employee four-hour minimum standby fee is assessed when service is requested at a location not routinely staffed on a Monday through Friday basis if the department is able to adequately staff qualified personnel to perform the service and, through no fault of the department, the service cannot be performed.

(4) When a requested service begins or ends within two hours of the regular starting or ending time of a shift and the service cannot be performed through no fault of the department, the per employee standby fee is assessed on a per hour basis.

(5) The per employee standby fee is assessed for all hours staffed at the request of the applicant over the four-hour minimum.

NEW SECTION

WAC 16-239-079 Service cancellation fee. (1) The department's per employee service cancellation fee is based upon a four-hour minimum at the straight time rate:

PERMANENT

	Rate Per Employee Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) The department will assess a per employee service cancellation fee when service is requested:

(a) Before or after working hours, Monday through Friday, or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received by 2:00 p.m. of the last regularly scheduled working day before the service is scheduled to begin; or

(b) At locations that are not routinely staffed on a Monday through Friday basis because of inconsistent schedules or are inadequately staffed due to a lack of work and a service cancellation request is not received at the inspection office by 2:00 p.m. of the last regularly scheduled working day before the requested service is scheduled to begin.

NEW SECTION

WAC 16-239-080 Fees for official sampling, inspecting, and/or weighing services under the United States Grain Standards Act. WAC 16-239-0801 through 16-239-0812 contain the specific WSDA fees for performing official sampling, inspecting, and/or weighing services under the United States Grain Standards Act.

NEW SECTION

WAC 16-239-0801 Fees for combination inspection and weighing services. Table 1 contains the fees for performing combination inspection and weighing services.

Table 1

Fees for Combination Inspection and Weighing Services

Inspection and Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Barges	\$0.132 per ton	\$0.136 per ton
Bin transfers	\$0.132 per ton	\$0.136 per ton
Vessels (export and domestic ocean-going)		
• First 3,000,000 short tons per fiscal year*	\$0.138 per ton	\$0.142 per ton
• From 3,000,001 to 5,000,000 short tons per fiscal year*	\$0.131 per ton	\$0.131 per ton

Inspection and Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
• From 5,000,001 to 6,500,000 short tons per fiscal year*	\$0.128 per ton	\$0.128 per ton
• Over 6,500,000 short tons per fiscal year*	\$0.120 per ton	\$0.120 per ton
*Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.		
Unit trains	\$0.132 per ton	\$0.136 per ton

NEW SECTION

WAC 16-239-0802 Fees for official sampling and inspecting without weighing and fees for official sampling only. Table 2 contains the fees for performing official sampling and inspecting services without weighing and the fees for performing only official sampling services.

Table 2

Fees for Official Sampling and Inspecting Without Weighing and Fees for Official Sampling Only

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Car lots sampled by USDA approved diverter-type mechanical samplers, including per car for each car lot incorporated into a batch grade	\$16.52 per car	\$17.00 per car

PERMANENT

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Car lots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections	\$25.82 per car	\$26.50 per car
Truck lots, sampled by approved grain trier, original or new sample reinspections	\$16.31 per truck	\$16.75 per truck
Reinspections based on official file sample, except Canola*	\$9.81 per sample	\$10.00 per sample
Reinspections, Canola	\$28.75 per hour	\$29.50 per hour
*Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.		
Bagged grains*	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)
*Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.		

NEW SECTION

WAC 16-239-0803 Fees for official Class X weighing services without an inspection. Table 3 contains the fees for performing official Class X weighing services without an inspection.

**Table 3
Fees for Official Class X Weighing Services Without an Inspection**

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Cars, barges, or vessels	\$0.115 per ton	\$0.118 per ton
Bin transfers	\$0.115 per ton	\$0.118 per ton

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Trucks, including sea van type containers	\$8.18 per weight lot	\$8.44 per weight lot

NEW SECTION

WAC 16-239-0804 Fees for other official weighing services. Table 4 contains the fees for performing other official weighing services.

**Table 4
Fees for Other Official Weighing Services**

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Class Y weighing services	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Check weighing of bagged grain	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0805 Fees for inspecting submitted samples. Table 5 contains the fees for performing inspections of submitted samples.

**Table 5
Fees for Inspecting Submitted Samples**

Inspection Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Analysis under the United States Grain Standards Act, except Canola*	\$8.26 per inspection	\$8.50 per inspection
*Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.		
Reinspections based on official file sample, except Canola	\$9.81 per sample	\$10.00 per sample
Canola*	\$15.49 per inspection	\$15.75 per inspection

PERMANENT

Inspection Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Reinspections, Canola	\$28.75 per hour	\$29.50 per hour
*Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.		
Note: When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the factor-only rate shown in Table 6 of WAC 16-239-0806.		

NEW SECTION

WAC 16-239-0806 Fees for factor analysis. Table 6 contains the fees for performing factor analysis services.

**Table 6
Fees for Factor Analysis Services**

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Nongrade determining factors, requested by applicant, in addition to the original inspection or ship-loading subplot analysis	\$2.68 per factor	\$2.75 per factor
Grade determining factor-only analysis, except Waxy Corn analysis	\$2.68 per factor	\$2.75 per factor
Waxy Corn analysis	\$13.84 per analysis	\$14.25 per analysis
Note: Applicants requesting four or more USGSA grade determining factors on a submitted sample will be assessed the submitted sample rate shown in WAC 16-239-0805.		

NEW SECTION

WAC 16-239-0807 Fees for official constituent analysis using near-infrared transmittance (NIRT) technology. Table 7 contains the fees for performing official constituent analysis using near-infrared transmittance (NIRT) technology.

**Table 7
Fees for Official Constituent Analysis using Near-Infrared Transmittance (NIRT) Technology**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection for grade	\$6.71 per test	\$6.90 per test
Not in conjunction with official inspection for grade	\$9.08 per test	\$9.25 per test
Reinspection based on official file sample*	\$9.08 per test	\$9.25 per test
*Note: When a reinspection service includes a request for a new sample, the appropriate sampling fee in WAC 16-239-0802, Table 2, will be assessed in addition to the reinspection fee cited in Table 7.		

NEW SECTION

WAC 16-239-0808 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA," "Fluorometric," or similar methods. Table 8 contains the fees for performing qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.

**Table 8
Fees for Qualitative or Quantitative Testing for the Presence of Mycotoxins Using USDA Approved "ELISA" or "Fluorometric" Methods**

Testing Service Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Official sample or new sample reinspection, including official sampling	\$37.50 per test	\$37.50 per test
Submitted samples and reinspections based on official file sample	\$28.75 per test	\$29.50 per test

PERMANENT

Testing Service Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Note: Mycotoxin testing services using thin layer chromatography or equivalent USDA approved technology are available at the USDA published rate.		

NEW SECTION

WAC 16-239-0809 Fees for stowage examination services on vessels or ocean-going barges. Table 9 contains the fees for performing stowage examination services on vessels or ocean-going barges.

**Table 9
Fees for Stowage Examination Services on Vessels or Ocean-Going Barges**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Initial inspection, five hold/stowage space/tank maximum	\$130.66 minimum fee	\$134.50 minimum fee
Initial inspection, above five hold/stowage space/tank maximum	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Return to hold/stowage space/tank during inspection service	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Subsequent inspections, three hold/stowage space/tank maximum	\$78.39 minimum fee	\$80.70 minimum fee
Subsequent inspection, above three hold/stowage space/tank maximum	\$24.78 per hold/stowage space/tank	\$25.57 per hold/stowage space/tank
Travel time, mid-stream or at a non-grain loading berth, two-hour minimum per inspection request	\$28.75 per hour, per employee	\$29.50 per hour, per employee

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-239-071 through 16-239-079 may be assessed in addition to the appropriate fees in Table 9.		

NEW SECTION

WAC 16-239-0810 Fees for other stowage examination services. Table 10 contains the fees for performing other stowage examination services.

**Table 10
Fees for Other Stowage Examination Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sea van containers, when not in conjunction with check loading service	\$8.77 per inspection	\$9.00 per inspection
Railcars, trucks, or other containers, not in conjunction with loading	\$8.77 per inspection	\$9.00 per inspection
Note: Fees for stowage examination services will not be assessed when official sampling and inspection, or official weighing occurs at the time of loading, unless the applicant requests an official stowage examination certificate. The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA/FGIS Directive 9020.1.		

PERMANENT

NEW SECTION

WAC 16-239-0811 Fees for phytosanitary certification. Table 11 contains the fees for providing phytosanitary certification.

**Table 11
Fees for Phytosanitary Certification**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection*	\$7.36 per certificate	\$7.50 per certificate
*Note: Hourly fees may be assessed for research necessary to produce the requested certificate.		
When not in conjunction with official inspection, add required sampling time	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0812 Fees for miscellaneous services. Table 12 contains the fees for performing miscellaneous services.

**Table 12
Fees for Miscellaneous Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Ship composite samples	Initial set of three provided without cost to the applicant	Initial set of three provided without cost to the applicant
Ship composite samples, in excess of the initial three, when requested in advance	\$5.68 per sample	\$5.75 per sample
Divided original certificates or letterhead statements	\$1.63 per certificate or letterhead statement	\$1.68 per certificate or letterhead statement
Extra copies of certificates or letterhead statements	\$3.26 per certificate or letterhead statement	\$3.36 per certificate or letterhead statement

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Facsimile transmissions	\$1.07 per page	\$1.10 per page
Mailing of samples	At cost	At cost
Sample pickup fee, on department established routes	\$0.64 per sample	\$0.66 per sample

NEW SECTION

WAC 16-239-0813 Fees for other services under the United States Grain Standards Act. (1) Fees for other services under the United States Grain Standards Act not contained in WAC 16-239-0801 through 16-239-0812 are contained in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(2) An applicant may be required to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

NEW SECTION

WAC 16-239-090 Fees for performing official Agricultural Marketing Act of 1946 services. WAC 16-239-0901 through 16-239-0911 contains the specific WSDA fees for performing official Agricultural Marketing Act of 1946 services.

NEW SECTION

WAC 16-239-0901 Fees for combination inspection and weighing services. Table 13 contains the fees for performing combination inspection and weighing services.

**Table 13
Fees for Combination Inspection and Weighing Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Bulk commodities under federal or state standards	\$0.138 per ton	\$0.142 per ton
Bulk commodities, under federal, state or applicant defined factor analysis	\$0.138 per ton	\$0.142 per ton

PERMANENT

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination	\$16.31	\$16.80

NEW SECTION

WAC 16-239-0902 Fees for official sampling and inspecting without weighing and fees for official sampling only. Table 14 contains the fees for performing official sampling and inspecting services without weighing and the fees for performing only official sampling services.

**Table 14
Fees for Official Sampling and Inspecting Without Weighing and Fees for Official Sampling Only**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Car lots sampled by USDA approved diverter-type mechanical samplers*	\$16.52 per car	\$17.00 per car
Car lots, sampled by USDA approved grain trier	\$25.82 per car	\$26.50 per car
Truck lots or container lots, sampled by USDA approved grain trier	\$16.31 per truck or container lot	\$16.75 per truck or container lot
Inspection of bagged commodities*	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)
*Note: A minimum fee equivalent to the hourly fee cited in WAC 16-239-071 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.		

NEW SECTION

WAC 16-239-0903 Fees for official weighing services without inspections. Table 15 contains the fees for performing official weighing services without inspections.

**Table 15
Fees for Official Weighing Services without Inspections**

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
From elevator to conveyance, except trucks	\$0.115 per ton	\$0.118 per ton
From conveyance to elevator, except trucks	\$0.115 per ton	\$0.118 per ton
Bin transfers	\$0.115 per ton	\$0.118 per ton
Trucks	\$8.18 per weight lot	\$8.44 per weight lot

NEW SECTION

WAC 16-239-0904 Fees for other official weighing services. Table 16 contains the fees for performing other official weighing services.

**Table 16
Fees for Other Official Weighing Services**

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Check weighing of bagged commodities	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0905 Fees for inspection of submitted samples. Table 17 contains the fees for inspecting submitted samples.

PERMANENT

Table 17
Fees for Inspecting Submitted Samples

Inspection Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Standardized commodities, thresher run or processed	\$15.49 per sample	\$15.75 per sample
Commodities inspected under GIPSA/FGIS factor-only inspection procedures	\$15.49 per sample	\$15.75 per sample
Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.		

NEW SECTION

WAC 16-239-0906 Fees for factor analysis. Table 18 contains the fees for performing factor analysis services.

Table 18
Fees for Factor Analysis Services

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Nongrade determining factors requested by applicant, in addition to the original inspection results, except moisture	\$2.68 per factor	\$2.75 per factor
Moisture only	\$5.68 per determination	\$5.75 per determination
Nongrade determining factors requested in ship loading subplot analysis	\$2.68 per factor	\$2.75 per factor
Factor-only determinations	\$3.26 first two factors	\$3.36 first two factors

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Note: Additional factors are available at a fee of \$2.68 per factor effective June 30, 2003, and \$2.75 per factor effective July 1, 2003. Applicants requesting more than five factors will pay the appropriate submitted sample fee in WAC 16-239-0905 for the requested factors. When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available but must be requested by the applicant.		

NEW SECTION

WAC 16-239-0907 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods. Table 19 contains the fees for performing qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.

Table 19
Fees for Qualitative or Quantitative Testing for the Presence of Mycotoxins Using USDA Approved "ELISA" or "Fluorometric" Methods

Testing Service Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Official samples and new sample reinspections, including official sampling	\$37.50 per test	\$37.50 per test
Submitted samples and reinspections based on official file sample	\$28.75 per test	\$29.50 per test
Note: Mycotoxin testing services using thin layer chromatography or equivalent USDA approved technology are available at the USDA published rate.		

NEW SECTION

WAC 16-239-0908 Fees for stowage examination services on vessels or ocean-going barges. Table 20 contains the fees for performing stowage examination services on vessels or ocean-going barges.

PERMANENT

Table 20
Fees for Stowage Examination Services on Vessels
or Ocean-Going Barges

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Initial inspection, five hold/stowage space/tank maximum	\$130.66 minimum fee	\$134.50 minimum fee
Initial inspection, above five hold/stowage space/tank maximum	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Return to hold/stowage space/tank during inspection service	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Subsequent inspections, three hold/stowage space/tank maximum	\$78.39 minimum fee	\$80.70 minimum fee
Subsequent inspection, above three hold/stowage space/tank maximum	\$24.78 per hold/stowage space/tank	\$25.57 per hold/stowage space/tank
Travel time, mid-stream or at a non-grain loading berth, two-hour minimum per inspection request	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
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Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-239-071 through 16-239-079 may be assessed in addition to the appropriate fees in Table 20.

NEW SECTION

WAC 16-239-0909 Fees for other stowage examination services. Table 21 contains the fees for performing other stowage examination services.

Table 21
Fees for Other Stowage Examination Services

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sea van containers, when not in conjunction with check loading service	\$8.77 per inspection	\$9.00 per inspection
Railcars, trucks, or other containers	\$8.77 per inspection	\$9.00 per inspection

NEW SECTION

WAC 16-239-0910 Fees for phytosanitary certification. Table 22 contains the fees for providing phytosanitary certification.

Table 22
Fees for Phytosanitary Certification

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection*	\$7.36 per certificate	\$7.50 per certificate

*Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

PERMANENT

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
When not in conjunction with official inspection, add required sampling time	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0911 Fees for miscellaneous services. Table 23 contains the fees for performing miscellaneous services.

**Table 23
Fees for Miscellaneous Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Falling numbers determinations	\$13.84 per determination	\$14.25 per determination
Liquefaction number	\$0.53 per determination	\$0.54 per determination
Divided original certificates or letterhead statements	\$1.63 per certificate or letterhead statement	\$1.68 per certificate or letterhead statement
Extra copies of certificates or letterhead statements	\$3.26 per certificate or letterhead statement	\$3.36 per certificate or letterhead statement
Sanitation inspections at commodity processing sites, initial inspection	No charge	No charge
Sanitation inspections, return to failed facility, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Sampling of processed commodities, two-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.		
Facsimile transmissions	\$1.07 per page	\$1.10 per page
Mailing of samples	At cost	At cost
Sample pickup fee, on department established routes	\$0.64 per sample	\$0.66 per sample

NEW SECTION

WAC 16-239-0912 Fees for other services under the Agricultural Marketing Act of 1946. (1) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-239-0901 through 16-239-0911 are contained in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(2) An applicant may have to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

NEW SECTION

WAC 16-239-100 Fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist. Department fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist are contained in WAC 16-239-1010 through 16-239-1030.

NEW SECTION

WAC 16-239-1010 Fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC. Table 24 contains the fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC.

PERMANENT

Table 24

Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis	\$8.18 per sample	\$8.44 per sample
Bulk car lots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers	\$16.52 per car	\$17.00 per car
Bulk car lots, cultivated buckwheat, sampled by USDA approved grain trier	\$25.82 per car	\$26.50 per car
Bulk truck lots or container lots, cultivated buckwheat, sampled by USDA approved grain trier	\$16.31 per truck or container lot	\$16.75 per truck or container lot
Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services	At applicable fees contained in WAC 16-239-0801 through 16-239-0812	At applicable fees contained in WAC 16-239-0801 through 16-239-0812
Bagged commodities	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)

NEW SECTION

WAC 16-239-1020 Fees for miscellaneous services. Table 25 contains the fees for performing miscellaneous services.

Table 25

Fees for Miscellaneous Services

Services Provided	Fees for Services Provided
Unofficial constituent analysis using near-infrared transmittance (NIRT) technology	Available at the rates in WAC 16-239-0807, Table 7
The following may be available as unofficial services: <ul style="list-style-type: none"> Laboratory analysis of commodities covered in WAC 16-239-1010; or Analysis of constituents or conditions of grains or commodities not provided for in the official standards or specifically addressed in WAC 16-239-0801 through 16-239-0812 or WAC 16-239-0901 through 16-239-0911 	If available, these services will be provided under the appropriate rates in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the service or analysis.

PERMANENT

NEW SECTION

WAC 16-239-1030 Fees for services not specifically identified in WAC 16-239-1010 and 16-239-1020. (1) Services not specifically identified in WAC 16-239-1010 and 16-239-1020 may be provided under the appropriate fees in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the service or analysis.

(2) An applicant may have to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-238-010 Definitions.
- WAC 16-238-020 Grain and commodity inspection points.
- WAC 16-238-030 General provisions for assessment of fees.
- WAC 16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act.

WAC 16-238-070	Fees for official services under the Agricultural Marketing Act of 1946.
WAC 16-238-082	Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist.
WAC 16-238-090	Covered commodities.
WAC 16-238-100	Grades and standards.
WAC 16-238-110	Scales.

- Adopt the latest edition of the National Electrical Code and clarify the particular national consensus codes and requirements that pertain to conversion vendor units or medical units;
- Remove the provisions that solid fuel appliances may not be installed in conversion vendor units or medical units in WAC 296-150V-1090;
- Made other necessary clarification and housekeeping changes; and
- Incorporate necessary policy into rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-150V-1220; and amending WAC 296-150V-0020, 296-150V-0800, 296-150V-1090, 296-150V-1530, 296-150V-1600 [new section], 296-150R-0020, 296-150P-0020, 296-150F-3000, 296-150M-0020, 296-150M-0049, 296-150M-0050, 296-150M-0302, 296-150M-0320, 296-150M-0360, and 296-150M-3000.

Statutory Authority for Adoption: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, and chapter 268, Laws of 2002 (SSB 6364).

Other Authority: Chapter 43.22 RCW.

Adopted under notice filed as WSR 03-09-109 on April 22, 2003.

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 17, Amended 8, 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 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 15, 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 18, Amended 15, Repealed 1.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: See Effective Date of Rule below.

Effective Date of Rule: The proposed changes to chapter 296-150C, 296-150P, 296-150R, and 296-150V WAC take effect on June 30, 2003 (thirty-one days after adoption).

The proposed changes to chapter 296-150F and 296-150M WAC take effect immediately as the immediate effective date for these sections is necessary to implement provisions included in chapter 268, Laws of 2002 (SSB 6364), which contained an emergency clause that adopted several of the provisions of the act immediately. Section 10 of this act states:

"Sections 1, 2, and 4 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

WSR 03-12-044

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 30, 2003, 11:48 a.m.]

Date of Adoption: May 30, 2003.

Purpose: Factory assembled structures rules, chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, and 296-150V WAC.

The purpose of this rule making was to implement changes to the rules authorized by chapter 268, Laws of 2002 (SSB 6364) that was enacted in 2002, including:

- Changes to the fee schedules for mobile/manufactured homes and factory-built housing and commercial structures rules (several of these fees are currently in place via emergency rules);
- Provisions to allow the department to waive mobile/manufactured home alteration permit fees for indigent permit applicants;
- Revisions to the disclosure requirements pertaining to the sale of mobile/manufactured homes;
- Allowing the parties involved to enter into a conditional sales agreement as is consistent with the sale of a site-built home;
- New provisions and penalties associated with auditing contractors that are performing work on manufactured/mobile homes;
- Changes to the department's ability to prohibit the sale or lease of mobile/manufactured homes; and
- Establishing notification provisions when an inspection is requested and if alterations to the home constitute a hazard to life, safety, or health.

In addition, these rules:

- Made changes to clarify how the department regulates commercial coaches that are used as medical units;
- Correct a reference in WAC 296-150P-0020 relating to the National Electrical Code;
- Adopt the latest edition of the American National Standards Institute (ANSI) and correct a reference to the National Electrical Code in WAC 296-150R-0020;
- Remove the definition for temporary locations in WAC 296-150V-0020;

As these rules are necessary to implement several of the provisions included in the act the department is authorized to adopt and put these rules into effect immediately.

May 30, 2003
Paul Trause
Director

NEW SECTION

WAC 296-150C-0150 How does the department regulate commercial coaches that are used as medical units as defined in chapter 296-150V WAC? (1) Commercial coaches that are used as medical units may either:

(a) Comply with the requirements of this chapter; or

(b) Receive approval by the department to comply with the applicable requirements found in chapter 296-150V WAC.

(2) You must contact the department to receive the approval required in subsection (1)(b) of this section prior to using the commercial coach as a medical unit by demonstrating that the commercial coach is being used for medical unit purposes.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

((WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES))	
INITIAL FILING FEE	\$ ((40.30)) 54.00
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$ ((197.50)) 266.00
INITIAL FEE - ONE YEAR DESIGN	\$ ((115.90)) 156.00
RENEWAL FEE	\$ ((40.30)) 54.00
RESUBMIT FEE	\$ ((57.80)) 78.00
ADDENDUM (Approval expires on same date as original plan.)	\$ ((57.80)) 78.00
ELECTRONIC PLAN SUBMITTAL FEE \$ ((4.50)) 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by ((WAC 296-46A-140)) chapter 296-46A WAC. Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$ ((57.80)) 59.40
Service/feeder Ampacity:	
0 - 100	\$ ((25.70)) 26.40
101 - 200	\$ ((32.10)) 32.90
201 - 400	\$ ((59.90)) 61.50
401 - 600	\$ ((70.70)) 72.60
601 - 800	\$ ((91.00)) 93.50
801 - 1000	\$ ((111.30)) 114.40
Over 1000	\$ ((120.80)) 124.10
Over 600 volts surcharge	\$ ((19.20)) 19.70
Thermostats:	

PERMANENT

((WAC 296-150F-3000 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES))	
First	\$((11.50)) <u>11.80</u>
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$((10.50)) <u>10.70</u>
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$((68.40)) <u>70.30</u>
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$((55.50)) <u>74.00</u>
FIRST STATION	\$((55.50)) <u>74.00</u>
EACH ADDITIONAL STATION	\$((20.50)) <u>27.00</u>
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$((88.20)) <u>119.00</u>
INITIAL FEE-ONE YEAR DESIGN	\$((53.40)) <u>72.00</u>
RENEWAL FEE	\$((53.40)) <u>72.00</u>
ADDENDUM	\$((53.40)) <u>72.00</u>
PLANS APPROVED BY DESIGN PROFESSIONALS	
	\$((40.30)) <u>54.00</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((11.00)) <u>14.00</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>69.00</u>
TRAVEL (Per hour*)	\$((57.80)) <u>69.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((57.80)) <u>69.00</u>
TRAVEL (Per hour*)	\$((57.80)) <u>69.00</u>
PER DIEM**	

PERMANENT

((WAC 296-150F-3000 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES))		
HOTEL***		
MILEAGE**		
RENTAL CAR***		
PARKING***		
AIRFARE***		
INSIGNIA FEES:		
FIRST SECTION		\$((162.50)) <u>220.00</u>
EACH ADDITIONAL SECTION		\$((15.90)) <u>20.00</u>
REISSUED-LOST/DAMAGED		\$((40.30)) <u>54.00</u>
OTHER FEES:		
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)		\$((57.80)) <u>69.00</u>
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)		\$((23.90)) <u>30.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)		\$((11.00)) <u>11.30</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.		
** Per state guidelines.		
*** Actual charges incurred.		

PERMANENT

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150P-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, structural system, plumbing systems, fuel systems and equipment or electrical systems of a recreational park trailer.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a recreational park trailer alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.5 Recreational Park Trailers, 1998 edition.

"Approved" is approved by the department of labor and industries.

"Audit" by the department is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and recreational park trailers.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, structural, electrical, plumbing, liquefied petroleum (LP) and/or natural

gas systems and appliances and air conditioning systems, if applicable to the plan of each recreational park trailer.

- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150P-0330.)

"Consumer" is a person or organization who buys or leases recreational park trailers.

"Dealer" is a person or organization whose business is offering recreational park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational park trailer manufacturer.

"National Electrical Code" see Appendix 'C' of ANSI ((A119-2)) A119.5 for reference to the appropriate edition to use for compliance.

"Recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;

- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"**Quality control**" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"**State-plan insignia**" is an insignia which is obtained under the state design-plan approval process.

"**System**" is a part of a recreational park trailer that is designed to serve a particular function such as plumbing, electrical, heating, mechanical or structural system.

AMENDATORY SECTION (Amending WSR 99-13-010, filed 6/4/99, effective 7/5/99)

WAC 296-150R-0020 What definitions apply to this chapter? "**Alteration**" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, plumbing systems, fuel systems and equipment or electrical systems of a recreational vehicle.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"**Alteration insignia**" is an insignia which indicates a vehicle alteration was approved by the department.

"**ANSI**" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational vehicles. For the purposes of this chapter, references to ANSI mean ANSI A119.2 Recreational Vehicles, ((1996)) 2002 edition. ((Effective September 1, 1999, the 1999 edition shall become effective.))

"**Approved**" is approved by the department of labor and industries.

"**Audit**" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"**Comprehensive design plan**" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"**Consumer**" is a person or organization who buys or leases recreational vehicles.

"**Dealer**" is a person or organization whose business is offering recreational vehicles for sale or lease.

"**Department**" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"**Equipment**" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"**Manual**" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle manufacturer.

"**National Electrical Code**" see Chapter ((5)) 2 of ANSI A119.2 for reference to the appropriate edition to use for compliance.

"**Quality control**" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"**Recreational vehicle**" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

"**Self-certification insignia**" is an insignia which is obtained under the self-certification approval process.

"**State-plan insignia**" is an insignia which is obtained under the state design-plan approval process.

"**System**" is a part of a recreational vehicle that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"**Vehicle**" for the purposes of this chapter, is a recreational vehicle.

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-0020 What definitions apply to this chapter? "**Alteration**" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction for concentrated floor loads, fire and life safety, or the plumbing, mechanical, and electrical systems of a conversion vendor unit or medical unit.

The following are not considered alterations:

- Repairs with approved parts;
- Modifications of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"**Approved**" is approved by the department of labor and industries.

"**Consumer**" is a person or organization, excluding a manufacturer or dealer of conversion vendor units or medical units, who buys or leases a conversion vendor unit or medical unit.

"Conversion vendor unit" means a motor vehicle or other structure that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be 8 feet 6 inches or less in width (exterior floor measurement) in the set-up position, and the inside working area must be less than 40 feet in length (interior floor measurement). Conversion vendor units:

- Are transported in only one section;
- Are designed for highway use;
- Are temporarily occupied for distribution of items, e.g., food;
- Are built on a permanent chassis; and
- Include at least one of the following systems: Plumbing, mechanical or 120 and/or 240 volt electrical.

"Damaged in transit" means damage that affects the integrity of a concentrated floor load design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading conversion vendor units, or medical units.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a conversion vendor unit or medical unit or conversion of a vehicle to a conversion vendor unit or medical unit including floor plans, specifications, or test results necessary for a complete evaluation of the design, if applicable.

"Design option" is a design that a manufacturer may use as an option to its conversion vendor unit or medical unit design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a conversion vendor unit or medical unit.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to conversion vendor units and medical units.

"Insignia" is a label that we attach to a conversion vendor unit or medical unit to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a conversion vendor unit or medical unit in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a conversion vendor unit or medical unit.

"Medical unit" is a type of self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles, and which:

- Is transportable;
- Is temporarily placed and used;
- Is built on a permanent chassis;
- Includes at least one system;
- Is for temporary use only.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a conversion vendor unit or medical unit designed to serve a particular function. Examples include plumbing, electrical, or mechanical systems.

~~("Temporary locations" means a maximum of thirty days on a site.)~~

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150V-0800 What ((~~manufacturing~~)) codes apply to conversion vendor units or medical units? (1) A conversion vendor unit or medical unit must comply with the following codes where applicable:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-42 WAC((;)).

(b)(i) For conversion vending units Article 551, Parts I through VI of National Electrical Code/National Fire Protection Agency (NFPA) 70, 2002 edition or Article 552, Parts I through V Article of National Electrical Code/National Fire Protection Agency (NFPA) 70, 2002 edition.

(ii) For medical units the National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46A WAC, installing electric wires and equipment((;)).

(c) Chapter 7 of American National Standards Institute (ANSI) A119.2, 2002 edition or the Uniform Plumbing Code as adopted and amended according to chapter 19.27 RCW((;)).

(d) The Washington State Building Code Council, chapter 51-40 WAC, Uniform Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7((;and)).

(e) The Washington State Energy Code, as adopted according to chapter 19.27A RCW, and the Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC, when heating and/or air conditioning is installed.

(2) Provide minimum health and safety to the occupants of conversion vendor units and medical units and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The conversion vendor unit or medical unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Exception: Sign circuits required by Article 600 of the National Electrical Code will not be required.

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AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-1090 What are the standards for equipment and installations? ~~((+))~~ The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- ~~((a))~~ • Installed according to the manufacturer's installation instructions; and
- ~~((b))~~ • Approved by a listing or testing agency.
- ~~((2) No solid fuel (e.g., charcoal) appliances may be installed in a conversion vendor unit or medical unit.)~~

Note: Gas furnaces, gas water heaters, and gas refrigerators must be sealed combustion or completely separated from the interior of the conversion vendor unit or medical unit.

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-1530 What general plumbing requirements apply? This chapter also applies to the installation of plumbing equipment in any conversion vendor unit or medical unit bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in conversion vendor units and medical units must conform to the provisions of Chapter 7 of ANSI 119.2, 2002 edition or the Uniform Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section. ~~((However,))~~ The following ~~((exceptions))~~ also apply:

- (1) We will allow a 1-1/4 inch drain for handwashing sinks with an antisiphon vent.
- (2) An antisiphon vent will be allowed on one and two compartment sinks in units as long as there is one vent to the exterior so the system will function. Sinks with three or more compartments must be installed as required by the Uniform Plumbing Code.
- ~~((3) Vent pipes may terminate through the roof or through the sidewall at a point as high as possible and not less than six feet from ground level.)~~

NEW SECTION

WAC 296-150V-1600 What are the requirements associated with medical and conversion vending units that have been manufactured and used outside the state according to RCW 43.22.380? (1) If the unit does not have any alterations made to body and frame design, construction, plumbing, heating or electrical installations since it was constructed, it will need an insignia issued by the department. In order to receive the insignia, the unit must have been:

- (a) Manufactured outside the state of Washington. Proof of this must be demonstrated by a certificate of origin, bill of sale, proof of purchase of materials, manufacture identification tag or serial number, or any other means acceptable to the department that shows that the unit was manufactured outside the state.
- (b) Used outside the state for at least six months or more. Proof of this must be demonstrated by showing the purchase of a license plate, a permit(s) issued by another state agency

for use in another state, insurance certificate, bill of sale, or any other means acceptable to the department that shows that the unit was used outside the state for at least six months.

(2) If the unit has had alterations made to the body and frame design, construction, plumbing, heating or electrical installations since it was constructed, it will need an insignia issued by the department. In order to receive the insignia, the alterations to the unit must be inspected and approved by the department and the unit must have been:

(a) Manufactured outside the state of Washington. Proof of this must be demonstrated by a certificate of origin, bill of sale, proof of purchase of materials, manufacture identification tag or serial number, or any other means acceptable to the department that shows that the unit was manufactured outside the state.

(b) Used outside the state for at least six months or more. Proof of this must be demonstrated by showing the purchase of a license plate, a permit(s) issued by another state agency for use in another state, insurance certificate, bill of sale, or any other means acceptable to the department that shows that the unit was used outside the state for at least six months.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150V-1220	What code and installation requirements apply to conversion vendor unit or medical unit electrical systems?
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AMENDATORY SECTION (Amending WSR 02-03-048, filed 1/9/02, effective 1/9/02)

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home

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standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration. This also includes other types of work and installations (plumbing, electrical, etc.) that are incidental to the structural alteration.

"Equipment" means the appliances used in the alteration or installation of a manufactured home.

Examples of appliances that require an alteration inspection include:

- Furnace;
- Water heater;
- Air conditioner; and
- Heat pump.

Examples of appliances that do not require an alteration inspection include:

- Microwave oven;
- Washer;
- Dryer; and
- Dishwasher and range that are connected to their source of power by a plug-in cord.

"Equivalent air conditioning/heat pump components" is equipment that performs the same function and is compatible with the equipment of another manufacturer, sometimes referred to as mix and match.

"Footing" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or **"skirting"** is the material that surrounds and encloses the space under the manufactured home.

"Homeowner" is an individual who owns a manufactured home. Dealers, distributors, and developers are not regarded as homeowners.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Indigent" means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the most recently published federal poverty level.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site. Site

means a tract, parcel, or subdivision of land including a mobile home park.

"Installed manufactured or mobile home" is a manufactured or mobile home that has been placed on either private property or in a park and has been installed for occupancy. Installation includes the approval of the blocking of the home, and the connection of the home to all of the utilities, including water, sewer and electrical.

"IPIA" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"Manufactured home" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"Mobile home" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"Park site" is the installation location of a manufactured home within a residential area for manufactured homes.

"Repair" is to restore an item to sound condition, to fix.

"Replacement" is the act or process of replacing, to substitute.

"Structural alteration-custom design" is a design that can only be used once.

"Structural alteration-master design" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"System" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

AMENDATORY SECTION (Amending WSR 02-03-048, filed 1/9/02, effective 1/9/02)

WAC 296-150M-0049 ~~What must be done prior to the sale of ((a)) an installed manufactured or ((f))mobile(g)) home by a homeowner? (1) Prior to the sale of any installed manufactured(f) or mobile home, the homeowner must:~~

(a) Deliver to the buyer a completed property transfer disclosure statement ((including)) in accordance with chapter 64.06 RCW, unless the seller is exempt or the buyer waives his or her rights pursuant to chapter 64.06 RCW. The disclosure statement must include all the criteria specified in RCW 64.06.020 and any variance(s) granted according to WAC 296-150M-0140((-and)). In addition, the homeowner must:

((a)) (i) Have all department insignia required by this chapter; or

((b)) (ii) Have all department insignia required by this chapter for alterations performed during ownership of the home and include in the property transfer disclosure statement all alterations that were known to have been performed by any previous owner or occupant of the home.

((c)) (b) Nothing in subsection (1) of this section shall have any effect on any written warranty(ies) required by RCW 46.70.135.

((d)) (c) Subsection (1)((b)) (a)(ii) of this section does not ((apply to)) permit the sale of an unsafe manufactured((f)) or mobile home((s-that)) when the use of which may constitute a hazard to life, safety, or health.

(2) The homeowner may enter into a conditional sale of an altered manufactured or mobile home. A conditional sales agreement may be executed only if, prior to execution, the seller has complied with subsection (1) of this section. For purposes of this subsection "conditional sale" means an agreement between the seller and the purchaser which is contingent on the seller fulfilling the conditions established by the purchaser (i.e., the sale of the home is contingent on the seller ensuring that alterations performed to the manufactured or mobile home are in compliance with these rules).

(3) The homeowner may request an inspection by the department. If after the inspection the department determines that an alteration may constitute a hazard to life, safety, or health, the department must notify the homeowner in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

Note: In addition to the homeowner requesting an inspection by the department, any party including the buyer and/or party financing the sale may also request an inspection. The department will conduct the inspection and if after the inspection the department determines that an alteration may constitute a hazard to life, safety, or health, the department shall notify the interested parties identified by the requesting party in writing within thirty days of completing the inspection. The department may also notify the local offi-

cial responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0050 ~~((Can I sell or lease a manufactured home that has been)) When can a manufactured home be posted with a prohibited sale or lease notice? (1) ((If we find your manufactured home violates this chapter or federal standards in 24 CFR 3280, we may attach a prohibited sale or lease notice to your unit.~~

~~(2) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.~~

~~(3) A prohibited sale or lease notice shall remain posted until the code violation is corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000.)) A manufactured home may be posted with a prohibited sale notice when:~~

(a) The home is being sold or offered for sale by a retailer, dealer, distributor or manufacturer and we find that the home is not an installed manufactured or mobile home per WAC 296-150M-0020 and the home has alterations without required insignia or approval; or

(b) The home is being sold or offered for sale by a homeowner and it is not an installed manufactured or mobile home per WAC 296-150M-0020.

(2) A manufactured home may be posted with a prohibited lease notice whenever the home is offered for lease by any party and we find that the home has alterations that constitute a hazard to life, safety, or health.

NEW SECTION

WAC 296-150M-0051 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice? (1) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.

(2) A prohibited sale or lease notice shall remain posted until the code violation(s) are corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000.)

AMENDATORY SECTION (Amending WSR 02-03-048, filed 1/9/02, effective 1/9/02)

WAC 296-150M-0302 What are some examples of work to manufactured ((f)) or mobile(g)) homes that either require or do not require a permit and inspection?

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(1) Air Conditioner/Heat Pump		
(a) New installation	X	
(b) Replacement	X	
(c) Reconnection after moving home	X	

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TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(d) Repair		X
(e) Adjustment and/or maintenance		X
(2) Bottom Board - Repair		X
(3) Clothes Washer		
(a) New installation		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(4) Clothes Dryer (Electric)		
(a) New installation (Pre-wired electrical)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas clothes dryer when modifications to electrical or gas systems are performed	X	
(5) Clothes Dryer (Gas)		
(a) New installation (Pre-plumbed gas)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric clothes dryer when modifications to electrical or gas systems are performed	X	
(6) Dishwasher		
(a) New installation	X	
(b) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(7) Doors (Interior and Exterior)		
(a) Additional*	X	
(b) Replacement of door that fits into the same opening		X
(8) Electrical		
(a) Replacing main electrical panel	X	
(b) Adding circuits	X	
(c) Extending existing circuit(s)	X	
(d) Replacing lighting fixtures	X	
(e) Replacing circuit breakers/fuses		X
(f) Replacing switches, receptacles, light bulbs, fluorescent tubes and glass or plastic shades		X
(g) Repairing bath exhaust fans		X
(h) Repairing fans in kitchen range hoods		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(9) Exterior Finish		
(a) Painting		X
(b) Replacement of siding	X	
(10) Furnace (Electric)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas furnace	X	
(11) Furnace (Gas)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Change from LP Gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(e) Adjustment and/or maintenance		X
(f) Replacement with electric furnace	X	
(12) Gas Lines		
(a) New installation	X	
(b) Extend existing gas line	X	
(c) Repair	X	
(13) Interior		
(a) Painting, wall papering and similar finish work		X
(b) Replacement or addition of curtains, drapes, blinds, window shades and other window coverings		X
(c) Replacement of carpeting and other floor-covering materials with similar materials		X
(14) Microwave Oven (Over range)		
(a) New installation when electrical system modifications are performed	X	
(b) Replacement		X
(c) Repair		X
(d) Adjustment and/or maintenance		X
(15) Microwave Oven (Countertop)		X
(16) Pellet Stove		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(17) Plumbing		
(a) Adding plumbing fixtures***	X	
(b) Repairing damage***	X	
(c) Replacing fixtures***		X

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TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(d) Repairing fixtures***		X
(e) Replacement/repair of shower doors and curtains		X
(18) Range/Cook Top/Eye Level Oven (Electric)		
(a) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(b) Repair with approved parts		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas appliance(s)	X	
(19) Range/Cook Top/Eye Level Oven (Gas)		
(a) New installation	X	
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric appliance(s)	X	
(20) Roofing		
(a) Reroofing	X	
(b) Applying liquid or mastic roof sealant to a metal roof		X
(c) Repair of damaged composition shingles		X
(21) Structural changes		
(a) Adding a dormer*	X	
(b) Truss repairs*	X	
(c) Add opening in wall**	X	
(d) Add gypsum board to walls or ceilings	X	
(e) Repair or replacing floor decking/joists	X	
(22) Water Heater (Electric)		
(a) Replacement w/electric water heater	X	
(b) Repair		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas water heater	X	
(23) Water Heater (Gas)		
(a) Replacement w/gas water heater	X	
(b) Repair		X
(c) Change from LP gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric water heater	X	
(24) Windows		
(a) Replacement (Except bedroom egress) is same opening with no structural changes		X
(b) Replacement of bedroom egress	X	
(c) Replacement when structural changes are required	X	
(d) Replacement of glass		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(25) Wood Stove/Fireplace		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

* May also require a plan review. Please contact your local L&I representative.

** May also require a plan review. The department has detailed drawings you may use for openings in sidewalls. Please contact your local L&I representative.

*** Fixtures include: faucets, sinks, lavatories, laundry tubs, water closets (toilets), tubs, showers and tub/shower combos.

NOTE: Exemption from the permit and inspection requirements shall not be deemed to grant authorization for any work to be done in violation of the applicable code, Chapter 296-150M WAC.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0320 What must I provide to request approval of an alteration? (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

- (a) A description of the proposed alteration(s);
- (b) Applicable specifications, engineering data, test procedures and results; and
- (c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

Note: The department may waive alteration permit fees for indigent permit applicants. (See WAC 296-150M-0322.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

NEW SECTION

WAC 296-150M-0322 Data requirements for the identification of indigent persons. (1) Any one of the following documents shall be considered sufficient evidence upon which to base the final determination of indigent status, when the income information is annualized as may be appropriate:

- (a) A "W-2" withholding statement from all employers for the previous year;
- (b) Pay stubs from all employers for the previous year;
- (c) An income tax return from the most recently filed calendar year;
- (d) Forms approving or denying eligibility for Medicaid and/or state-funded medical assistance;

(e) Forms approving or denying unemployment compensation; or

(f) Written statements from all employers for the previous year or welfare agencies.

(2) In the event that the responsible party is not able to provide any of the documentation described above, the department shall rely upon written and signed declarations under penalty of perjury from the responsible party for making a final determination of eligibility for classification as an indigent person.

(3) Information requests, from the department to the responsible party, for the verification of income and family size shall be limited to that which is reasonably necessary to substantiate the responsible party's qualification for indigent status, and may not be used to discourage applications for such status. Only those facts relevant to eligibility may be verified.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0360 When is design plan approval required for an alteration? (1) Design plan approval is required when you make a structural alteration to your manufactured home.

(2) A structural alteration is a change to the body or frame of a manufactured home. For example:

(a) An alteration is made if you change the size of a room or the pitch of a roof on your manufactured home.

(b) Any addition such as a carport that adds structural load to the manufactured home and is not fully self-supporting is an alteration.

(c) Alterations or installations of other types of work (plumbing, electrical, etc.) that are incidental to the structural alteration.

AUDIT

NEW SECTION

WAC 296-150M-0705 Definitions applicable to this part. "Audit" means an assessment, evaluation, examination or investigation of a contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 43.22.360 through 43.23.390 requiring permits for alterations to manufactured and mobile homes.

"Records" include, but are not limited to, all bids, invoices, billing receipts which show that the work was performed on a manufactured/mobile home, permits purchased from labor and industries for alterations to manufactured/mobile homes, purchases of materials and payroll records.

NEW SECTION

WAC 296-150M-0715 May the department audit the records of a contractor? Yes, based on RCW 43.22.434 the department may audit the records of contractors as defined in chapter 18.27, 18.106, or 19.28 RCW when the department

has reason to believe that a violation of the permitting requirements has occurred.

NEW SECTION

WAC 296-150M-0725 What procedures will the department follow when auditing the records of construction, plumbing and electrical contractors? The department will follow the following procedures when auditing:

(1) The time period covered by the audit may be less than one year but will not exceed three years from the date of notification of an audit.

(2) Every construction, plumbing and electrical contractor must keep records of jobs performed for at least the time frames specified in subsection (1) of this section. Upon the request of the director's authorized representative, these records must be made available to the department for inspection within seven business days.

(3) The department's audits may include, but may not be limited to, the following:

(a) An audit to determine if the contractor performed work on a manufactured or mobile home without procuring the proper permit;

(b) An audit to determine if the contractor failed to correct within twenty days any violations noted on an alteration permit; and

(c) An audit covering a specific time period and examining a contractor's records, which may include billing information, location of where the work was performed, type of work performed, for whom the work was performed, etc.

(4) Any information obtained as a result of an audit under provisions of RCW 43.22.434 is confidential and is not open to public inspection under chapter 42.17 RCW.

PENALTIES

NEW SECTION

WAC 296-150M-0800 Definitions applicable to this part. "Administrative law judge" is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 43.22 RCW.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

"Appellant" means any person, contractor, firm, partnership, corporation, or other entity that has filed an appeal.

"Compliance inspector" refers to the departmental staff responsible for investigating potential violations of chapter 43.22 RCW.

"Contractor" is as defined in chapters 18.27, 18.106, and 19.28 RCW.

"Department" refers to the department of labor and industries.

"Infraction" means a violation of chapter 43.22 RCW as cited by the department's compliance inspectors.

NEW SECTION

WAC 296-150M-0805 How does the department ensure that a contractor, firm, partnership, or corporation complies with the requirements of chapter 43.22 RCW? The department of labor and industries ensures that contractors, firms, partnerships, and corporations comply with the requirements of chapter 43.22 RCW and this chapter which require a permit and inspection by the department of alterations to manufactured and mobile homes by:

- (1) Inspecting manufactured and mobile home job sites by the department's compliance inspectors; or
- (2) Auditing the records of contractors per WAC 296-150M-0720.

NEW SECTION

WAC 296-150M-0810 What violations of chapter 43.22 RCW can result in the issuance of a notice of infraction? (1) Under chapter 43.22 RCW, the department can issue a notice of infraction to a contractor for:

- (a) Failure to obtain a permit before altering a manufactured or mobile home as required by chapter 296-150M WAC;
- (b) Failure to correct violations noted as a result of an inspection requested as a result of having purchased a permit.
- (2) Each worksite at which a violation occurs constitutes a separate infraction.
- (3) Each day on which a violation occurs constitutes a separate infraction.
- (4) See WAC 296-150M-0860 for the specific monetary penalties associated with each of the violations discussed in this section.

NEW SECTION

WAC 296-150M-0815 What information must be included in a notice of infraction? When a contractor violates chapter 43.22 RCW, the department may issue a notice of infraction which must contain the following:

- (1) A description of the violation;
- (2) A statement of what is required to correct the violation;
- (3) The date by which the department requires corrections to be achieved; and
- (4) Notice of the individual or department office that must be contacted to obtain a permit or other compliance information.

NEW SECTION

WAC 296-150M-0820 Who can be issued a notice of infraction? A contractor, firm, partnership, or corporation may be issued a notice of infraction for violations of chapter 43.22 RCW and this chapter.

The department must by certified mail send the written notice of civil penalties imposed under chapter 43.22 RCW and this chapter to the last known address of the party named in the notice.

NEW SECTION

WAC 296-150M-0830 How does a contractor, firm, partnership, or corporation appeal a notice of infraction? The contractor, firm, partnership, or corporation must:

- (1) File two copies of an appeal notice, specifying the reasons for the appeal, at the office designated on the notice of infraction; and
- (2) File the appeal notice within twenty days of the mailing of the infraction.

NEW SECTION

WAC 296-150M-0835 Who presides over an appeal hearing and where is it held? An administrative law judge from the office of administrative hearings will preside over the hearing and give a decision. The hearing shall be conducted in the county where the infraction occurred. However, both the appellant and the department have a right to ask the administrative law judge to change the hearing's location.

NEW SECTION

WAC 296-150M-0840 Who will represent the appellant and the department at the appeal hearing? Appellants may either represent themselves or be represented by an attorney. The department shall be represented by the office of attorney general.

NEW SECTION

WAC 296-150M-0845 How is the appeal hearing conducted? The hearing process shall be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC. All appeals of the hearing decision shall be to the superior court according to chapter 34.05 RCW.

NEW SECTION

WAC 296-150M-0855 What does the department do with the appeal notices that they receive? (1) Appeal notices that are received timely are first reviewed by the department for purposes of reconsideration.

(2) Appeal notices that are not received timely will be returned to the appellant with appeal rights stated.

(3) Appeal notices that are received timely and are not reconsidered according to subsection (1) of this section are recorded and forwarded to the office of the attorney general then to the office of administrative hearings.

NEW SECTION

WAC 296-150M-0860 What monetary penalties will be assessed for an infraction issued for violations of chapter 43.22 RCW and this chapter? Monetary penalties that may be assessed for a violation of chapter 43.22 RCW and this chapter are:

Monetary Penalties	Dollar Amount
First Violation	\$ 200.00*
Second Violation	\$ 400.00
Third Violation	\$ 800.00
Each Additional Violation	\$ 1,000.00

* Minimum penalty per violation. Once a violation of chapter 43.22 RCW and this chapter becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the above table.

ties? (1) If a contractor, firm, partnership, or corporation named in a notice of infraction does not choose to appeal the notice, then the contractor, firm, partnership, or corporation must pay the department the amount of the penalty prescribed for the infraction.

(2) After an administrative law judge decides that an infraction has been committed, a contractor who does not appeal the decision to a superior court, has thirty days to pay any outstanding monetary penalties.

NEW SECTION

WAC 296-150M-0865 When must a contractor, firm, partnership, or corporation pay assessed monetary penal-

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150M-3000 Manufactured home fees.

((WAC 296-150M-3000 MANUFACTURED HOME FEES))	
INITIAL FILING FEE	(\$28.80) \$ 29.60
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	(\$115.99) \$ 119.10
STRUCTURAL ALTERATION - ONE YEAR DESIGN	(\$81.00) \$ 80.00
RENEWAL FEE	(\$34.70) \$ 35.60
RESUBMITTAL FEE	(\$57.80) \$ 59.40
ADDENDUM (Approval expires on the same date as original plan.)	(\$57.80) \$ 59.40
ELECTRONIC PLAN SUBMITTAL FEE (\$4.50) \$4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT INSPECTION FEES:	
INSPECTION ((Per hour*))	(\$57.80)
MECHANICAL	
Heat Pump	\$ 30.00
Combination Heat Pump (new) and Furnace (replacement)	\$ 40.00
Air Conditioning	\$ 30.00
Combination Air Conditioning (new) and Furnace (replacement)	\$ 40.00
Furnace Installation (gas*** or electric)	\$ 30.00
Gas*** Piping	\$ 30.00
Wood Stove	\$ 30.00
Pellet Stove	\$ 30.00
Gas*** Room Heater	\$ 30.00
Gas*** Decorative Appliance	\$ 30.00
Range: Changing from electric to gas***	\$ 30.00
Gas*** Water Heater Replacement	\$ 20.00
Water Heater: Changing from electric to gas***	\$ 20.00
Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge	\$ 60.00
ELECTRICAL	
Heat Pump	\$ 40.00
Heat Pump (when home is prewired for a heat pump)	\$ 10.00
Combination Heat Pump (new) and Furnace (replacement)	\$ 50.00
Air Conditioner	\$ 40.00
Air Conditioner (when home is prewired for an air conditioner)	\$ 10.00
Combination Air Conditioner (new) and Furnace (replacement)	\$ 50.00
Furnace Installation (gas or electric)	\$ 40.00
Wood Stove (if applicable)	\$ 40.00
Pellet Stove (if applicable)	\$ 40.00

PERMANENT

((WAC 296-150M 3000 MANUFACTURED HOME FEES))	
Gas*** Room Heater (if applicable)	\$ 40.00
Gas*** Decorative Appliance (if applicable)	\$ 40.00
Range: Changing from gas*** to electric	\$ 40.00
Electric Water Heater Replacement	\$ 40.00
Electric Water Heater replacing Gas*** Water Heater	\$ 40.00
Each added or modified 120 volt circuit (maximum charge is two circuits)	\$ 40.00
Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas)	\$ 40.00
Hot Tub or Spa (power from home electrical panel)	\$ 40.00
Replace main electrical panel	\$ 40.00
Low voltage fire/intrusion alarm	\$ 40.00
Fire Safety	\$ 40.00
Any combination of Furnace, Range and Water Heater changing from electric to gas***	\$ 40.00
PLUMBING	
Fire sprinkler system (also requires a plan review)	\$ 20.00
Each added fixture	\$ 20.00
Replacement of water piping system (this includes two inspections)	\$ 90.00
STRUCTURAL	
Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)	\$ 40.00
Reroofs (may require a plan review)	\$ 70.00
Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)	\$ 70.00
Other structural changes (may require a plan review)	\$ 70.00
Fire Safety (may also require an electrical fire safety inspection)	\$ 40.00
MISCELLANEOUS	
Other structural changes (may require a plan review)	\$ 70.00
Plan Review	\$ 80.00
OTHER REQUIRED INSPECTIONS (Per hour*)	(\$ 57.80) \$ 55.00
ALL REINSPECTIONS (Per hour*)	(\$ 57.80) \$ 55.00
INSIGNIA FEES:	
ALTERATION	(\$ 28.80) \$ 10.00
REISSUED - LOST/DAMAGED	(\$ 16.90) \$ 10.00
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	(\$ 26.40) \$ 27.10
Second and succeeding inspections of ((unlabelled)) <u>unlabeled</u> sections (Per hour*)	(\$ 57.80) \$ 59.40
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	(\$ 57.80) \$ 59.40
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Attendance at manufacturers training classes (Per hour* only)	(\$ 57.80) \$ 59.40
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Alterations to a ((labelled)) <u>labeled</u> unit (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	(\$ 57.80) \$ 59.40
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	(\$ 57.80) \$ 59.40
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	(\$ 57.80) \$ 59.40

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((WAC 296-150M-3000 MANUFACTURED HOME FEES))	
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	((\$ 57.80)) \$ 59.40
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	((\$ 57.80)) \$ 59.40
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	((\$ 57.80)) \$ 59.40
State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)	\$ 59.40
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	((\$ 57.80)) \$ 55.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	((\$ 11.00)) \$ 11.30
<u>VARIANCE INSPECTION FEE</u>	\$ 80.00
<u>HOMEOWNER REQUESTED INSPECTION</u>	\$ 80.00
<u>DECERTIFICATION OF A MOBILE/MANUFACTURED HOME</u>	\$ 80.00
<u>DEMOLITION OF A MOBILE/MANUFACTURED HOME</u>	\$ 80.00
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** ((Actual charges incurred.)) Gas means all gases; natural, propane, etc.	

**WSR 03-12-045
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed May 30, 2003, 11:50 a.m.]

Date of Adoption: May 30, 2003.

Purpose: Fees and other related changes for elevator (chapter 296-96 WAC), factory assembled structures (chapters 296-150C, 296-150P, 296-150R, 296-150T, and 296-150V WAC), and plumber certification (chapter 296-400A WAC).

The department has adopted a 3.29% (rounded down to the nearest tenth of a dollar) general increase in fees for the factory assembled structures (excluding manufactured/mobile home and factory-built housing fees) and plumber certification programs. The 3.29% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2003. The general fee increases are necessary to help offset inflation and maintain the financial health and operational effectiveness of the programs.

In addition, a few changes were made to the elevator inspection fees. The department has the authority to set these fees in excess of the fiscal growth factor in response to the passage of the 2001 operating budget (chapter 7, Laws of 2001 - ESSB 6153) to ensure the fees fully fund the cost of the elevator program. Section 217(3) of ESSB 6153 authorized these fee changes:

"It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program."

Lastly, the plumber certification fee schedule was restructured to combine all the fees into one location for purposes of clarity.

Citation of Existing Rules Affected by this Order: Amending WAC 296-96-01005, 296-96-01030, 296-96-01050, 296-96-01055, 296-150C-3000, 296-150P-3000, 296-150R-3000, 296-150T-3000, 296-150V-3000, and 296-400A-045.

Statutory Authority for Adoption: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, and chapter 7, Laws of 2001 (ESSB 6153).

Other Authority: Chapters 18.106, 43.22, and 70.87 RCW.

Adopted under notice filed as WSR 03-09-108 on April 22, 2003.

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 3, 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 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 30, 2003
Paul Trause
Director

PERMANENT

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150C-3000 Commercial coach fees.

((WAC 296-150C-3000 COMMERCIAL COACH FEES))	
INITIAL FILING FEE	\$(29.60) 30.50
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(203.00) 209.60
INITIAL FEE - ONE YEAR DESIGN	\$(83.20) 85.90
RENEWAL FEE	\$(35.30) 36.40
RESUBMIT FEE	\$(59.40) 61.30
ADDENDUM (Approval expires on same date as original plan)	\$(59.40) 61.30
ELECTRONIC PLAN SUBMITTAL FEE \$(4.60) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by <u>chapter 296-46B</u> WAC ((296-46A-140)). Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$(59.40) 61.30
Service/feeder Ampacity:	
0 - 100	\$(26.40) 27.20
101 - 200	\$(32.90) 33.90
201 - 400	\$(61.50) 63.50
401 - 600	\$(72.60) 74.90
601 - 800	\$(93.50) 96.50
801 - 1000	\$(114.40) 118.10
Over 1000	\$(124.10) 128.10
Over 600 volts surcharge	\$(19.70) 20.30
Thermostats:	
First	\$(11.80) 12.10
Each additional	3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(10.70) 11.00
Each additional circuit or zone	2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	
	\$(70.30) 72.60
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$(57.00) 58.80
FIRST STATION	\$(57.00) 58.80
EACH ADDITIONAL STATION	\$(21.00) 21.60
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$(90.60) 93.50
INITIAL FEE - ONE YEAR DESIGN	\$(54.80) 56.60
RENEWAL FEE	\$(54.80) 56.60

PERMANENT

PERMANENT

((WAC 296-150C-3000 COMMERCIAL COACH FEES))	
ADDENDUM	\$((54.80)) <u>56.60</u>
PLANS APPROVED BY PROFESSIONALS	\$((41.40)) <u>42.70</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((11.30)) <u>11.60</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((59.40)) <u>61.30</u>
TRAVEL (Per hour)	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((59.40)) <u>61.30</u>
TRAVEL (Per hour*)	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((18.20)) <u>18.70</u>
EACH ADDITIONAL SECTION	\$((11.30)) <u>11.60</u>
ALTERATION	\$((29.60)) <u>30.50</u>
REISSUED-LOST/DAMAGED	\$((11.30)) <u>11.60</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((59.40)) <u>61.30</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.30)) <u>11.60</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150P-3000 Recreational park trailer fees.

((WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES))	
INITIAL FILING FEE	\$((29.60)) <u>30.50</u>
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$((83.20)) <u>85.90</u>
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$((109.80)) <u>113.40</u>
RESUBMITTAL FEE	\$((59.40)) <u>61.30</u>

((WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES))	
ADDENDUM (Approval expires on same date as original plan.)	\$((59.40)) <u>61.30</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((11.30)) <u>11.60</u>
RESUBMITTAL FEE	\$((59.40)) <u>61.30</u>
ADDENDUM	\$((59.40)) <u>61.30</u>
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((59.40)) <u>61.30</u>
TRAVEL (per hour)*	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((59.40)) <u>61.30</u>
TRAVEL (per hour)*	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$((11.10)) <u>11.40</u>
ALTERATION	\$((29.60)) <u>30.50</u>
REISSUED-LOST/DAMAGED	\$((11.10)) <u>11.40</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((59.40)) <u>61.30</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((11.30)) <u>11.60</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150R-3000 Recreational vehicle fees.

PERMANENT

((WAC 296-150R-3000 RECREATIONAL VEHICLE FEES))	
STATE PLAN	
INITIAL FILING FEE	\$(29.60) <u>30.50</u>
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$(83.20) <u>85.90</u>
RESUBMITTAL FEE	\$(59.40) <u>61.30</u>
ADDENDUM (Approval expires on same date as original plan.)	\$(59.40) <u>61.30</u>
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$(11.30) <u>11.60</u>
RESUBMITTAL FEE	\$(59.40) <u>61.30</u>
ADDENDUM	\$(59.40) <u>61.30</u>
ELECTRONIC PLAN SUBMITTAL FEE \$(4.60) <u>4.70</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(59.40) <u>61.30</u>
TRAVEL (per hour)*	\$(59.40) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(59.40) <u>61.30</u>
TRAVEL (per hour)*	\$(59.40) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$(10.70) <u>11.00</u>
ALTERATION	\$(29.60) <u>30.50</u>
REISSUED-LOST/DAMAGED	\$(10.70) <u>11.00</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(59.40) <u>61.30</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$(11.30) <u>11.60</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

PERMANENT

((WAC 296-150R-3000 RECREATIONAL VEHICLE FEES))	
SELF CERTIFICATION	
INITIAL FILING FEE	\$(29.60) <u>30.50</u>
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$(83.20) <u>85.90</u>
RESUBMITTAL FEE	\$(59.40) <u>61.30</u>

PERMANENT

((WAC 296-150R-3000 RECREATIONAL VEHICLE FEES))	
ADDENDUM (Approval expires on same date as original plan.)	\$((59.40)) 61.30
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$((11.30)) 11.60
RESUBMITTAL FEE	\$((59.40)) 61.30
ADDENDUM	\$((59.40)) 61.30
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((59.40)) 61.30
TRAVEL (per hour)*	\$((59.40)) 61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((59.40)) 61.30
TRAVEL (per hour)*	\$((59.40)) 61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$((10.70)) 11.00
ALTERATION	\$((29.60)) 30.50
REISSUED-LOST/DAMAGED	\$((10.70)) 11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((59.40)) 61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((11.30)) 11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

((WAC 296-150T-3000 TEMPORARY WORKER HOUSING FEES))	
INITIAL FILING FEE	\$((41.40)) 42.70
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$((119.10)) 123.00
RENEWAL FEE	\$((41.40)) 42.70
RESUBMIT FEE	\$((59.40)) 61.30
ADDENDUM (Approval expires on same date as original plan)	\$((59.40)) 61.30
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	

Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$(70.30) <u>72.76</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$(11.30) <u>11.60</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(59.40) <u>61.30</u>
TRAVEL (Per hour)*	\$(59.40) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(59.40) <u>61.30</u>
TRAVEL (Per hour*)	\$(59.40) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$(167.00) <u>172.40</u>
EACH ADDITIONAL SECTION	\$(16.30) <u>16.80</u>
REISSUED-LOST/DAMAGED	\$(41.40) <u>42.70</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$(59.40) <u>61.30</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$(11.30) <u>11.60</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PERMANENT

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

((WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS))	
INITIAL FILING FEE	\$(29.60) <u>30.50</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(203.00) <u>209.60</u>
INITIAL FEE - ONE YEAR DESIGN	\$(83.20) <u>85.90</u>
RENEWAL FEE	\$(35.60) <u>36.70</u>
RESUBMIT FEE	\$(59.40) <u>61.30</u>

PERMANENT

((WAC 296 150V 3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS))	
ADDENDUM (Approval expires on same date as original plan)	\$((59.40)) <u>61.30</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
RECIPROCAL PLAN REVIEW: (((Pending)))	
INITIAL FEE - MASTER DESIGN	\$((90.60)) <u>93.50</u>
INITIAL FEE - ONE YEAR DESIGN	\$((54.80)) <u>56.60</u>
RENEWAL FEE	\$((54.80)) <u>56.60</u>
ADDENDUM	\$((54.80)) <u>56.60</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((11.30)) <u>11.60</u>
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((59.40)) <u>61.30</u>
TRAVEL (Per hour)*	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((59.40)) <u>61.30</u>
TRAVEL (Per hour*)	\$((59.40)) <u>61.30</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((17.30)) <u>17.80</u>
ALTERATION	\$((29.60)) <u>30.50</u>
REISSUED-LOST/DAMAGED	\$((11.30)) <u>11.60</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((59.40)) <u>61.30</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.30)) <u>11.60</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	

~~(WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS))~~

*** Actual charges incurred.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01005 When do I need a permit? (1)

You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance as described in the definitions for this chapter. To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue; however, permits may be renewed if you:

- (a) Apply for a renewal permit before your current permit expires;
- (b) The department approves your request for a renewal permit;
- (c) You pay a ~~((one-))~~ fifty-dollar renewal fee to the department for each permit you renew; and
- (d) If your permit has expired you must reapply for a new permit.

(3) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equivalent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME) ~~((A17-1))~~, the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved

plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration \$25.00
 If more than two sets of plans are submitted, the fee for each additional set \$10.00

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of ~~(((\$150.00))~~ \$60.00 per ~~((conveyance plus \$50.00 per hour in travel time and))~~ hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of \$60.00 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification ~~((excluding backflow assembly maintenance and repair specialty certification))~~:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Examination application	Per examination	\$(108.25)) 111.80
Reciprocity application	Per application	\$(108.25)) 111.80
Trainee certificate**	One year	\$(32.50)) 33.50
Temporary permit <u>(not applicable for backflow assembly maintenance and repair specialty)</u>	90 days	\$(54.00)) 55.70
Journeyman or residential specialty certificate***	Two years <u>(fee may be prorated based on months)</u>	\$(86.75)) 89.60
<u>Backflow assembly maintenance and repair specialty certificate</u>	<u>Two years (fee may be prorated based on months)</u>	\$61.90

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((Journeyman or specialty certificate	Less than two years	\$3.50 per month with a minimum fee of \$32.50))
Medical gas endorsement examination application	Per application	\$(40.00)) <u>41.30</u>
Medical gas endorsement***	One year	\$(30.00)) <u>30.90</u>
Medical gas endorsement	Less than one year	\$2.50 per month with a minimum fee of \$(17.50)) <u>18.00</u>
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement ((of)) <u>fee for residential and journeyman certificates</u>		\$(173.50)) <u>179.20</u>
<u>Reinstatement fee for backflow assembly maintenance and repair specialty certificates</u>		<u>\$103.20</u>
Replacement ((of)) <u>fee for all certificates</u>		\$(15.00)) <u>15.40</u>

- * Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) that the department has a reciprocity agreement with.
- ** The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.
- *** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birthdate.
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.
- **** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of prepar-

ing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

**** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

***** If more than 90 days the applicant must reapply and pay the applicable fees.

(2) ~~((Fees related to the backflow assembly maintenance and repair specialty certificate:~~

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Examination application	Per examination	\$108.25
Reciprocity application*	Per application	\$108.25
Trainee certificate**	One year	\$32.50
Backflow assembly maintenance and repair specialty certificate	Two years	\$60.00
Backflow assembly maintenance and repair specialty certificate	Less than two years	\$2.50 per month with a minimum fee of \$17.50
Reinstatement fee		\$100.00
Replacement of certificates		\$15.00

- ~~* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) that the department has a reciprocity agreement with.~~
- ~~** The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.~~

~~(3))~~ If your birth year is:
 (a) In an even-numbered year, your certificate will expire on your birthdate in the next even-numbered year.
 (b) In an odd-numbered year, your certificate will expire on your birthdate in the next odd-numbered year.

**WSR 03-12-046
 PERMANENT RULES
 DEPARTMENT OF
 LABOR AND INDUSTRIES**

[Filed May 30, 2003, 11:53 a.m., effective July 1, 2003]

Date of Adoption: May 30, 2003.

Purpose: Industrial insurance rules: Presumptive coverage and tobacco use for fire fighters WAC 296-14-310, 296-14-315, 296-14-320, 296-14-325, and 296-14-330, to define the extent of tobacco use that shall exclude a fire fighter from receiving presumptive coverage for a heart or lung condition under the Industrial Insurance Act.

Statutory Authority for Adoption: RCW 51.04.020, 51.32.185.

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receiving presumptive coverage for a heart or lung condition under the Industrial Insurance Act.

Statutory Authority for Adoption: RCW 51.04.020, 51.32.185.

Adopted under notice filed as WSR 03-06-074 on March 4, 2003.

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 5, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 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 5, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2003.

May 30, 2003
Paul Trause
Director

NEW SECTION

WAC 296-14-310 When does a presumption of occupational disease for fire fighters apply? RCW 51.32.185 specifies a presumption that certain medical conditions are occupational diseases for fire fighters. Those conditions are heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances; respiratory disease; specific cancers as defined by RCW 51.32.185; and infectious diseases as defined by RCW 51.32.185.

For claims filed on or after July 1, 2003, the presumption may not apply to heart or lung conditions if a fire fighter is a user of tobacco products.

When the presumption does not apply, the claim is not automatically denied. However, the burden is on the worker to prove that the condition is an occupational disease.

NEW SECTION

WAC 296-14-315 Definitions. (1) **Tobacco products:** For purposes of this rule, tobacco products are limited to those that are smoked, including cigarettes, pipes and cigars.

(2) **User of tobacco products:** For the purposes of this rule, a user of tobacco products is a "smoker."

(3) **Current smoker:** A current smoker is a regular user of tobacco products, has smoked tobacco products at least one hundred times in his/her lifetime, and as of the date of manifestation did smoke tobacco products at least some days.

(4) **Former smoker:** A former smoker has a history of tobacco use, has smoked tobacco products at least one hundred times in his/her lifetime, but as of the date of manifestation did not smoke tobacco products.

NEW SECTION

WAC 296-14-320 Does the presumption apply to current smokers with heart or lung conditions? No. The presumption never applies to current smokers with heart or lung conditions.

NEW SECTION

WAC 296-14-325 When does the presumption apply to former smokers with heart or lung conditions? (1) **Heart problems:** The presumption for heart problems will apply if a fire fighter is a former smoker and last smoked two years or more prior to the cardiac event.

(2) **Lung conditions:** The presumption for lung conditions will apply:

(a) For **asthma** if the fire fighter is a former smoker who last smoked five years or more prior to the date of manifestation of the disease; or

(b) For **COPD/emphysema/chronic bronchitis** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease; or

(c) For **lung cancer** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease.

NEW SECTION

WAC 296-14-330 What tobacco use shall exclude a fire fighter from a presumption of coverage? The following table summarizes the situations listed in WAC 296-14-310 through 296-14-325 under which a presumption of coverage shall or shall not apply for fire fighters due to tobacco use.

Medical condition	Presumptions shall not apply	Presumption shall apply
Heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substance	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than two years prior to the cardiac event	Former smoker who last smoked two years or more prior to the cardiac event
Asthma	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than five years before date of manifestation of the disease	Former smoker who last smoked five years or more before date of manifestation of the disease

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Medical condition	Presumptions shall not apply	Presumption shall apply
COPD/emphysema/chronic bronchitis	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease
Lung cancer	Current smoker	Fire fighters that never smoked
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease

Effective Date of Rule: July 1, 2003.

May 28, 2003
James Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 5.05 GENERAL REPORTING REQUIREMENTS FOR REGISTRATION

(a) **General.** The owner or operator of an air contaminant source for which registration is required by Section 5.03, shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(b) **Registration Form.** Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

(c) **Reporting Responsibility.** The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source. The owner or operator of the source shall be responsible for notifying the Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(d) **Emission Reporting.** An emission report shall be required from the owner or operator of a source requiring registration, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25.0
facility combined total of all hazardous air pollutant (HAP) ((toxic air contaminant (TAC))) emissions	6.0
any single hazardous air pollutant (HAP) ((toxic air contaminant (TAC))) emission(s)	2.0
nitrogen oxide (NOx) emissions	25.0
particulate matter (PM ₁₀) emissions	25.0
particulate matter (PM _{2.5}) emissions	25.0
sulfur oxide (SOx) emissions	25.0
volatile organic compounds (VOC) emissions	25.0

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(e) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Section 5.03 above shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;

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**WSR 03-12-047
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 30, 2003, 12:24 p.m., effective July 1, 2003]

Date of Adoption: May 22, 2003.

Purpose: To adjust the registration fees to cover program costs.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 5.05 and 5.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-08-096 on April 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: In Section 5.07(c), added zeros to the end of the 5-digit NAICS codes, to make all codes 6 digits.

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.

- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;

- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(f) Removal from Registration Program. ~~((Report of Closure.))~~ Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. The Agency shall remove a source from the registration program if a registration fee has not been paid within 90 days of the date of the original fee invoice, or upon ((A source shall only be removed from the registration program after a)) written request ~~((has been received))~~ from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from the registration program, unless the owner or operator has submitted and received an approval for a "Notice of Construction and Application for Approval", in compliance with Article 6.

(g) Report of Change of Ownership and Fee.

- (1) A new owner of a registered source shall report in writing any change of ownership to the Agency within ~~((90))~~ 45 days of such a change, and
- (2) Pay a fee of \$100.

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall ~~((levy))~~ assess 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))~~ 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within ~~((90))~~ 45 days of the date of the invoice and ~~((with))~~ shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. In accordance with Section 5.05(f), sources that have not paid their fee within 90 days of the date of the invoice shall be removed from the registration program.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary 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))~~ ~~((or Standard Industrial Classification (SIC) codes (Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, 1987)))~~:

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in that paragraph shall be charged an annual registration fee of ~~(((\$1,750))~~ \$1,802.50 plus an additional emission rate fee of:

- ~~(((\$22))~~ \$23 for each ton of CO reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of NOx reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of PM₁₀ reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of SOx reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of VOC reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of HAP reported in the previous calendar year.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed twice any of the emission thresholds in that paragraph shall be charged the annual registration fee of ~~(((\$3,500))~~ \$3,605 plus an additional emission rate fee of:

- ~~(((\$22))~~ \$23 for each ton of CO reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of NOx reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of PM₁₀ reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of SOx reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of VOC reported in the previous calendar year, and
- ~~(((\$44))~~ \$46 for each ton of HAP reported in the previous calendar year.

(3) Automobile body repair and painting ~~((SIC=7532,))~~ NAICS = 811121) \$309
facilities that qualified for the EnviroStar rebate in 2002 \$51.50
~~((without EnviroStar rating of 3, 4, or 5 stars \$300 with EnviroStar rating of 3, 4, or 5 stars \$50))~~

(4) Perchloroethylene dry-cleaning plants, except rug cleaning ~~((SIC=7216,))~~ NAICS = 812322)
 vented ~~(((\$500))~~ \$515
 unvented ~~(((\$50))~~ \$51.50

- (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 6,000,000 gallons subject to Section 5.07 (c)(1) above
 - (ii) 3,600,001 to 6,000,000 gallons . . . ~~(((\$1,000))~~ \$1,030
 - (iii) 1,200,001 to 3,600,000 gallons ~~(((\$600))~~ \$618
 - (iv) 840,001 to 1,200,000 gallons ~~(((\$300))~~ \$309
 - (v) 200,000 to 840,000 gallons ~~(((\$200))~~ \$206
 - (vi) less than 200,000 gallons ~~(((\$100))~~ \$103

(6) Except as provided in Section 5.07 (c)(8), s((S))ources requiring registration under Section 5.03 in the following NAICS ~~((or SIC))~~ codes, or as subsequently assigned to Section 5.07 (c)(6) by the Control

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Officer, shall be charged an annual registration fee of ~~(\$1,600)~~ \$1,648:

NAICS	(SIC)	NAICS Description	331492	((3341))	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
212312	((1422))	Crushed and Broken Limestone Mining and Quarrying	331511	((3321))	Iron Foundries
212319	((1429))	Other Crushed and Broken Stone Mining and Quarrying	331512	((3324))	Steel Investment Foundries
212321	((1442))	Construction Sand and Gravel Mining	331513	((3325))	Steel Foundries (except Investment)
212322	((1446))	Industrial Sand Mining	331524	((3365))	Aluminum Foundries (except Die-Casting)
221122	((4914))	Electric Power Distribution	331525	((3366))	Copper Foundries (except Die-Casting)
221320	((4952))	Sewage Treatment Facilities	331528	((3369))	Other Nonferrous Foundries (except Die-Casting)
234110	((1614))	Highway and Street Construction	332811	((3398))	Metal Heat Treating
311111	((2047))	Dog and Cat Food Manufacturing	332812	((3479))	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
311119	((2048))	Other Animal Food Manufacturing	332813	((3471))	Electroplating, Plating, Polishing, Anodizing, and Coloring
311612	((2013))	Meat Processed from Carcasses	333414	((3433))	Heating Equipment (except Warm Air Furnaces) Manufacturing
311613	((2077))	Rendering and Meat Byproduct Processing	333999	((3599))	All Other Miscellaneous General Purpose Machinery Manufacturing
311999	((2099))	All Other Miscellaneous Food Manufacturing	334412	((3672))	Bare Printed Circuit Board Manufacturing
321114	((2494))	Wood Preservation	334413	((3674))	Semiconductor and Related Device Manufacturing
324121	((2954))	Asphalt Paving Mixture and Block Manufacturing	334418	((3679))	Printed Circuit Assembly (Electronic Assembly) Manufacturing
324122	((2952))	Asphalt Shingle and Coating Materials Manufacturing	335129	((3648))	Other Lighting Equipment Manufacturing
325311	((2873))	Nitrogenous Fertilizer Manufacturing	335312	((7694))	Motor and Generator Manufacturing
325314	((2875))	Fertilizer (Mixing Only) Manufacturing	335911	((3694))	Storage Battery Manufacturing
325412	((2834))	Pharmaceutical Preparation Manufacturing	336411	((3721))	Aircraft Manufacturing
325612	((2842))	Polish and Other Sanitation Good Manufacturing	336413	((3728))	Other Aircraft Parts and Auxiliary Equipment Manufacturing
325910	((2893))	Printing Ink Manufacturing	336611	((3731))	Ship Building and Repairing
326199	((3089))	All Other Plastics Product Manufacturing	422510	((5153))	Grain and Field Bean Wholesalers
326291	((3064))	Rubber Product Manufacturing for Mechanical Use	422710	((5174))	Petroleum Bulk Stations and Terminals
327211	((3214))	Flat Glass Manufacturing	422720	((5172))	Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)
327310	((3244))	Cement Manufacturing	481111	((4512))	Scheduled Passenger Air Transportation
327320	((3273))	Ready-Mix Concrete Manufacturing	486910	((4613))	Pipeline Transportation of Refined Petroleum Products
327390	((3272))	Other Concrete Product Manufacturing	488190	((4581))	Other Support Activities for Air Transportation
327420	((3275))	Gypsum Product Manufacturing	488210	((4013))	Support Activities for Rail Transportation
327910	((3294))	Abrasive Product Manufacturing	488490	((4173))	Other Support Activities for Road Transportation
327992	((3295))	Ground or Treated Mineral and Earth Manufacturing			
327999	((3292, 3299))	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing			
331111	((3312))	Iron and Steel Mills			
331222	((3315))	Steel Wire Drawing			
331312	((3334))	Primary Aluminum Production			

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562111	((4953))	Solid Waste Collection
622110	((8062))	General Medical and Surgical Hospitals
622210	((8063))	Psychiatric and Substance Abuse Hospitals
622310	((8069))	Specialty (except Psychiatric and Substance Abuse) Hospitals
812210	((7261))	Funeral Homes and Funeral Services
812220	((7261))	Cemeteries and Crematories
813910	((8611))	Business Associations
922140	((9223))	Correctional Institutions

(7) ~~((AH))~~ Except as provided in Section 5.07 (c)(8), all other sources requiring registration under Section 5.03 and not listed in Sections 5.07 (c)(1) through 5.07 (c)(6) ~~((or Section 5.07 (e)(8))~~) shall be charged an annual registration fee of ~~((800))~~ \$824.

(8) All sources required to be registered by Sections 5.07 (c)(6) and 5.07 (c)(7), except sources with equipment subject to Section 6.11 of Regulation I or Section 2.02 of Regulation III, that certify (using the procedures in WAC 296-27-00103: Partial Exemption for Employers With 10 or Fewer Employees) they did not employ more than 10 persons at any time during the previous calendar year, shall be charged an annual registration fee of ~~((400))~~ \$412.

WSR 03-12-048
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed May 30, 2003, 12:24 p.m., effective July 1, 2003]

Date of Adoption: May 22, 2003.

Purpose: To adjust the general regulatory order and notice of construction fees to cover agency costs.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 3.03 and 6.04.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-08-094 on April 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: In Regulation I, Section:

3.03(e), added "When a general regulatory order is requested by an applicant," to the beginning of the 1st sentence.

6.04(a) additional charges, added "An Agency request for an" to the beginning of the 7th paragraph, and deleted the 8th paragraph (Approval Actions Pursuant to PSD...).

6.04(e) 2nd line, added the word "significantly" before the word "revised" in "...when a subsequent revised application is submitted..."

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: July 1, 2003.

May 28, 2003

James Nolan

Director - Compliance

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; and

(D) The opportunity for a public hearing if the Agency 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, 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.** When a general regulatory order is requested by an applicant, the ((The)) Agency shall assess a fee of (((\$1,000.00)) \$4,000 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 6.04 NOTICE OF CONSTRUCTION FEES

(a) A Notice of Construction application is incomplete until the Agency has received fees as shown below:

Filing Fee (for each application, to be paid prior to any review)	\$750
Spray-Coating Booth (commercially manufactured)	\$250
Coffee Roaster (less than 40 pounds/batch, with thermal oxidizer)	\$500
Hot Mix Asphalt Batch Plant	\$7,000
Soil Thermal Desorption Unit	\$5,000
Electric Generation Project: (combined heat input capacity)	
10 - 100 million Btu/hr (2.9 - 29 MW)	\$5,000
101 - 250 million Btu/hr (29 - 73 MW)	\$10,000
> 250 million Btu/hr (> 73 MW)	(\$15,000) \$25,000
Composting Facility	(\$5,000) \$10,000
Commercial Solid Waste Handling Facility	(\$5,000) \$10,000
Landfill Gas System	\$2,500
Refuse Burning Equipment: (rated charging capacity)	
≤ 12 tons per day	\$5,000
> 12 tons and ≤ 250 tons per day	\$20,000
> 250 tons per day	\$50,000
Other (not listed above) for each Piece of Equipment and Control Equipment	\$500
Additional Charges (for each application):	
SEPA Threshold Determination	\$500
(DNS, under Regulation I, Section 2.04)	
SEPA Threshold Determination	\$1,500
(MDNS, under Regulation I, Section 2.07)	

Public Notice	\$500
(under Regulation I, Section 6.06)	(+publication costs)
NSPS or NESHAP	\$1,000
(per subpart of 40 CFR Parts 60, 61, and 63)	
Refined Dispersion Modeling Analysis	\$500
(under Regulation III, Section 2.07 (c)(2))	
Major Source, Major Modification, or Emission Increases Greater than Prevention of Significant Deterioration (PSD) Thresholds	\$5,000
(under WAC 173-400-112 or WAC 173-400-113)	(+ Ecology fees)
<u>An Agency request for an Inapplicability Determination for PSD Program Requiring Written Applicability Determination from Ecology...</u>	<u>\$5,000</u>
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see Regulation I, Section 1.07)	\$2,500
Tier II Air Toxics Review	\$5,000
(under WAC 173-460-090)	(+ Ecology fees)
Opacity/Grain Loading Correlation	\$5,000

(b) A notification under Section 6.03 (b)(1) through Section 6.03 (b)(9) of this regulation is incomplete until the Agency has received a fee of \$100. An application processed as a Notice of Construction exemption under Section 6.03 (b)(10) requires payment of the Notice of Construction filing fee only.

(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant ((for review of complex projects, which require an environmental impact statement,)) as provided in RCW 70.94.085.

(d) Additional Fee for Service - Second Incomplete Application

Upon receipt of a second incomplete Notice of Construction application from the same applicant for the same project, the Control Officer may cease review of the application and provide written notification of that determination. The Control Officer may resume review of the application if, within 30 days of the date of the notification describing the Agency's receipt of the second incomplete Notice of Construction application, the applicant has deposited \$1,000 with the Agency, and executed a fee-for-service agreement with the Agency that allows the Agency to recover the reasonable direct and indirect costs that arise from processing the Notice of Construction application, including the requirements of other relevant laws such as the Washington State Environmental Policy Act (SEPA).

The agreement shall require that the applicant assume full responsibility for paying the Agency for the costs incurred under the fee-for-service agreement. The Agency shall credit the \$1,000 deposit made by the applicant towards the costs required by a fee-for-service agreement. The fee-for-service agreement may require the applicant to make progress payments during the application review period. The \$1,000 deposit referred to in this section and the costs provided for in a fee-for-service agreement are in addition to the fees required in Section 6.04(a).

If the applicant has not made a \$1,000 deposit and executed such a fee-for-service agreement within 30 days of the

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date of the notification from the Agency describing its receipt of a second incomplete application, the Agency may issue an Intent to Disapprove an Application.

The \$1,000 deposit required under this section is not refundable. In addition, any payments made to the Agency under a fee-for-service agreement are not refundable.

(e) Additional Fee - Revised Application

The Control Officer may assess an additional fee for processing a Notice of Construction application when a subsequent significantly revised application is submitted after the original application was determined to be complete and prior to the Agency issuing an Order of Approval or Intent to Disapprove an Application regarding the original application. The revision fee shall be the amount of the fee that was charged for the original Notice of Construction application, including the filing fee. The resulting total fee is the fee for the original Notice of Construction application plus the revision fee.

**WSR 03-12-049
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 30, 2003, 12:25 p.m., effective July 1, 2003]

Date of Adoption: May 22, 2003.

Purpose: To adjust the operating permit fees to cover program costs.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 7.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-08-097 on April 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: In Regulation I, Section:

7.07 (b)(1)(i) and (ii), added zeros to the end of the 5-digit NAICS codes, to make all codes 6 digits, and put NAICS categories in numerical order.

7.07 (b)(1)(i), returned "Aircraft Manufacturing" and "Other Aircraft Parts..." to their original category, so the fees for these two categories remain at \$30,000 rather than increase to \$50,000.

7.07 (b)(1)(ii), deleted the NAICS description for "Mill-work" and added the NAICS description for "Cut Stock, Resawing Lumber, and Planing."

7.07(c), deleted paragraph (6).

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: July 1, 2003.

May 28, 2003

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall ~~((levy))~~ assess 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 annual operating permit fees are due and payable within ~~((30))~~ 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$5,000.

(1) Sources in the following 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) ~~((or Standard Industrial Classification (SIC) codes))~~, or sources subsequently determined by the control officer to be assigned to either Section 7.07 (b)(1)(i) or 7.07 (b)(1)(ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS~~((SIC))~~ codes:

NAICS	((SIC))	NAICS Description	Fee
<u>221112</u>		<u>Fossil Fuel Electric Power Generation</u>	
<u>324110</u>	((2944))	<u>Petroleum Refineries</u>	
<u>327310</u>	((3244))	<u>Cement Manufacturing</u>	
<u>331111</u>	((3342))	<u>Iron and Steel Mills</u>	
<u>336411</u>	((3724))	<u>Aircraft Manufacturing</u>	
<u>336413</u>	((3728))	<u>Other Aircraft Parts and Auxiliary Equipment Manufacturing</u>	
<u>928110</u>	((9744))	<u>National Security</u>	
			<u>\$30,000</u>

(ii) Operating permit sources with the following NAICS~~((SIC))~~ codes:

NAICS	((SIC))	NAICS Description	Fee
<u>23521</u>	1724	<u>Painting and Wall Covering Contractors</u>	
<u>311119</u>		<u>Other Animal Food Manufacturing</u>	
<u>311812</u>	((2054))	<u>Commercial Bakeries</u>	
<u>321114</u>	2494	<u>Wood Preservation</u>	
<u>321113</u>		<u>Sawmills</u>	
<u>321911</u>		<u>Wood Window and Door Manufacturing</u>	

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321912	((2431))	((Millwork)) <u>Cut Stock, Resawing Lumber, and Planing</u>
<u>321918</u>		<u>Other Millwork (including Flooring)</u>
321999	((2499))	All Other Miscellaneous Wood Product Manufacturing
322222	((2672))	Coated and Laminated Paper Manufacturing
326140	((3086))	Polystyrene Foam Product Manufacturing
((32615	3086	Urethane and Other Foam Product (except Polystyrene) Manufacturing))
327121	((3251))	Brick and Structural Clay Tile Manufacturing
((332313	3443	Plate Work Manufacturing))
332996	((3498))	Fabricated Pipe and Pipe Fitting Manufacturing
((333415	3585	Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
33711	2434	Wood Kitchen Cabinet and Countertop Manufacturing
81142	7641	Reupholstery and Furniture Repair))

..... \$7,500

(iii) Operating permit sources with NAICS((SIC)) codes other than listed above \$15,000

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

((22)) \$23 for each ton of CO reported in the previous calendar year, and

((44)) \$46 for each ton of NOx reported in the previous calendar year, and

((44)) \$46 for each ton of PM₁₀ reported in the previous calendar year, and

((44)) \$46 for each ton of SOx reported in the previous calendar year, and

((44)) \$46 for each ton of VOC reported in the previous calendar year, and

((44)) \$46 for each ton of HAP reported in the previous calendar year.

(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)) assess the following fees:

(1) \$250 for administrative permit amendments [WAC 173-401-720], and

(2) for minor permit modifications [WAC 173-401-725 (2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$5,000, and

(3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$10,000, and

(4) to cover the costs of public involvement under WAC 173-401-800, and

(5) to cover the costs 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 Chapter 173-401 WAC 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.

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.

**WSR 03-12-050
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 30, 2003, 12:25 p.m., effective September 1, 2003]

Date of Adoption: May 22, 2003.

Purpose: To adjust the asbestos program fees to cover the cost of the program.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-08-095 on April 2, 2003.

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: September 1, 2003.

May 28, 2003

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION III SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional

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information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

(3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.

(5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(6) A copy of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.

(7) A property owner may file notification for multiple asbestos projects or demolitions on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee;

(B) Changes in the type of friable, asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

(4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

Project	Notification Period	Non-Refundable Fee	Demolition Surcharge**
Single-Family Residence			
Asbestos Project*	prior notice	\$25	
Demolition (with or without asbestos project)	10 days	\$50	

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Project	Notification Period	Non-Refundable Fee	Demolition Surcharge**
All Other Demolitions (without asbestos project)	10 days	\$200	
All Other Asbestos Projects			
10 - 259 linear ft* and/or 48 - 159 square ft	prior notice (<u>asbestos only</u>) 10 days (<u>demolition</u>)	(((\$150)) \$100	(((\$50)) \$100
260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	(((\$300)) \$200	\$100
1,000± ((-9,999)) linear ft and/or 5,000± ((-49,999)) square ft	10 days	\$750	\$250
((10,000+ linear ft and/or 50,000+ square ft	10 days	\$2,000	\$1,000)
Emergency - 4.03(c)***	prior notice	twice the applicable fees	
Amendment - 4.03(b)	prior notice	\$25	
Annual Notice - 4.03 (a)(8)	prior notice	((no fee)) \$1,500	

*Contractors participating in the Agency work schedule fax program are not required to file a Notice of Intent for asbestos removals in this project category and no fee will be assessed.

**Additional fee for demolitions. All demolitions require a Notice of Intent and a 10-day notification period unless waived per Section 4.03(c).

***The 10-day notification period may be waived per Section 4.03(c) and with payment of twice the applicable fees. Single-family residences are exempt from the emergency fee; however, property owners must still provide a written request per Section 4.03(c).

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) friable, asbestos-containing material.

~~((e)) Repeal of Fees~~

~~The repeal of fees for alternate means of compliance requests and annual notifications as formerly set forth in Section 4.03(d) of these regulations shall be applied retroactively and take effect as of March 9, 2000.)~~

WSR 03-12-051
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed May 30, 2003, 1:15 p.m.]

Date of Adoption: May 30, 2003.

Purpose: General fee increase to the Board of Boiler Rules—Substantive (chapter 296-104 WAC).

The Board of Boiler Rules is adopting a 3.29% (rounded down to the nearest tenth of a dollar) general fee increase. The 3.29% rate is the Office of Financial Management's max-

imum allowable fiscal growth rate factor for fiscal year 2003. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 296-104-055 and 296-104-700.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Other Authority: Chapter 70.79 RCW.

Adopted under notice filed as WSR 03-08-076 on April 1, 2003.

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.

May 30, 2003

Craig Hopkins, Chair
 Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 02-12-021, filed 5/28/02, effective 6/28/02)

WAC 296-104-055 Administration—What are the examination fees? A fee of ~~\$((\$63-40))~~ 65.40 will be charged for each applicant sitting for an inspection examination(s). If an applicant fails to pass the examination this fee shall be

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good for one year during which a reexamination may be taken. Checks for examination fees shall be made payable to the state treasurer.

AMENDATORY SECTION (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	((28.50)) <u>29.40</u>	((22.80)) <u>23.50</u>
All other boilers less than 500 sq. ft.	((34.30)) <u>35.40</u>	((22.80)) <u>23.50</u>
500 sq. ft. to 2500 sq. ft.	((57.20)) <u>59.00</u>	((28.50)) <u>29.40</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((22.80)) <u>23.50</u>	((11.40)) 11.70
Power boilers:	Internal	External
Less than 100 sq. ft.	((28.50)) <u>29.40</u>	((22.80)) <u>23.50</u>
100 sq. ft. to less than 500 sq. ft.	((34.30)) <u>35.40</u>	((22.80)) <u>23.50</u>
500 sq. ft. to 2500 sq. ft.	((57.20)) <u>59.00</u>	((28.50)) <u>29.40</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((22.80)) <u>23.50</u>	((11.40)) 11.70
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		((5.60)) <u>5.70</u>
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.	Internal	External
Less than 15 sq. ft.	((22.80)) <u>23.50</u>	((17.10)) <u>17.60</u>
15 sq. ft. to less than 50 sq. ft.	((34.30)) <u>35.40</u>	((17.10)) <u>17.60</u>
50 sq. ft. to 100 sq. ft.	((39.90)) <u>41.20</u>	((22.80)) <u>23.50</u>
For each additional 100 sq. ft. or any portion thereof	((39.90)) <u>41.20</u>	((11.40)) <u>11.70</u>

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$ ~~((17.10))~~ 17.60 per object.

Heating boilers:	Internal	External
Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee)		\$50.00
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		((34.30)) <u>35.40</u>
For each hour or part of an hour in excess of 8 hours		((51.40)) <u>53.00</u>
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours		((51.40)) <u>53.00</u>
For each hour or part of an hour in excess of 8 hours		((80.00)) <u>82.60</u>
Nonnuclear triennial shop survey and audit:		
When state is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		((34.30)) <u>35.40</u>
For each hour or part of an hour in excess of 8 hours		((51.40)) <u>53.00</u>
When insurance company is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		((51.40)) <u>53.00</u>
For each hour or part of an hour in excess of 8 hours		((80.00)) <u>82.60</u>
Expenses shall include:		
Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.		
Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$ ((317.20)) <u>327.60</u> must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.		

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WSR 03-12-053
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed May 30, 2003, 4:17 p.m.]

Date of Adoption: May 30, 2003.

Purpose: WAC 458-20-24003 Tax incentives for high technology businesses, is a new rule which identifies and explains the sales and use tax deferrals for high technology businesses provided by chapter 82.63 RCW and the business and occupation tax credit for qualified research and development expenditures provided by RCW 82.04.4452.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 82.63.010.

Adopted under notice filed as WSR 03-08-069 on March 31, 2003.

Changes Other than Editing from Proposed to Adopted Version: Additional methods of apportionment are permitted in subsection (2)(k)(i). The word "However" is added to the beginning of the second sentence of subsection (2)(k)(ii). Additional language is added in subsection (2)(o)(iv) to clarify the meaning of the term "nonroutine." New language is added to subsection (2)(o)(vii) to clarify that improvements to existing products may qualify for the credit. The last sentence of subsection (3)(a)(i)(A) has been deleted. Subsection (3)(b)(vi) is modified to clarify that a certificate may be amended or a new certificate issued for a new investment project at an existing facility.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 30, 2003

Alan R. Lynn

Rules Coordinator

NEW SECTION

WAC 458-20-24003 Tax incentives for high technology businesses. (1) **Introduction.** This rule explains the tax incentives, contained in chapter 82.63 RCW and RCW 82.04.4452, which apply to businesses engaged in research and development or pilot scale manufacturing in Washington in five high technology areas: Advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology. Eligibility for high technology or research and development tax incentives

offered by the federal government or any other jurisdiction does not establish eligibility for Washington's programs.

(2) **Definitions.** For purposes of this rule, the following definitions apply unless otherwise required by the context.

(a) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(b) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(c) "Applicant" means a person applying for a tax deferral under chapter 82.63 RCW.

(d) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics, including genomics, gene expression and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(e) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(f) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(g) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(i) The assessment and prevention of threats or damage to human health or the environment concerns assessing and preventing potential or actual releases of pollutants into the environment that are damaging to human health or the environment. It also concerns assessing and preventing other physical alterations of the environment that are damaging to human health or the environment.

(A) Pollutants include waste materials or by-products from manufacturing or other activities.

(B) Environmental technology includes technology to reduce emissions of harmful pollutants but does not include technology to increase fuel economy. Where technology

both reduces emissions and increases fuel economy, it is environmental technology if the primary purpose is to reduce emissions. That reducing emissions is the primary purpose of technology can be demonstrated by showing the technology is developed to meet governmental emission standards.

(C) Environmental technology does not include technology for preventive health measures for, or medical treatment of, human beings.

(ii) Environmental cleanup is corrective or remedial action to protect human health or the environment from releases of pollutants into the environment.

(iii) Alternative energy sources are those other than traditional energy sources such as fossil fuels, nuclear power, and hydroelectricity. However, when traditional energy sources are used in conjunction with the development of alternative energy sources, all the development will be considered the development of alternative energy sources.

(h) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(i) "Person" has the meaning given in RCW 82.04.030.

(j) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. "Commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(k) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development.

(i) If a building is used partly for pilot scale manufacturing or qualified research and development and partly for other purposes, the applicable tax deferral shall be determined as follows:

(A) Tax on the cost of construction of areas devoted solely to pilot scale manufacturing or research and development may be deferred.

(B) Tax on the cost of construction of areas not used at all for pilot scale manufacturing or research and development may not be deferred.

(C) Tax on the cost of construction of areas used in common for pilot scale manufacturing or research and development and for other purposes, such as hallways, bathrooms, and conference rooms, may be deferred by apportioning the costs of construction on a square footage basis. The apportioned costs of construction eligible for deferral are established by using the ratio, expressed as a percentage, of the square feet of the construction, expansion, or renovation devoted to pilot scale manufacturing or qualified research and development, excluding areas used in common to the total square feet of the construction, expansion, or renovation, excluding areas used in common. That percentage is

applied to the cost of construction of the common areas to determine the costs of construction eligible for tax deferral. Expressed as a formula, apportionment of the cost of the common areas is determined by:

$$\frac{\text{Square feet devoted to research and development or pilot scale manufacturing, excluding square feet of common areas}}{\text{Total square feet, excluding square feet of common areas}} = \text{Percentage of total cost of construction of common areas eligible for deferral}$$

Total square feet, excluding square feet of common areas

(D) The apportionment method described in (A), (B), and (C) above shall be used unless the applicant or recipient can demonstrate that another method better represents a reasonable apportionment of costs, considering all the facts and circumstances.

(ii) Building construction does not include the construction of landscaping or most other work outside the building itself. However, it does include the construction of parking lots connected to or adjacent to the building if the parking lots are for the use of workers performing pilot scale manufacturing or research and development in the building.

(l) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this rule, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificateholder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificateholder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(i) Machinery and equipment is an integral and necessary part of pilot scale manufacturing or qualified research and development if the pilot scale manufacturing or qualified research and development could not be accomplished without it. A laboratory table would be integral and necessary to qualified research and development. Decorative artwork would not be integral and necessary to qualified research and development.

(ii) Qualified machinery and equipment must be used exclusively for pilot scale manufacturing or qualified research and development to qualify for the deferral. How-

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ever, *de minimis* nonqualifying use will not cause the loss of the deferral. An example of *de minimis* use is the occasional use of a computer for personal e-mail.

(iii) Unlike buildings, if machinery and equipment is used for both qualifying and nonqualifying purposes, the costs may not be apportioned. Sales or use tax may not be deferred on the purchase or use of machinery and equipment used for both qualifying and nonqualifying purposes.

(m) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(n) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the business and occupation tax credit provided by RCW 82.04.4452. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(i) In order for an operating expense to be a qualified research and development expenditure, it must be directly incurred in qualified research and development. If an employee performs qualified research and development activities and also performs other activities, only the wages and benefits proportionate to the time spent on qualified research and development activities are qualified research and development expenditures under this rule. The wages of employees who supervise or are supervised by persons performing qualified research and development are qualified research and development expenditures to the extent the work of those supervising or being supervised involves qualified research and development.

(ii) The compensation of a proprietor or a partner is determined in one of two ways:

(A) If there is net income for federal income tax purposes, the amount reported subject to self-employment tax is the compensation.

(B) If there is no net income for federal income tax purposes, reasonable cash withdrawals or cash advances are the compensation.

(iii) Depreciable property within the meaning of this rule is any property with a useful life that extends beyond the accounting year in which it is acquired, regardless of whether the property is depreciated or currently expensed. Expenditures related to depreciable property are not qualified research and development expenditures within the meaning of this rule even though they are currently expensed.

(iv) Computer expenses do not include the purchase, lease, rental, or repair of equipment. They do include Internet subscriber fees, run time on a mainframe computer, and outside processing.

(v) Training expenses for employees are qualified research and development expenditures if the training is directly related to the research and development being per-

formed. Training expenses include registration fees, materials, and travel expenses. Although the research and development must occur in Washington, training may take place outside of Washington.

(vi) Qualified research and development expenditures include the cost of clinical trials for drugs and certification by Underwriters Laboratories.

(vii) Qualified research and development expenditures do not include legal expenses, patent fees, or any other expense not incurred directly for qualified research and development.

(viii) Stock options granted as compensation to employees performing qualified research and development are qualified research and development expenditures to the extent they are reported on the W-2 forms of the employees and are taken as a deduction for federal income tax purposes by the employer.

(ix) Preemployment expenses related to employees who perform qualified research and development are qualified research and development expenditures. These expenses include recruiting and relocation expenses and employee placement fees.

(o) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software.

The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the Federal Food and Drug Administration under chapter 21 CFR, as amended.

The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(i) A person need not both discover technological information and translate technological information into new or improved products, processes, techniques, formulas, inventions, or software in order to engage in research and development. A person may perform either activity alone and be engaged in research and development.

(ii) To discover technological information means to gain knowledge of technological information through purposeful investigation. The knowledge sought must be of something not previously known or, if known, only known by persons who have not made the knowledge available to the public.

(iii) Technological information is information related to the application of science, especially with respect to industrial and commercial objectives. Industrial and commercial objectives include both sale and internal use (other than internal use software). The translation of technological information into new or improved products, processes, techniques, formulas, inventions, or software does not require the use of newly discovered technological information to qualify as research and development.

(iv) The translation of technological information requires both technical and nonroutine activities. An activity is technical if it involves the application of scientific, engineering, or computer science methods or principles. The term "nonroutine" refers to the specific activities undertaken to achieve a desired result. A customized or unique result is not by itself conclusive proof that it was the product of nonroutine activities. Indicia of nonroutine activities include, but are not limited to:

(A) The activity involves overcoming one or more technological barriers under circumstances where the outcome is not certain;

(B) The activity has not been done before; or

(C) The activity involves a process of experimentation.

(v) A product is substantially improved when it functions fundamentally differently because of the application of technological information. This fundamental difference must be objectively measured. Examples of objective measures include increased value, faster operation, greater reliability, and more efficient performance.

(vi) Computer software is developed for internal use if it is to be used only by the person by whom it is developed. If it is to be available for sale, lease, or license, it is not developed for internal use, even though it may have some internal applications. If it is to be available for use by persons, other than the person by whom it is developed, who access or download it remotely, such as through the Internet, it is not usually deemed to be developed for internal use. However, remotely accessed software is deemed to be developed for internal use if its purpose is to assist users in obtaining goods, services, or information provided by or through the person by whom the software is developed. For example, software is developed for internal use if it enables or makes easier the ordering of goods from or through the person by whom the software is developed. On the other hand, a search engine used to search the World Wide Web is an example of software that is not developed for internal use because the search engine itself is the service sought.

(vii) Research and development is complete when the product, process, technique, formula, invention, or software can be reliably reproduced for sale or commercial use. However, the improvement of an existing product, process, technique, formula, invention, or software may qualify as research and development.

(p) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(q) "Taxable amount" means the taxable amount subject to business and occupation tax required to be reported on the person's combined excise tax returns for the year for which the credit is claimed, less any taxable amount for which a multiple activities tax credit is allowed under RCW 82.04.440. See WAC 458-20-19301 for information on the multiple activities tax credit.

(3) **Sales and use tax deferral.** Chapter 82.63 RCW provides for the deferral of sales and use taxes on eligible investment projects. These are projects that involve research

and development or pilot scale manufacturing in five high technology areas: Advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(a) Application process.

(i) Applicants must apply for deferral to the department of revenue before the initiation of construction of, or acquisition of equipment or machinery for the investment project. The date of application is the earlier of the postmark date or the date of receipt by the department.

(A) Construction is initiated when workers start on-site building tasks. The initiation of construction does not include land clearing or site preparation prior to excavation of the building site. Also, the initiation of construction does not include design or planning activities.

(B) Equipment or machinery is acquired at the time the applicant or its agent obtains dominion and control of the equipment or machinery.

(ii) Application forms may be obtained at department of revenue district offices, by downloading from the department's website (dor.wa.gov), by telephoning the telephone information center (800-647-7706), or by contacting the department's special programs division at:

Department of Revenue
Special Programs Division
Post Office Box 47477
Olympia, WA 98504-7477
FAX 360-586-2163

(iii) Applicants must mail or fax applications to the special programs division at the address or fax number given above.

(iv) The application form shall include information regarding the location of the investment project, the applicant's average employment in Washington for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, and time schedules for completion and operation. The application form may also include other information relevant to the project and the applicant's eligibility for deferral.

(v) Applicants must agree to supply the department with nonproprietary information necessary to measure the results of the tax deferral program.

(vi) Applications and other information received by the department in connection with the deferral program are not confidential and are subject to public disclosure.

(vii) The department must rule on an application within sixty days. If an application is denied, the department must explain in writing the basis for the denial. An applicant may appeal a denial within thirty days under WAC 458-20-100.

(b) Deferral certificate.

(i) If an application is approved, the department must issue the applicant a sales and use tax deferral certificate.

(ii) The certificate provides for deferral of state and local sales and use taxes on the eligible investment project. The certificate will state the amount of tax deferral for which the recipient is eligible. It will also state the date by which the project will be operationally complete. The deferral is limited to investment in qualified buildings or qualified machin-

ery and equipment. The deferral does not apply to the taxes of persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

(iii) A successful applicant, hereafter referred to as a recipient, must present a copy of the certificate to sellers of goods or retail services provided in connection with the eligible investment project in order to avoid paying sales or use tax. Sellers who accept these certificates in good faith are relieved of the responsibility to collect sales or use tax on transactions covered by the certificates. Sellers must retain copies of certificates as documentation for why sales or use tax was not collected on a transaction.

(iv) In cases of leases of qualifying machinery and equipment, the deferral certificate allows for deferral of tax on payments made during the initial term of the lease, and does not allow for deferral for extensions or renewals of the lease. Deferral of tax is not allowed for lease payments for any period after the seventh calendar year following the calendar year for which the project is certified as operationally complete.

(v) The certificate may not be used to defer tax on repairs to, or replacement parts for, qualified machinery and equipment.

(vi) The department may not issue a certificate for an investment project that has already received a deferral under chapters 82.60, 82.61, or 82.63 RCW, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing. However, a certificate may be amended or a certificate issued for a new investment project at an existing facility.

(c) Amendment of application or certificate.

(i) Applicants and recipients may make written requests to the special programs division to amend an application or certificate.

(ii) Grounds for requesting amendment include, but are not limited to:

- (A) The project will exceed the costs originally stated;
- (B) The project will take more time to complete than originally stated;
- (C) The original application is no longer accurate because of changes in the project;
- (D) Transfer of ownership of the project.

(iii) The department must rule on the request within sixty days. If the request is denied, the department must explain in writing the basis for the denial. An applicant or recipient may appeal a denial within thirty days under WAC 458-20-100.

(d) Certification.

(i) When the building, machinery, or equipment is ready for use, the recipient must notify the special programs division in writing that the eligible investment project is operationally complete. The department shall, after appropriate investigation: Certify that the project is operationally complete; not certify the project; or certify only a portion of the project. The certification will include the year in which the project is operationally complete.

(ii) If all or any portion of the project is not certified, the recipient must repay all or a proportional part of the deferred

taxes. The department will notify the recipient of the amount due, including interest, and the due date.

(iii) The department must explain in writing the basis for not certifying all or any portion of a project. The decision of the department to not certify all or a portion of a project may be appealed under WAC 458-20-100 within thirty days.

(e) Repayment of deferred taxes.

(i) Deferred taxes need not be repaid if the investment project is used only for qualified research and development or pilot scale manufacturing during the calendar year for which the department certifies the investment project as operationally complete and during the succeeding seven calendar years.

(ii) Deferred taxes must be repaid if an investment project is used for purposes other than qualified research and development or pilot scale manufacturing during the calendar year for which the department certifies the investment project as operationally complete or at any time during any of the succeeding seven calendar years. Taxes are immediately due according to the following schedule:

Year in which nonqualifying use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

Interest on the taxes, but not penalties, must be paid retroactively to the date of deferral.

(iii) However, if the investment project is used for purposes other than qualified research and development or pilot scale manufacturing during the first eight years, deferred taxes need not be repaid on particular items if the purchase or use of the item would have qualified for the machinery and equipment sales and use tax exemptions provided by RCW 82.08.02565 and 82.12.02565 (discussed in WAC 458-20-13601) at the time of purchase or first use.

(iv) Deferred taxes need not be repaid if qualified machinery and equipment on which the taxes were deferred is destroyed, becomes inoperable and cannot be reasonably repaired, wears out, or becomes obsolete and is no longer practical for use in the project. The use of machinery and equipment which becomes obsolete for purposes of the project and is used outside the project is subject to use tax at the time of such use.

(f) **Transfer of deferral.** Transfer of ownership does not terminate the deferral. The deferral may be transferred to the new owner if the new owner meets all eligibility requirements for the remaining periods of the deferral. The new owner must apply for an amendment to the deferral certificate. If the deferral is transferred, the new owner is liable for repayment of deferred taxes under the same terms as the original owner. If the new owner is a successor to the previous

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owner under the terms of WAC 458-20-216 and the deferral is not transferred, the new owner's liability for deferred taxes is limited to those that are due for payment at the time ownership is transferred.

(g) **No extinguishment of debt.** The debt for deferred taxes will not be extinguished by the insolvency or other failure of the recipient.

(h) **Expiration of sales and use tax deferral program.** The authority of the department to issue deferral certificates expires July 1, 2004.

(4) **Examples relating to the sales and use tax deferral program.**

(a) Lessor and lessee examples.

(i) Prior to the initiation of construction, Owner/Lessor A enters into an agreement with Lessee B, a company engaged in qualified research and development. Under the agreement, A will build a building to house B's research and development activities, will apply for a tax deferral on construction of the building, will lease the building to B, and will pass on the value of the deferral through reduced rent payments. A applies for the deferral before construction begins. A is entitled to a deferral on building construction costs.

(ii) After construction has begun, Lessee C asks that certain tenant improvements be added to the building. Lessor D and Lessee C each agree to pay a portion of the cost of the improvements. C and D each apply for a deferral on the costs of the tenant improvements before work on the tenant improvements has begun. Both applications may be approved. While construction of the building was initiated before the applications were submitted, tenant improvements on a building under construction are deemed to be the expansion or renovation of an existing structure.

(iii) After construction has begun but before machinery or equipment has been acquired, Lessee E applies for a deferral on machinery and equipment. The application will be approved. Even though it is too late to apply for a deferral of tax on building costs, it is not too late to apply for a deferral for the machinery and equipment.

(b) **Apportionment of building costs.** A building to be constructed will be partially devoted to research and development and partially devoted to marketing, a nonqualifying purpose. The total area of the building is one hundred thousand square feet. Sixty thousand square feet are used only for research and development, twenty thousand square feet are used only for marketing, and the remaining twenty thousand square feet are used in common by research and development employees and marketing employees. Tax on the cost of constructing the sixty thousand square feet used only for research and development may be deferred. Tax on the cost of constructing the twenty thousand square feet used only for marketing may not be deferred. Tax on seventy-five percent of the cost of constructing the common areas may be deferred. (Sixty thousand square feet devoted solely to research and development divided by eighty thousand square feet devoted solely to research and development and marketing results in a ratio expressed as seventy-five percent.)

(5) **Business and occupation tax credit.** RCW 82.04.4452 provides for a business and occupation tax credit for persons engaging in research and development in Wash-

ington in five areas of high technology: Advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(a) **Eligibility for the credit.** Persons are eligible for the credit if their research and development spending in the calendar year for which credit is claimed exceeds 0.92 percent of the person's taxable amount for the same calendar year.

(b) **Calculating the credit.**

(i) Prior to July 1, 1998. The amount of the credit is equal to the greater of:

the person's qualified research and development expenditures

or

eighty percent of amounts received by a person other than a public educational or research institution as compensation for conducting qualified research and development

multiplied by 0.00515 in the case of a nonprofit corporation or association, and

multiplied by 0.025 in the case of all other persons.

(ii) On and after July 1, 1998. The amount of the credit is equal to the greater of:

the person's qualified research and development expenditures

or

eighty percent of amounts received by a person other than a public educational or research institution as compensation for conducting qualified research and development

multiplied by 0.00484 in the case of a nonprofit corporation or association, and

multiplied by 0.015 in the case of all other persons.

(iii) Persons calculating the credit on the basis of amounts received for conducting qualified research and development must actually perform the research and development themselves. Amounts received for conducting qualified research and development that are paid to other persons who actually perform some or all of the qualified research and development contracted for may not be included in the calculation.

(iv) The credit for any calendar year may not exceed the lesser of two million dollars or the amount of business and occupation tax otherwise due for the calendar year.

(v) Credits may not be carried forward or carried back to other calendar years.

(c) **Claiming the credit.**

(i) The first time persons claim the credit they must complete an Initial Survey, Research and Development Credit form (26 0005) and mail it to the address indicated on the form. The purpose of the initial survey is to gather information necessary to measure the results of the credit program. By law, persons claiming the credit must agree to provide this information.

(ii) Credits are claimed on the person's combined excise tax return. Every time a credit is claimed, the person making the claim must complete and attach a Declaration, Research and Development Credit form (26 0003) to the return.

(iii) The Initial Survey and Declaration forms used in the credit program may be obtained at department of revenue dis-

trict offices, by downloading from the department's website (dor.wa.gov), or by telephoning the telephone information center (800-647-7706).

(d) Assignment of the credit.

(i) A person entitled to the credit because of qualified research and development conducted under contract for another person may assign all or a portion of the credit to the person who contracted for the performance of the qualified research and development.

(ii) The assignment is accomplished by use of the Declaration, Research and Development Credit form, referred to in (c)(ii) of this subsection.

(iii) Both the person assigning the credit and the person receiving the credit must be eligible under (a) of this subsection for the assignment to be valid.

(iv) The total of the credit claimed and the credit assigned by a person assigning credit may not exceed the lesser of two million dollars or the amount of business and occupation tax otherwise due from the assignor in any calendar year.

(v) The total of the credit claimed, including credit received by assignment, may not exceed the lesser of two million dollars or the amount of business and occupation tax otherwise due from the assignee in any calendar year.

(e) Expiration. The business and occupation tax credit program for high technology businesses expires December 31, 2004.

(6) Examples relating to the credit program.

(a) A business, not a nonprofit corporation or association, which engages in qualified research and development has a taxable amount of ten million dollars in 2002. It pays eighty thousand dollars in 2002 in wages and benefits to employees directly engaged in qualified research and development. Also during 2002, it pays twenty thousand dollars to a person that is not a public educational or research institute to conduct qualified research and development. It is eligible to claim the credit for 2002. Its research and development spending, ninety-six thousand dollars (eighty thousand dollars in wages plus eighty percent of twenty thousand dollars for contracted research and development) is more than ninety-two thousand dollars (0.92 percent of its taxable amount, ten million dollars).

The amount of credit is one thousand two hundred dollars. This is determined by multiplying its qualified research and development expenditures, eighty thousand dollars, by 0.015. The contracted amount is not included in the credit computation.

(b) A company that engages in environmental cleanup contracted to clean up a site. It had never faced exactly the same situation before, but guaranteed at the outset that it could do the job. It used a variety of existing technologies to accomplish the task in a combination it had never used before. The company was not engaged in research and development in performing this contract. It applied existing technologies in a routine manner, considering the nature of its business, and the outcome was certain.

(c) Company A is engaged in research and development in biotechnology and needs to perform standard blood tests as part of its development of a drug. It contracts with a lab, B,

to perform the tests. The costs of the tests are qualified research and development expenditures for A, the company engaged in the research and development. Although the tests themselves are routine, they are only a part of what A is doing in the course of developing the drug. B, the lab contracted to perform the testing, is not engaged in research and development with respect to the drug being developed. B is neither discovering technological information nor is it translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. B is not entitled to a credit on account of the compensation it receives for conducting the tests.

(d) Company C is engaged in research and development. It enters into a contract with Company D requiring Company D to provide employees to work under the direction of Company C. Company D's only obligation is to provide employees. It is not obligated to perform any other task. Company D's provision of employees is not research and development and it is not entitled to the credit on account of the contract. Company D is neither discovering technological information nor is it translating technological information into new or improved products, processes, techniques, formulas, inventions, or software.

WSR 03-12-058

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 2, 2003, 11:52 a.m.]

Date of Adoption: June 2, 2003.

Purpose: WAC 458-20-185 Tax on tobacco products, provides guidance to taxpayers necessary to meet the requirements of chapter 82.26 RCW, Tax on tobacco products. The rule explains who is the taxpayer, the measure of tax, credits available against the tax, and the record-keeping requirements of those who handle for sale tobacco products. This rule has been amended to reflect changes to the law pursuant to chapter 325, Laws of 2002 (Initiative 773), and chapter 420, Laws of 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-185 Tax on tobacco products.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 03-08-042 on March 27, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- Changed subsection (2)(g)(i) to recognize that the sales price between affiliates may be a fair market value.
- Rewrote subsection (4)(c)(iv) to clarify that the subsection refers to the distribution of samples only.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 2, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-10-061, filed 5/3/94, effective 6/3/94)

WAC 458-20-185 Tax on tobacco products. (1) **Introduction.** This ~~((section))~~ rule explains the tax liabilities of persons engaged in business as a retailer, distributor or sub-jobber of tobacco products. ~~((It addresses only those taxes which apply exclusively to tobacco products.))~~ The tax on tobacco products is in addition to all other taxes owed. For example, retailers, distributors, and subjobbers are liable for business and occupation tax on their retailing or wholesaling activities, use tax on tobacco products distributed as samples, and litter tax on the value of the tobacco products. See WAC 458-20-186 for tax liabilities associated with taxes which apply exclusively to cigarettes.

(2) **Definitions.** The following definitions apply to this rule.

(a) "Tobacco products" means all tobacco products except cigarettes as defined in RCW 82.24.010. The term includes:

(i) Cigars, cheroots, stogies, and periques;

(ii) Granulated, plug cut, crimp cut, ready rubbed ~~((or)),~~ and other smoking tobacco;

(iii) Snuff, snuff flour, cavendish, plug~~((s))~~ and twist tobacco, fine-cut, ~~((or))~~ and other chewing tobaccos; and

(iv) Shorts, refuse scraps, clippings, cuttings~~((s))~~ and sweepings of tobacco, ~~((or))~~ and other kinds ~~((or))~~ and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) "Manufacturer" means a person who manufactures and sells tobacco products.

(c) "Distributor" means:

(i) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale~~((or))~~;

(ii) Any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state~~((or))~~;

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers; or

(iv) Any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

~~((e))~~ (d) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

~~((d))~~ (e) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(f) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes all sales made by any person ~~((for a consideration)).~~ It includes all gifts by persons engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of chapter 82.26 RCW, or for any other purposes whatsoever.

~~((e))~~ (g) "Wholesale sales price" means the established ~~((manufacturer's))~~ price for which a manufacturer sells tobacco product to the distributor, exclusive of any discount or other reduction.

~~((f))~~ (i) A wholesale sales price that is an established price must reflect the fair market value of the tobacco products. In the case where a seller and buyer establish a sales price that does not reflect fair market value, such as may occur in certain sales between affiliated companies, the wholesale sales price is the fair market value of the tobacco product and not the sales price established by the seller and buyer.

(ii) The phrase "discount or other reduction" includes any reduction from the established wholesale sales price made to a specific customer or class of customers.

Example. Pursuant to a half-price promotion, a manufacturer sells tobacco products to a distributor. The invoice lists \$100 as the price of the product less a \$50 discount resulting in a net invoice of \$50. The tax is due on \$100 which is the wholesale sales price exclusive of any discount or other reduction.

(h) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(i) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine.

(j) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(k) "Department" means the department of revenue.

(l) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities,

and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(m) "Indian country" means the same as defined in WAC 458-20-192.

(3) ~~(Nature)~~ **Rate and measure of tax.** The Washington state tobacco products tax is an excise tax levied on ~~((the value of))~~ the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state ~~((f)).((j))~~

The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020 ~~((and)),~~ 82.26.025, and 82.26.028. ~~((Charts with current rates are available from the special programs division at the department of revenue. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale. (4)))~~ The total current rate of tax is shown on the current combined excise tax return.

(4) **Imposition of tax.** The tax is imposed once on all tobacco products sold, used, consumed, handled, or distributed within this state.

(a) **When tax is imposed.** The tax is imposed at the time the distributor:

(i) Brings, or causes to be brought, into this state from without the state tobacco products for sale; or

(ii) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(iii) Ships or transports tobacco products to retailers in this state, to be sold by those retailers; or

(iv) Handles for sale any tobacco products that are within this state but upon which tax has not been imposed. For example, a retailer with a place of business in this state purchases for sale tobacco products from an enrolled tribal member of a federally recognized tribe located within Indian country. Because the tax was not imposed on the enrolled tribal member, the retailer must pay the tax.

(b) **Additional occasion when tax may be imposed.** Any retailer who fails to keep invoices as required under chapter 82.32 RCW and which invoices do not conform to the requirements set forth in subsection (5)(b) of this rule is liable for the tax on any uninvoiced tobacco product which that retailer handles for sale.

(c) **When an out-of-state person is a distributor who must pay the tax.** A person located out-of-state who is selling tobacco products to Washington wholesalers from a stock of goods located outside this state is not a distributor and therefore is not liable for the tax.

(i) On the other hand, a person located out-of-state who is selling and shipping tobacco products to Washington retailers from an out-of-state stock of goods is a distributor and is subject to the tax. If the out-of-state person is not required to register and pay taxes in Washington, the retailers to whom it sells must pay the tax. However, such out-of-state persons may elect to register with the state and pay the tax.

(ii) A Washington retailer who purchases tobacco from an out-of-state stock of goods from a person located out-of-state who is not required to register and pay taxes in Washington may provide to that person a certificate affirming that the Washington retailer will remit to the state the tax due. Both the out-of-state person and the Washington retailer

should retain a copy of such certificate. The certificate should substantially conform to the example shown below:

Retailer's Certificate of Remittance of Tax

The undersigned retailer hereby certifies that the undersigned will remit to the state the tax due on the tobacco products specified below purchased from seller. This certificate shall be considered a part of each order which the undersigned may give to the seller, unless otherwise specified, and shall be valid until revoked by the undersigned in writing or until it expires, whichever occurs first. This certificate expires four years from the effective date.

Name of Seller:

Name of Retailer..... Effective Date.....

UBI/Registration #

Address of Retailer

Tobacco products purchased

Agent for Retailer (print)

Signature.....

(iii) A person who is located out-of-state and who is required to register and pay taxes in Washington may sell and ship tobacco products to a Washington customer who is both a wholesaler and retailer. Under this circumstance, the person, the customer, and the department may enter into a written agreement that identifies the person who will remit to the state the tax due as to those particular sales. The written agreement will contain such other terms and conditions that are acceptable to the department.

(iv) When a person located outside Washington distributes samples in this state, that person must pay the tax on those samples.

(5) **Books and records.** Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained ~~((and preserved for five years for examination by the department of revenue)).~~ The records must include all pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products and must be kept for a period of at least five years after the date of the document or the date of the entry appearing in the records.

(a) **Distributors.** Distributors must keep at each registered place of business complete and accurate records for that place of business. The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales ~~((including customers' names and addresses))~~ of tobacco products except retail sales. ~~((All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must be retained.))~~ The itemized invoice for each purchase or sale must be legible and must show the seller's name and address, the purchaser's name and address, the date of sale, and all prices and

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discounts. Itemized invoices must be preserved for five years from the date of sale.

(b) **Retailers and subjobbers.** Retailers and subjobbers must secure ~~((and retain legible and))~~ itemized invoices of all tobacco products purchased ~~((, showing name and address of the seller and the date of purchase))~~. The itemized invoice for each purchase must be legible and must show the seller's name and address, the purchaser's name and address, the date of sale, and all prices and discounts. Itemized invoices must be preserved for five years from the date of sale.

(c) **Warehouses.** Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

~~((5))~~ (6) **Nonpayment of tax by retailers.** If the department finds that any nonpayment of tax by the retailer was willful, penalties and interest shall be assessed in accordance with chapter 82.32 RCW. In the case of a second or plural nonpayment of tax by the retailer, penalties and interest will be assessed in accordance with chapter 82.32 RCW without regard to willfulness.

(a) Example. In the course of an audit of Retailer, the department determines that on several occasions Retailer failed to pay the tax. The department does not find the nonpayment to be willful. Retailer owes the tax due on all occasions of nonpayment and the penalties and interest is assessed on all but the first occasion of nonpayment. A few years later Retailer is audited again. The department finds one occasion of nonpayment of tax. In addition to the tax due, penalties and interest will be assessed in accordance with chapter 82.32 RCW.

(b) Example. In the course of an audit of Retailer #2, the department determines that on several occasions Retailer #2 failed to pay the tax. The department determines that the nonpayment of tax was willful. In addition to the tax due on all occasions of nonpayment, Retailer #2 owes penalties and interest on all occasions.

(7) **Reports and returns.** The tax is reported on the combined excise tax return ~~((, Form REV 40-2406,))~~ to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.

Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

~~((6))~~ Retailers, distributors, and subjobbers may be required to file a report with the department in compliance with the provisions of the National Uniform Tobacco Settlement when purchasing tobacco products from certain manufacturers. Please see WAC 458-20-264 and chapter 70.157 RCW.

(8) **Interstate sales and sales to U.S.**

(a) The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers ~~((or wholesalers))~~ outside the state for resale by such retailers ~~((or wholesalers))~~, and a credit may be taken for the amount of tobacco products tax previously paid on such products. RCW 82.26.110. The credit is not available for sales made for

delivery outside this state other than sales for resale to retailers. For example, no credit may be taken for a sale of tobacco products delivered to a consumer outside the state.

(b) To document that the tobacco products were sold to a retailer outside the state for resale by such retailer, the person may obtain from the retailer a certificate which substantially conforms to the following:

Retailer's Certification of Purchase of Tobacco Products for Resale Outside Washington

The undersigned buyer/retailer hereby certifies that the tobacco products specified below are purchased for resale outside this state by the undersigned. This certificate shall be considered a part of each order which the undersigned may give to the seller, unless otherwise specified, and shall be valid until revoked in writing by the undersigned or until it expires, whichever occurs first. This certificate expires four years from the effective date.

Name of Seller Effective Date.
UBI/Registration #
Name of Buyer/Retailer Business
Address
Items purchased for resale
Agent for buyer/retailer (print)
Signature

~~((7))~~ (9) **Returned or destroyed goods.** A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid ~~((, but returns on which such credits are claimed must be accompanied by))~~. If the credit is claimed against tax owed by the taxpayer or as a refund of tax paid, taxpayers must retain in their records appropriate documentation, affidavits or certificates conforming to those illustrated below:

(a) **Certificate of taxpayer.**

Claim for Credit on Tobacco Products
Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that the tobacco products were destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)
.....
.....

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WSR 03-12-061

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 2, 2003, 2:56 p.m.]

Attested to:
Date

By
Signature of Taxpayer or
Authorized Representative.

.....
Position with Dealer
.....
Dealer

.....
Address of Dealer

APPROVED:

.....
Authorized Agent of
Department of Revenue of the
State of Washington.

(b) Certificate of manufacturer.

Claim for Credit on Tobacco Products
Tax Merchandise Returned:

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a manufacturer of tobacco products; that the manufacturer has received from (Dealer), (Address), a dealer in tobacco products within the State of Washington, certain tobacco products which were unfit for sale, the tobacco products having a wholesale sales price of \$.....; that the tobacco products were destroyed in the following manner:

.....
(Indicate date and manner of destruction)

Credit issued on Memo No.
credit approved by: Signature of Taxpayer or
Authorized Representative

.....
on behalf of the Department Name of Manufacturer
of Revenue - State of
Washington Address

(10) Enforcement. Pursuant to RCW 82.26.121 and 66.44.010, enforcement officers of the liquor control board may enforce all provisions of the law with respect to the tax on tobacco products. Retailers, distributors, and subjobbers must allow department personnel and enforcement officers of the liquor control board free access to their premises to inspect the tobacco products contained in the premises and to examine the books and records of the business. Failure to allow free access or to hinder or interfere with department personnel and/or enforcement officers of the liquor control board may result in the revocation of the business license.

Date of Adoption: February 20, 2003.
Purpose: To implement amendments to chapter 18.30 RCW. The changes are due to 2002 legislation SSB 2309 (chapter 160, Laws of 2002).

Citation of Existing Rules Affected by this Order: Repealing WAC 246-812-130; and amending WAC 246-812-010 and 246-812-160.

Statutory Authority for Adoption: RCW 18.30.065.

Adopted under notice filed as WSR 03-01-113 on December 18, 2002.

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 1.

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 2, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 15, 2003

Michael Gillispie, Chair
Board of Denturists

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"**Acquired immunodeficiency syndrome**" or "**AIDS**" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"**Approval**" and "**accreditation**" are used interchangeably with reference to sanctioning of courses.

"**Board**" means the Washington state board of (~~denture technology~~) denturists, whose address is:

Department of Health
Health Profession Quality Assurance (~~Division~~)
Washington State Board of (~~Denture Technology~~
~~1112 SE Quince Street~~) Denturists
310 Israel Rd. SE, PO Box 47867
Olympia, WA 98504-7867

(~~"Denture technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.~~

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~~"Five years employment in denture technology" is defined as working a minimum of twenty hours per week during five of the last ten years.))~~

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~("4,000 Hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.))~~

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-160 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

(a) Successfully pass the examination as provided in RCW ~~((18.25.040))~~ 18.30.100;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-812-130 Denturist licensure—Training course approval.

WSR 03-12-062
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed June 2, 2003, 3:00 p.m.]

Date of Adoption: May 30, 2003.

Purpose: The purpose of this rule adoption is to bring radiation protection regulations into conformance with the United States Nuclear Regulatory Commission rules and RCW 70.98.050 regarding well-logging operations and to allow licensees to use dosimetry from providers accredited by the National Institute of Standards and Technology.

Citation of Existing Rules Affected by this Order: Amending WAC 246-243-150, 246-244-020, 246-244-030, 246-244-080, 246-244-110, 246-244-115 [new section], 246-244-160, and 246-244-240.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 03-07-094 on March 19, 2003.

Changes Other than Editing from Proposed to Adopted Version: Only one editorial change was made to the rule text resulting in no change in the effect of the proposed rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 1, Amended 7, 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 1, Amended 7, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

WAC 246-243-150 Personnel monitoring control. (1) ~~((No))~~ A licensee ((shall)) **may not** permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, ((each such)) the individual ((shall)) wears ((on the trunk of the body a combination of an approved personnel dosimeter such as a film or TLD badge,)) a direct reading pocket dosimeter, ((and)) an alarming rate meter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor on the trunk of the body. In permanent facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming rate meter is not required.

(a) Pocket dosimeters ~~((shall))~~ must be capable of measuring exposures from zero to at least 200 milliroentgens. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters.

(b) ~~((A film or TLD badge or other approved))~~ Each personnel dosimeter shall be assigned to and worn by only one individual.

(c) Film badges must be replaced at periods not to exceed one month and ~~((TLDs))~~ other personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months.

(d) After replacement, each ~~((film badge or TLD))~~ personnel dosimeter must be processed as soon as possible.

(2)(a) Direct reading dosimeters such as pocket dosimeters or electronic personal dosimeters shall be read and exposures recorded at the beginning and end of each shift. Pocket dosimeters shall be charged at the beginning of each shift. Pocket dosimeters shall be checked annually at periods not to exceed twelve months for correct response to radiation. Acceptable dosimeters shall read within plus or minus twenty percent of the true radiation exposure.

(b) Each alarming rate meter must:

(i) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(ii) Be set to give an alarm signal at a maximum preset rate of 5 mSv/hr. (500 mR/hr.);

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(iii) Require special means to change the preset alarm functions; and

(iv) Be calibrated annually at periods not to exceed twelve months for correct response to radiation: Acceptable rate meters must alarm within plus or minus twenty percent of the true radiation exposure rate.

(3) If an individual's pocket dosimeter is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's ~~((film badge or TLD))~~ personnel dosimeter must be sent for processing within twenty-four hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination shall be made by the RSO or the RSO's designee.

(4) If ~~((a film badge or TLD))~~ the personnel dosimeter required by this section is lost or damaged, the worker shall cease work immediately until a replacement ~~((film badge or TLD))~~ personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the ~~((film badge or TLD))~~ personnel dosimeter.

(5) Each licensee shall maintain the following exposure records:

(a) Direct reading dosimeter readings and yearly operability checks required by subsection (2) of this section for three years after the record is made.

(b) Records of alarm rate meter calibrations for three years after the record is made.

(c) Reports received from the ~~((film badge or TLD))~~ personnel dosimeter accredited NVLAP processor until the department terminates the licensee.

(d) Records of estimates of exposures as a result of: Off-scale personal direct reading dosimeters, or lost or damaged ~~((film badges or TLDs))~~ personnel dosimeters, until the department terminates the license. The time period for which the personnel dosimeter was lost or damaged shall be included in the records.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-020 Definitions. As used in this chapter, the following definitions apply:

(1) "Casing" means a metal pipe or tube used as a lining for oil or gas wells to prevent collapse of the well-bore.

(2) "Energy compensation source" (ECS) means a small sealed source, with an activity not exceeding 3.7 MBq (100 microcuries), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

(3) "Field station" means a facility where radioactive sources may be stored or used and from which equipment is dispatched to temporary job sites.

~~((3))~~ (4) "Fresh water aquifer" means a geological formation that is capable of yielding a significant amount of fresh water to a well or spring.

~~((4))~~ (5) "Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

~~((5))~~ (6) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

~~((6))~~ (7) "Logging assistant" means an individual who assists the logging supervisor in performing the well-logging operations.

~~((7))~~ (8) "Logging supervisor" means an individual who provides personal supervision of the use of licensed material at the temporary job site and who is responsible to the licensee for assuring compliance with requirements of the department's regulations and the conditions of the license.

~~((8))~~ (9) "Logging tool" means a device used subsurface to perform well-logging.

~~((9))~~ (10) "Mineral logging" means any logging performed for the purpose of mineral (including water) exploration other than oil or gas.

~~((10))~~ (11) "Personal supervision" means guidance and instruction by the supervisor who is physically present at the job site and watching the performance of the operation in such proximity that contact is maintained and immediate assistance given as required.

~~((11))~~ (12) "Radioactive marker" means licensed material used for the purpose of depth determination or direction orientation. This term includes radioactive collar markers and radioactive iron nails.

~~((12))~~ (13) "Sealed source" means any licensed material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

~~((13))~~ (14) "Source holder" means the housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of such source in well-logging operations.

~~((14))~~ (15) "Subsurface tracer study" means, for the purpose of this chapter, the release of unsealed licensed material or a substance labeled with licensed material in a single well or multiple wells for the purpose of tracing the movement or position of the material or substance in the well-bore or adjacent formation(s) (this term does not include the use of licensed material in field flooding studies).

~~((15))~~ (16) "Surface casing" means a pipe or tube used as a lining in a well to isolate the fresh water zone from the well.

~~((16))~~ (17) "Temporary job site" means any location to which radioactive materials have been dispatched or taken to perform wireline service operations or subsurface tracer studies.

~~((17))~~ (18) "Tritium neutron generator target source" means a tritium source used within a neutron generator tube to produce neutrons for use in well-logging applications.

(19) "Uranium sinker bar" means a weight containing depleted uranium used for the purpose of providing additional force to pull a logging tool down toward the bottom of a well.

~~((18))~~ (20) "Well-bore" means any drilled hole in which wireline service operations and/or subsurface tracer studies are performed.

~~((19))~~ (21) "Well-logging" means the lowering and raising of measuring devices or tools which contain sources

of radiation into well-bores or cavities (salt domes, etc.) for the purpose of obtaining information about the well and/or adjacent formations which may be used in oil, gas, mineral or geological explorations.

~~((20))~~ (22) "Well-logging operation" means any activity involving licensed material performed in a well, including well-logging, mineral logging, subsurface tracer studies, use of radioactive markers, radioactive iron nails, uranium sinker bars, and radioactive sands, and transportation or storage of same.

~~((21))~~ (23) "Wireline" means a cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

~~((22))~~ (24) "Wireline service operation" means any evaluation or mechanical service which is performed in the well-bore using devices containing radioactive material on a wireline.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-030 (~~(Prohibitions.)~~) **Agreement with well owner or operator.** ~~((No licensee shall perform wireline service operations with a sealed source(s) or conduct subsurface tracer studies with sources of radiation unless, prior to commencement of the operation, the licensee has a written agreement with the well operator, well owner, drilling contractor, or land owner that:~~

~~(1) In the event a sealed source is lodged downhole every reasonable effort at recovery will be made;~~

~~(2) Potentially contaminated equipment or areas will not be released until an acceptable and documented survey is performed;~~

~~(3) Specific types of recovery operations which could endanger the integrity of the sealed source encapsulation will not be permitted or conducted; and~~

~~(4) In the event a decision is made to abandon the sealed source downhole, requirements of WAC 246-244-240 shall be met.))~~ (1) A licensee may perform well logging with a sealed source only after the licensee has a written agreement with the employing well owner or operator. This written agreement must identify who will meet the following requirements:

(a) If a sealed source becomes lodged in the well, a reasonable effort will be made to recover it.

(b) A person may not attempt to recover a sealed source in a manner which, in the licensee's opinion, could result in its rupture.

(c) The radiation monitoring required in WAC 246-244-210 will be performed.

(d) If the environment, any equipment, or personnel are contaminated with licensed material, they must be decontaminated before release from the site or release for unrestricted use.

(e) If the sealed source is classified as irretrievable after reasonable efforts at recovery have been expended, the following requirements must be implemented within thirty days:

(i) Each irretrievable well-logging source must be immobilized and sealed in place with a cement plug;

(ii) A means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations; and

(iii) A permanent identification plaque, constructed of long lasting material such as stainless steel, brass, bronze, or monel, must be mounted at the surface of the well, unless the mounting of the plaque is not practical. The size of the plaque must be at least 17 cm (7 inches) square and 3 mm (1/8-inch) thick. The plaque must contain—

(A) The word "CAUTION";

(B) The radiation symbol (the color requirement in WAC 246-221-120(1) need not be met);

(C) The date the source was abandoned;

(D) The name of the well owner or well operator, as appropriate;

(E) The well name and well identification number(s) or other designation;

(F) An identification of the sealed source(s) by radionuclide and quantity;

(G) The depth of the source and depth to the top of the plug; and

(H) An appropriate warning, such as, "DO NOT REENTER THIS WELL."

(2) The licensee shall retain a copy of the written agreement for three years after the completion of the well-logging operation.

(3) A licensee may apply, under WAC 246-220-050, for department approval, on a case-by-case basis, of proposed procedures to abandon an irretrievable well-logging source in a manner not otherwise authorized in subsection (1)(e) of this section.

(4) A written agreement between the licensee and the well owner or operator is not required if the licensee and the well owner or operator are part of the same corporate structure or otherwise similarly affiliated. However, the licensee shall still otherwise meet the requirements in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-080 **Leak testing of sealed sources.** ~~((Each licensee utilizing sealed sources of radioactive material shall have the sources tested for leakage and/or contamination in accordance with WAC 246-221-080.))~~ (1) Testing and recordkeeping requirements. Each licensee who uses a sealed source shall have the source tested for leakage periodically. The licensee shall keep a record of leak test results in units of becquerels (or microcuries) and retain the record for inspection by the department for three years after the leak test is performed.

(2) Method of testing. The wipe of a sealed source must be performed using a leak test kit or method approved by the department, an agreement state, a licensing state, or the United States Nuclear Regulatory Commission. The wipe sample must be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be analyzed for radioactive contamination. The analysis must be capable of detecting the presence of 185 Bq (0.005 microcurie) of radioactive material on the test sam-

ple and must be performed by a person approved by the department, an agreement state, a licensing state, or the United States Nuclear Regulatory Commission to perform the analysis.

(3) Test frequency.

(a) Each sealed source (except an energy compensation source (ECS)) must be tested at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six months before the transfer, the sealed source may not be used until tested.

(b) Each ECS that is not exempt from testing in accordance with subsection (5) of this section must be tested at intervals not to exceed three years. In the absence of a certificate from a transferor that a test has been made within the three years before the transfer, the ECS may not be used until tested.

(4) Removal of leaking source from service.

(a) If the test conducted under subsections (1) and (2) of this section reveals the presence of 185 Bq (0.005 microcurie) or more of removable radioactive material, the licensee shall remove the sealed source from service immediately and have it decontaminated, repaired, or disposed by a department, an agreement state, a licensing state, or a United States Nuclear Regulatory Commission licensee that is authorized to perform these functions. The licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by a department, an agreement state, a licensing state, or a United States Nuclear Regulatory Commission licensee that is authorized to perform these functions.

(b) The licensee shall submit a report to the department within five days of receiving the test results. The report must describe the equipment involved in the leak, the test results, any contamination that resulted from the leaking source, and the corrective actions taken up to the time the report is made.

(5) Exemptions from testing requirements. The following sealed sources are exempt from the periodic leak test requirements set out in subsections (1) through (4) of this section:

(a) Hydrogen-3 (tritium) sources;

(b) Sources containing licensed material with a half-life of thirty days or less;

(c) Sealed sources containing licensed material in gaseous form;

(d) Sources of beta- or gamma-emitting radioactive material with an activity of 3.7 MBq (100 microcuries) or less; and

(e) Sources of alpha- or neutron-emitting radioactive material with an activity of 0.37 MBq (10 microcuries) or less.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-110 Design, performance, and certification criteria for sealed sources used in downhole operations. (1) Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations shall be certified by the manufacturer, or other testing organi-

zation acceptable to the department, to meet the following minimum criteria:

(a) Be of doubly encapsulated construction;

(b) Contain radioactive material whose chemical and physical forms are as insoluble and nondispersible, respectively, as practical; and

(c) ~~((Has been individually pressure tested to at least 24,656 pounds per square inch absolute (170 MN/m²) without leakage or failure.))~~ Comply with subsection (2), (3), or (4) of this section.

(2) For a sealed source manufactured on or before July 14, 1989, a licensee may use the sealed source for use in well-logging applications if it meets the requirements of USASI N5.10-1968, "Classification of Sealed Radioactive Sources," or the requirements in subsection (3) or (4) of this section.

(3) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source for use in well-logging applications if it meets the oil-well logging requirements of ANSI/HPS N43.6-1997, "Sealed Radioactive Sources—Classification."

(4) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source for use in well-logging applications, if—

The sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:

(a) Temperature. The test source must be held at -40°C for twenty minutes, 600°C for one hour, and then be subject to a thermal shock test with a temperature drop from 600°C to 20°C within fifteen seconds.

(b) Impact test. A 5 kg steel hammer, 2.5 cm in diameter, must be dropped from a height of 1 m onto the test source.

(c) Vibration test. The test source must be subject to a vibration from 25 Hz to 500 Hz at 5 g amplitude for thirty minutes.

(d) Puncture test. A 1 gram hammer and pin, 0.3 cm pin diameter, must be dropped from a height of 1 m onto the test source.

(e) Pressure test. The test source must be subject to an external pressure of 1.695E7 pascals (24,600 pounds per square inch absolute).

(5) Except those containing radioactive material in gaseous form, in the absence of a certificate from a transferor certifying that an individual sealed source meets the requirements of subsection((s)) (1) ~~((and (3)))~~ of this section, the sealed source shall not be put into use until ~~((such))~~ these determinations and testings have been performed and acceptable documented results obtained.

~~((3)) Each sealed source, except those containing a radioactive material in gaseous form, used in downhole operations shall be certified by the manufacturer, or other testing organization acceptable to the department, to meet the sealed source performance requirements for oil well logging as contained in the January 1986 or most current American National Standard N542, Sealed Radioactive Sources, Classification.~~

~~((4))~~ (6) Certification documents shall be maintained for inspection by the department for a period of three years after source disposal. If a source is abandoned downhole, the cer-

tification documents shall be maintained until the department authorizes disposition.

(7) The requirements in this section do not apply to energy compensation sources (ECS). ECSs must be registered with the commission under Section 10 CFR 32.210 or with an agreement state.

NEW SECTION

WAC 246-244-115 Energy compensation sources and tritium neutron generator target sources. (1) The licensee may use an energy compensation source (ECS) which is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 3.7 MBq (100 microcuries).

(a) For well-logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of WAC 246-244-080, 246-244-090 and 246-244-100.

(b) For well-logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of WAC 246-244-030, 246-244-080, 246-244-090, 246-244-100 and 246-244-240.

(2) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq (30 curies) and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this chapter except WAC 246-244-030, 246-244-110, and 246-244-240.

(3) Use of a tritium neutron generator target source, containing quantities exceeding 1,110 MBq (30 curies) or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of this chapter except WAC 246-244-110.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-160 Personnel monitoring. (1) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during ~~((well logging operations, either a film badge or thermoluminescent dosimeter (TLD)))~~ the handling of licensed radioactive materials, a personnel dosimeter that is processed by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each ((film badge or TLD)) personnel dosimeter must be assigned to and worn by only one individual. The film badge must be exchanged and analyzed at least monthly and ((TLD badges)) other personnel dosimeters exchanged and analyzed at least every three months. The licensee shall have each ((badge or TLD)) personnel dosimeter processed in a timely fashion.

(2) The licensee shall provide appropriate bioassay services to individuals using licensed materials for subsurface tracer studies.

(3) The licensee shall keep reports received from the ~~((badge or TLD))~~ accredited NVLAP personnel dosimeter processor and from the bioassay service laboratory for inspection until the department authorizes disposition or terminates the license.

(4) Personnel monitoring devices and equipment shall monitor for beta, gamma, and neutron radiation as appropriate.

(5) Each licensee shall adhere to the requirements of the department's Regulatory Guide 8.20 *Bioassay Program Criteria for I-125 and I-131*.

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-244-240 Notification of incidents, abandonment, and lost sources. (1) Notification of incidents and sources lost in other than downhole logging operations shall be made in accordance with appropriate provisions of chapter 246-221 WAC.

(2) The licensee shall immediately notify the state of Washington division of radiation protection by telephone (206 682-5327) and subsequently within five days by confirmatory letter if:

(a) Licensed material has been lost in or near a fresh water aquifer; or

(b) A sealed source has been ruptured. This notice must designate the well or other location and describe the magnitude and extent of licensed materials, assess the consequences of the loss or rupture, and explain efforts planned or being taken to mitigate these consequences.

(3) Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee shall:

(a) Monitor the surface for the presence of radioactive contamination with an appropriate radiation survey instrument (not the logging tool itself) during logging tool recovery operations; and

(b) Notify the department immediately by telephone (206-682-5327) if radioactive contamination is detected at the surface or if the source appears to be damaged.

(4) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee shall:

(a) Notify the department by telephone (206-682-5327) of the circumstances that resulted in the inability to retrieve the source and—

(i) Obtain department approval to implement abandonment procedures; or

(ii) That the licensee implemented abandonment before receiving department approval because the licensee believed there was an immediate threat to public health and safety; and

(b) Advise the well operator or owner, as appropriate, of the regulations of the state of Washington regarding abandonment, and an appropriate method of abandonment. The licensee shall ensure that such abandonment procedures are implemented within thirty days after the sealed source has been classified as irretrievable. ~~((Such abandonment procedures shall include:~~

(i) Immobilization and sealing in place of the radioactive source with a cement plug;

(ii) The setting of a whipstock or deflection device; and

(iii) The mounting of a permanent identification plaque at the surface of the well, containing the appropriate information required by subsection (5) of this section;

PERMANENT

(b) Immediately notify the department by telephone (206 682-5327), giving the circumstances of the loss, and request and receive approval of the proposed)) or request an extension of time if unable to complete the abandonment procedures; and

(c) File a written report with the department within thirty days of the abandonment, including a copy to each appropriate state or federal agency that issued permits or otherwise approved of the drilling operation, setting forth the following information:

- (i) Date and time of occurrence and a brief description of attempts to recover the source;
- (ii) A description of the radioactive source(s) involved, including radionuclide, quantity, make, model and serial number, and chemical and physical form;
- (iii) Surface location and identification of well;
- (iv) Results of efforts to immobilize and seal the source in place;
- (v) Depth of the radioactive source in meters or feet;
- (vi) Depth to the top of cement plug in meters or feet;
- (vii) Depth of the well in meters or feet; ((and))
- (viii) ((Information contained on the permanent identification plaque)) The immediate threat to public health and safety justification for implementing abandonment if prior departmental approval was not obtained in accordance with subsection (4)(a)(ii) of this section;
- (ix) Any other information, such as a warning statement, contained on the permanent identification plaque; and
- (x) State and federal agencies receiving a copy of this report.

((5) Whenever a sealed source containing radioactive material is not recovered and is abandoned downhole, the licensee shall provide a permanent plaque at least eighteen centimeters square for posting the well or well bore (see Appendix A). This plaque shall:

- (a) Be constructed of long lasting material, such as stainless steel or monel; and
- (b) Contain the following information permanently and conspicuously engraved on its face:
 - (i) The word "caution (or danger)";
 - (ii) The radiation symbol(s) with or without the conventional color requirement;
 - (iii) The date of abandonment (month/day/year);
 - (iv) The name of the well operator or well owner;
 - (v) The well name and well identification number(s) or other designation;
 - (vi) The sealed source(s) by radionuclide and quantity of activity (if more than one source is involved, information for each source shall be included);
 - (vii) The source depth and the depth to the top of the plug in meters or feet; and
 - (viii) An appropriate warning, depending on the specific circumstances of each abandonment.

(6) The department may, at its own discretion, impose such other requirements as it may deem necessary.

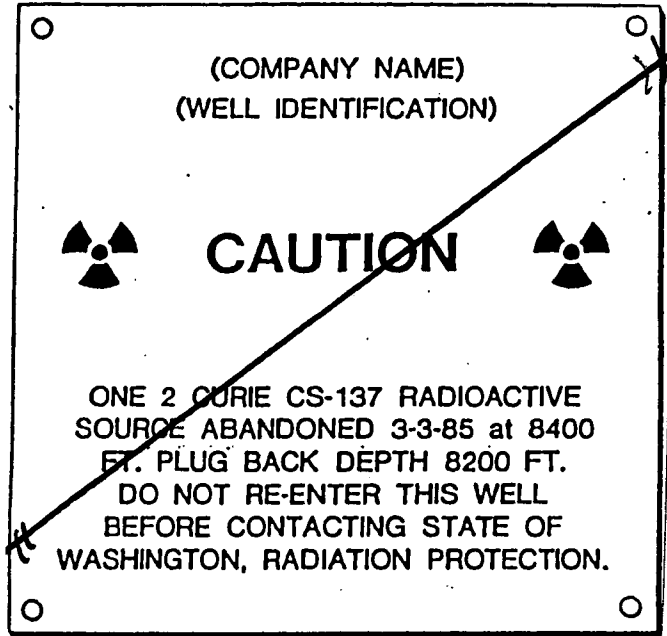
† An example of a suggested plaque is shown in Appendix A of this section. Appropriate warnings may include:

- (a) "Do not drill below plug back depth";
- (b) "Do not enlarge casing"; and/or

(c) "Do not reenter the hole before contacting the state of Washington division of radiation protection."

APPENDIX A

Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole



The size of the plaque should be convenient for use on active or inactive wells, and shall be at least eighteen centimeters square. Letter size of the word "caution" or "danger" shall be approximately twice the letter size of the rest of the information, e.g., one half inch and one fourth inch letter size, respectively.)

WSR 03-12-071
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed June 3, 2003, 8:38 a.m.]

Date of Adoption: June 3, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-070, 308-56A-300, 308-56A-305, 308-56A-315, 308-56A-320, 308-56A-325, and 308-56A-330.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.101.

Adopted under notice filed as WSR 03-08-093 on April 2, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

PERMANENT

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 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 7, 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.

June 3, 2003

Denise M. Movius
for Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 99-08-064, filed 4/5/99, effective 5/6/99)

WAC 308-56A-070 Leased vehicles. (1) How are the lessee and lessor designated on Washington certificates of ownership?

(a) The ~~((application for))~~ certificate of ownership ~~((shall))~~ will show the name of the lessee as registered owner, followed by ~~((the word lessee))~~ LSE. The name of the lessor ~~((shall))~~ will be shown as the secured party or legal owner, followed by ~~((the word lessor))~~ LSR.

(b) If the vehicle is subject to a security agreement ~~((the application shall be completed as above with))~~ the certificate of ownership will show the lessor's name immediately below the lessee's name as ~~((second))~~ a subsequent registered owner ~~((and shall be))~~ followed by ~~((the word lessor))~~ LSR. The address shown ~~((shall))~~ will be the lessee's. The secured party's name and address ~~((shall))~~ will be shown as the legal owner.

(c) Dealers and persons engaged in the business of vehicle leasing may simply ~~((show the lessor))~~ be shown as sole registered owner if a copy of the lease or rental agreement is attached to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year.

(2) How ~~((is a lessee and sublessee designated on the Washington certificate of ownership?))~~

~~((a) Lessees who enter into a lease agreement with another party will be shown on a certificate of ownership as the registered owner followed by the designation LESSEE. The sublessee will be shown on a certificate of ownership as the registered owner followed by the designation SUBLESSEE. Only the sublessee must sign the application for certificate of ownership.~~

~~((b) The name of the lessor shall be shown as either:~~

~~((i) The secured party or legal owner, followed by the word lessor; or~~

~~((ii) If the vehicle is subject to a security agreement, the application shall be completed as above with the lessor's~~

~~name immediately below the lessee's name as third registered owner and shall be followed by the word lessor. The address shown shall be the sublessee's. The secured party's name and address shall be shown as the legal owner.~~

~~((3))~~ **does a lien holder release interest on a leased vehicle?** To release a lien on a vehicle that is being leased the lien holder must follow procedures outlined in WAC 308-56A-265.

(3) What if a sublessee is to be shown on the Washington certificate of ownership?

(a) Sublessees will be shown on the certificate of ownership as first registered owner, followed by SUBLSE. Lessees, lessor, and secured parties will be shown successively as described in subsection (1) of this section.

(b) The address of the registered owner will be that of the sublessee.

(c) Any person to be shown on the certificate of ownership as a registered owner as described in subsections (1) and (3)(a) of this section must sign the application for certificate of ownership.

(4) Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vehicle in Washington? If the out-of-state certificate of ownership shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership ~~((shall))~~ must be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-300 Application for certificate of ownership for abandoned vehicles. What proof of ownership ~~((document does the department require to issue a certificate of ownership for a vehicle which has been abandoned? A properly completed, department required, abandoned vehicle report - affidavit of sale form, as provided in chapter 46.55 RCW))~~ **do I need to submit for a vehicle I purchased at a Washington abandoned vehicle auction as authorized under chapter 46.55 RCW? You must submit:**

(1) A Washington Abandoned Vehicle Report - Affidavit of Sale form as provided for in WAC 308-61-026(1); and

(2) Certificate of ownership application and other documents required by RCW 46.12.030(3).

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-305 Law enforcement sale. (1) What ~~((ownership document does the department require to issue a certificate of ownership for a vehicle which has been purchased at a law enforcement sale? The department requires, in addition to other))~~ **documents must I submit to obtain a**

certificate of ownership for a vehicle that has been purchased at a law enforcement sale? You must submit:

(a) Documents required by chapters 46.01 and 46.12 RCW;

~~(a) The current certificate of ownership, if it is available; and);~~

(b) A bill of sale from law enforcement to the purchaser stating that the vehicle was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; ~~((or))~~

(c) A copy of an order from any district or superior court of any county of this state authorizing law enforcement to sell the vehicle; or

~~(d) The current certificate of ownership, if it is available.~~

(2) Does the sale of a vehicle at a law enforcement sale remove any previous security interest? Yes, the security interests are released ~~((upon))~~ at the time of sale ~~((of a vehicle at a law enforcement sale)).~~

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-315 Name change. What ~~((documentation does the department require to change my name shown on the certificate of ownership? In addition to other))~~ documentation must I submit to change my name shown on the certificate of ownership? You must submit:

(1) Documents required by chapters 46.01 and 46.12 RCW ~~((, the department requires:~~

~~(1) A court order); and~~

~~(2) If the name was changed by a court order, a copy of that order; or~~

~~((2) An))~~ **(3) A notarized/certified affidavit signed by you stating:**

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud ~~((creditors)).~~

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-320 Transfer by court order. (1) What ~~((does the department require if ownership of a vehicle is awarded by court order? In addition to other documents required by chapters 46.01 and 46.12 RCW, the department requires))~~ documents must I submit if ownership of a vehicle is awarded by court order? In addition to ownership documents required by chapter 46.12 RCW and registration documents required by chapter 46.16 RCW, you must submit:

(a) A copy of the Washington state court order, or certification from the clerk of the court confirming the courts action ~~((, for vehicles titled in Washington state)); or~~

(b) Finding of fact, conclusion of law and decision from the Washington state office of administrative hearings per RCW 46.12.330 for vehicles titled in Washington state; or

(c) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same

jurisdiction as the court action, example: California court order and California vehicle ownership documents; or

~~((e))~~ (d) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction; or

~~((d) Obtain))~~ (e) A certificate of ownership from a foreign jurisdiction in ~~((their))~~ the applicant's name ~~((from a foreign jurisdiction)).~~

(2) What information ~~((needs to be))~~ does the department require on the court order ~~((for the department to accept it))~~ or legal decision as defined in RCW 46.12.330? ~~((The department requires))~~ At a minimum, the court order ~~((to))~~ or legal decision must contain:

(a) The full name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded ~~((, including the vehicle identification number or Washington license plate, if available));~~

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) Does the department require all pages of the final court order or legal decision as defined in RCW 46.12.330? No, the department requires only copies of pages of the final court order ~~((containing))~~ or legal decision that contain:

(a) The information listed in subsection (2) of this section; and

(b) If the court order or legal decision identifies any collateral agreements, ~~((those portions of the collateral agreement identifying the vehicle and its disposition,))~~ include the first page ~~((and)),~~ the signature page ~~((of that collateral agreement)), and vehicle description; and~~

(c) The page of the order or decision actually signed by the judge ~~((commissioner))~~ or legal official.

(4) Does the copy of the court order or legal decision need to be certified? ~~((The copy of the court order does not need to be certified.))~~ No.

(5) What does the department require if the court order or legal decision does not describe the vehicle by vehicle identification number (VIN) or Washington license plate number? The department requires a certified or notarized statement from the owner describing the vehicle in the court order or legal decision by year, make and VIN or vehicle license plate number.

(6) Does the court order or legal decision allow the department to remove the security interest recorded on the current certificate of ownership? The department ~~((shall:~~

~~((a)))~~ will remove the security interest only if the court order or legal decision specifically directs the department to do so.

~~((b))~~ Not remove the security interest if not specified to ~~((do so in the court order.))~~ **(7) How do I get the security interest removed if the court order or legal decision does**

not specifically direct the department to do so? The new owner may:

~~((#))~~ (a) Negotiate with ~~((#))~~ the secured party to obtain either a release of interest or a new security agreement; or

~~((#))~~ (b) Petition the original court or legal official that issued the order or decision, or a higher court, to have the matter of the secured interest resolved.

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-325 Owner incompetent. (1) **What documentation does the department require to show ~~((guardianship))~~ a guardian has been appointed for a person who has been declared incompetent?** The department requires a copy of ~~((#))~~ the order issued from any district or superior court of competent jurisdiction.

(2) **How is the interest of a person who has been declared incompetent by the court recorded on the certificate of ownership issued by the department?** The department will record ~~((on the certificate of ownership))~~ the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent on the certificate of ownership. Example: John Doe GDN, Estate of Mary Smith.

(3) **Who releases interest on a vehicle ownership document if the owner is declared incompetent?** Only the court appointed guardian may release interest in ~~((#))~~ the vehicle ~~((owned by an individual who has been declared incompetent))~~. If guardianship is not recorded on the current certificate of ownership, a copy of the court order appointing the guardian must accompany the release of interest ~~((must be accompanied by a copy of the court order appointing the guardian if guardianship is not recorded on the current certificate of ownership))~~. The guardian may not appoint any person through power of attorney to release interest.

AMENDATORY SECTION (Amending WSR 99-13-150, filed 6/21/99, effective 7/22/99)

WAC 308-56A-330 Owner bankrupt. Who releases interest in a vehicle when an owner has been declared bankrupt? The owner or ~~((#))~~ the trustee appointed by the bankruptcy court has the authority to release interest ~~((#))~~ in a vehicle ~~((certificate of ownership when the owner has been declared bankrupt))~~. A copy of the court order appointing the trustee must accompany the release of interest ~~((shall be accompanied by a copy of the court order appointing the trustee))~~.

WSR 03-12-074

PERMANENT RULES

MARINE EMPLOYEES' COMMISSION

[Filed June 3, 2003, 10:30 a.m.]

Date of Adoption: June 3, 2003.

Purpose: To make housekeeping changes and simplify/reduce language.

Citation of Existing Rules Affected by this Order: Amending WAC 316-45-001 Scope—Contents—Other rules, 316-45-003 Unfair labor practices—Defined, 316-45-010 Complaint charging unfair labor practices—Who may file, 316-45-020 Unfair labor practice complaint—Time limitations, 316-45-030 Complaint—Number of copies—Filing—Service, 316-45-050 Contents of complaint charging unfair labor practices, 316-45-110 Initial processing of complaint, 316-45-130 Examiner—Who may act, 316-45-150 Authority of examiner, 316-45-170 Notice of hearing, 316-45-190 Answer—Filing and service, 316-45-210 Answer—Contents and effect of failure to answer, 316-45-230 Amendment of answer, 316-45-250 Motion to make complaint more definite and certain, 316-45-270 Hearings—Nature and scope, 316-45-290 Briefs and proposed findings, 316-45-310 Unfair labor practice—Decision, 316-45-330 Withdrawal or modification of examiner decision, 316-45-350 Petition for review of examiner decision, 316-45-370 Filing and service of cross-petition for review, 316-45-390 Commission action, 316-45-410 Unfair labor practice remedies, 316-45-430 Motion for temporary relief, 316-45-550 Collective bargaining—Mandatory subjects, 316-55-001 Scope—Contents—Other rules, 316-55-005 Impasse procedures—Duty to adopt, 316-55-010 Resolution of impasses—Request for mediation, 316-55-020 Mediation request—Information required, 316-55-030 Impasse resolution—Appointment of mediator, 316-55-070 Impasse resolution—Function of mediator, 316-55-090 Impasse resolution—Confidential nature of function, 316-55-110 Impasse resolution—Dispute resolution panel, 316-55-120 Impasse resolution—Expenses, 316-55-130 Impasse resolution—Disclosure, 316-55-150 Impasse resolution—Vacancies, 316-55-160 Fact finding, 316-55-170 Waiver of mediation and fact finding, 316-55-500 Binding arbitration, 316-55-505 Final offer, 316-55-510 Single arbitrator, 316-55-515 Arbitration panel, 316-55-517 Arbitration panel chairman—Qualifications—Replacement, 316-55-525 Conduct of interest arbitration, 316-55-600 Central filing of agreements, 316-55-700 Result of collective bargaining agreements—If budget or fares exceeded, 316-55-710 Collective bargaining agreements stayed, and 316-55-730 Commission action.

Statutory Authority for Adoption: RCW 34.05.230.

Adopted under notice filed as WSR 03-08-070 on April 1, 2003.

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 47, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 3, 2003

Kathy J. Marshall
Administrator

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-001 Scope—Contents—Other rules.

This chapter ~~((governs))~~ directs proceedings before the marine employees' commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules ~~((promulgated))~~ adopted by the chief administrative law judge ~~((governing))~~ outlining the conduct of adjudicative proceedings under chapter 316-45 WAC, except:

(a) WAC 10-08-035, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 316-45-050;

(b) WAC 10-08-211, which is ~~((supplanted))~~ replaced by WAC 316-45-350 and 316-45-370; and

(c) WAC 10-08-230, which is ~~((supplanted))~~ replaced by WAC 316-45-070, 316-45-090, and 316-45-260.

(2) Chapter 316-02 WAC, which ~~((contains))~~ lists rules of practice and procedure ~~((applicable))~~ which apply to all types of proceedings before the marine employees' commission.

(3) Chapter 316-25 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(4) Chapter 316-35 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about petitions for clarification of existing ferry system employees' bargaining units.

(5) Chapter 316-55 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about resolution of impasses occurring in ferry system collective bargaining.

(6) Chapter 316-65 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(7) Chapter 316-75 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(8) Chapter 316-85 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about surveys of compensation, benefits and conditions of employment required by chapter 47.64 RCW.

AMENDATORY SECTION (Amending WSR 92-22-044, filed 10/27/92, effective 11/27/92)

WAC 316-45-003 Unfair labor practices—Defined.

(1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by chapter 47.64 RCW;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: Provided, That subject to rules made by the commission pursuant to RCW 47.64.130 and 47.64.280 an employer ~~((shall))~~ is not ((be)) prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: Provided, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because ~~((he))~~ the employee has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: Provided, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of ~~((his))~~ its representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of employees subject to RCW 47.64.170.

(3) The rights guaranteed by chapter 47.64 RCW include:

(a) The right of self-organization, including the right to form, join, or assist a labor organization;

(b) The right to bargain collectively through a representative freely chosen by the employees themselves;

(c) The right to engage in other concerted activities for collective bargaining or for mutual aid or protection; ~~((or))~~ and

(d) The right to refrain from concerted activity. The right to refrain from concerted activities is limited to the extent that lawful union security agreements may be enforced.

(4) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, ~~((shall))~~ will not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

PERMANENT

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-010 Complaint charging unfair labor practices—Who may file. A complaint charging that any person has ~~((engaged))~~ taken part in or is ~~((engaging))~~ taking part in an unfair labor practice, ~~((hereinafter referred to as))~~ from now on called a "complaint," may be filed by any employee, group of employees, employee organization, the department of transportation, or their agents.

AMENDATORY SECTION (Amending WSR 92-22-044, filed 10/27/92, effective 11/27/92)

WAC 316-45-020 Unfair labor practice complaint—Time limitations. (1) ~~((Unless otherwise specified in statute or rule, a complaint charging an unfair labor practice may not be filed later than one hundred eighty calendar days after the party filing such complaint knew or should have known of the event, activity, or practice alleged to be violations of protected rights under RCW 47.64.130 and WAC 316-45-003. For the purpose of computing timeliness of complaints, each event, activity, or practice in a series of identical or similar practices may be construed as a separate instance. Provided, That the commission shall only consider those events, activities, or practices which have occurred no earlier than one hundred eighty days prior to the filing of the complaint unless the statute of limitations are deemed to be tolled pursuant to subsection (3) of this section.~~

~~((2) Where the event, activity, or practice is alleged to be a violation of a collective bargaining agreement in addition to violating rights protected by chapter 47.64 RCW, and the complainant chooses also to file a request for grievance arbitration pursuant to RCW 47.64.150, the statute of limitations herein run only after the remedies available in the contractual grievance procedures have been exhausted. The commission may accept the final resolution of the grievance arbitration process and defer to that decision. If the commission determines that the grievance procedure did not satisfactorily resolve the entire charge of unfair labor practice, the commission may resume processing the remaining unfair labor practice issue(s).))~~ A complaint charging an unfair labor practice may not be filed later than one hundred eighty calendar days after the party filing the complaint knew or should have known of the event, activity, or practice alleged to be a violation of RCW 47.64.130, or the regulations implementing that statute. For the purpose of computing timeliness, each event, activity, or practice in an alleged series of events, activities or practices will be construed as separate, provided that only those events, activities or practices occurring within the one hundred eighty days before the filing of the complaint may be remedied by the commission.

(2) Where an alleged violation of RCW 47.64.130, or the regulations implementing that statute, is also alleged to be a violation of a collective bargaining agreement and the matter is being actively pursued through the grievance and arbitration procedure of the collective bargaining agreement, the commission may hold the unfair labor practice in abeyance pending the outcome of the grievance and arbitration procedure. If the commission then determines that the grievance

and arbitration procedure has satisfactorily resolved the entire matter or any portion of it, the commission may defer to that decision and dismiss the entire unfair labor practice complaint or that portion of it that has been resolved to the satisfaction of the commission. Otherwise, the commission will resume processing the unfair labor practice complaint or any portion of it that has not been resolved to the satisfaction of the commission.

(3) The limitation period specified in subsection ~~((2))~~ (1) of this section may be tolled where the charging party did not have actual or constructive knowledge of the alleged unfair labor practice. In the ~~((instance that))~~ case where the respondent has engaged in fraudulent concealment and/or deception as to its unlawful conduct, the commission may determine the limitation tolled, both as to the filing of the complaint and as to the remedy.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-030 Complaint—Number of copies—Filing—Service. Charges ~~((shall))~~ must be in writing, ~~((in the form of))~~ on a complaint of unfair labor practices form. The original copy of the complaint ~~((shall))~~ must be filed with the commission at its Olympia office. The party filing the complaint ~~((shall))~~ must also serve a copy on each party named as a respondent.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-050 Contents of complaint charging unfair labor practices. Each complaint ~~((shall))~~ must contain, in separate numbered paragraphs:

(1) The name and address of the party filing the complaint, ~~((hereinafter referred to as))~~ from now on called the complainant, and the name, address and telephone number of its principal representative.

(2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, ~~((hereinafter referred to as))~~ from now on called the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

(3) Clear and concise statements of the facts ~~((constituting))~~ about the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) A listing of the subsections of RCW 47.64.130 and/or WAC 316-45-003 alleged to have been violated, along with a statement of which alleged facts provide evidence of that alleged violation of the identified subsections.

(5) A statement of the remedy ~~((sought))~~ wanted by the complainant.

(6) The signature and, if any, the title of the person filing the complaint.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-110 Initial processing of complaint. The commission or an assigned commissioner ~~((shall))~~ will determine whether the facts as alleged may constitute an unfair labor practice within the meaning of RCW 47.64.130 and WAC 316-45-003. If it is determined that the alleged facts ~~((as alleged))~~ do not, as a matter of law, constitute a violation, the commission or commissioner ~~((shall))~~ will issue and ~~((cause to be served))~~ will serve on all parties an order of dismissal ~~((containing))~~ explaining the reasons ~~((therefor))~~ for the dismissal; otherwise, the commission or commissioner ~~((shall cause))~~ will have the contents of the charge ~~((to be))~~ issued and served as a complaint of unfair labor practices. An order of dismissal issued ~~((pursuant to))~~ in accordance with this section by an examiner other than the commission ~~((shall))~~ will be subject to a petition for review as provided in WAC 316-45-350.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-130 Examiner—Who may act. The examiner may be the commission or a member of the commission designated by the commission. ~~((Upon notice to))~~ After notifying all parties, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-150 Authority of examiner. The examiner ~~((shall have))~~ has the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence and to exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place, and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues;
- (8) To make and issue findings of fact, conclusions of law and orders;
- (9) To take any other action authorized by these rules.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-170 Notice of hearing. ~~((Notwithstanding))~~ WAC 316-02-170 aside, at least twenty days ~~((prior to))~~ before a hearing, the examiner ~~((shall))~~ will issue and ~~((cause to be served))~~ serve on the parties a notice of hearing at a specific time and place ~~((specified therein))~~. ~~((Attached to the notice of hearing shall be a copy of the complaint as approved under WAC 316-45-110.))~~ A copy of the complaint (as approved under WAC 316-45-100) will be attached to the

notice of hearing. The notice of hearing ~~((shall))~~ will specify the date for the filing of an answer, which ~~((shall))~~ must be not less than ten days ~~((prior to))~~ before the date set for hearing. ~~((Any such))~~ Notices of hearing may be amended or withdrawn before the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-190 Answer—Filing and service. Before or on the date specified in the hearing notice, each respondent ((shall, on or before the date specified therefor in the notice of hearing,)) will file ((with the examiner)) the original copy of its answer to the complaint with the commission, and ((shall)) serve a copy on the complainant.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-210 Answer—Contents and effect of failure to answer. An answer filed by a respondent ~~((shall))~~ must specifically admit, deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent ~~((shall so))~~ will state so, ~~((such))~~ with that statement operating as a denial. ~~((The failure of))~~ If a respondent fails to file an answer, or ~~((the failure))~~ fails to specifically deny or explain in the answer a fact alleged in the complaint ~~((shall))~~ (except for good cause shown), the respondent will be deemed to ((be an admission that)) have admitted the facts ((is)) true as alleged in the complaint ((, and as a waiver of the respondent of)). The respondent will be deemed to have waived a hearing as to the admitted facts ((so admitted)).

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-230 Amendment of answer. The respondent may amend its answer at any time prior to the hearing. During or after the hearing ((or subsequent thereto, it may amend its answer in any case where the complaint has been amended, within such period as may be fixed by the examiner or the commission. Whether or not the complaint has been amended, the answer may, in the discretion of the examiner or the commission, be amended upon motion under such terms and within such period as may be fixed by the examiner or the commission)), the answer may be amended under such terms as are set by the examiner.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-250 Motion to make complaint more definite and certain. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. ~~((Such))~~ The motion ~~((shall))~~ will be filed with the examiner and served by the ~~((moving party))~~

respondent on the complainant and on any other parties. The filing of ~~((such))~~ this motion ~~((will))~~ extends the time during which the respondent must file and serve an answer until ~~((such))~~ the date ~~((as))~~ the commission or examiner ~~((may))~~ sets. The commission or examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-270 Hearings—Nature and scope. Hearings ~~((shall))~~ will be public and ~~((shall be))~~ are adversary in nature~~(;)~~. Hearings are limited to matters concerning the unfair labor practices alleged in the complaint. The complainant ~~((shall))~~ will prosecute its own complaint and ~~((shall have))~~ has the burden of proof. It ~~((shall be the duty of))~~ is the examiner's duty to ~~((inquire fully into))~~ ask about the full facts ~~((as to))~~ of whether the respondent has ~~((engaged in or is engaging))~~ taken part or is taking part in an unfair labor practice ~~((so as))~~, to obtain a clear and complete factual record on which the examiner and commission may ~~((discharge))~~ fulfill their duties under these rules~~((; Provided, however, That such duty of))~~. The examiner's ~~((shall))~~ duty will not be ~~((construed))~~ seen as authorizing or requiring the examiner to ~~((undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its))~~ prosecute the complainant's complaint or present the respondent's defense.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-290 Briefs and proposed findings. Any party ~~((shall be))~~ is entitled~~((, upon request made before the close of the hearing;))~~ to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner, if requested before the close of the hearing. The commission or ~~((assigned commissioner))~~ examiner may ~~((direct))~~ require the filing of briefs when he or she ~~((deems such filing warranted by))~~ considers filing necessary due to the nature of the proceeding or of its particular issues ~~((therein))~~. The original copy of a brief or proposed findings ~~((shall be))~~, conclusion and order is filed with the commission ~~((or commissioner))~~ and a copy ~~((shall))~~ must be served ~~((upon))~~ on all other parties.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-310 Unfair labor practice—Decision. After the ~~((close of the hearing and the filing of all briefs))~~ hearing is over and all briefs are filed, the examiner ~~((shall))~~ makes a decision containing findings of fact, conclusions of law and order. If the examiner is a single member of the commission, he/she ~~((shall))~~ files the original decision with the commission and ~~((shall cause))~~ serves a copy ~~((thereof to be served))~~ on ~~((each of))~~ the parties. Any party may file a petition for review ~~((thereof))~~ with the commission. If the full

commission is the examiner, the decision and order ~~((shall be))~~ are entered and ~~((shall be))~~ is served on all parties and the commission decision ~~((shall be))~~ is final and binding upon the parties in accordance with RCW 47.64.280.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-330 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within twenty days ~~((following the issuance thereof))~~ after issuing the decision, if any mistake is discovered ~~((therein))~~ or ~~((upon))~~ on grounds of newly discovered evidence which could not with reasonable ~~((diligence))~~ care have been discovered and produced at the hearing~~((; Provided, however, That))~~. This section ~~((shall be inoperative))~~ does not apply after the filing of a petition for review with the commission.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-350 Petition for review of examiner decision. The examiner's findings of fact, conclusions of law and order ~~((shall be subject))~~ are open to review by the commission on its own motion, or at the request of any party made within twenty days ~~((following the date of the order issued))~~ after the order's date of issue by the examiner. The original petition for review ~~((shall))~~ is to be filed with the commission at its Olympia office, and the party filing the petition ~~((shall))~~ must serve a copy on each of the other parties to the proceeding. ~~((Such))~~ A petition for review ~~((shall))~~ must contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review ~~((shall))~~ must have attached to it any appeal brief or written argument which the party filing the petition for review ~~((desires to have considered by the commission))~~ wants the commission to consider. Other parties to the proceeding ~~((shall))~~ will have fourteen days ~~((following))~~ after the date on which they are served with a copy of ~~((such))~~ the petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission or its ~~((designee))~~ appointee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. ~~((In the event))~~ If no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner ~~((shall))~~ will automatically become the findings of fact, conclusions of law and order of the commission and ~~((shall))~~ will have the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-370 Filing and service of cross-petition for review. Where a petition for review has been timely filed under WAC 316-45-350, ~~((any))~~ a party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. ~~((Such))~~ The cross-petition ((shall)) will be filed and served in the same ((manner)) way as a petition for review. ((Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall be extended by seven days.)) Deadlines for the submission of briefs or written arguments are extended by seven days when a cross-petition for review has been filed.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-390 Commission action. On its own motion, or on the filing of a petition for review, the entire record in the proceeding ~~((shall be))~~ is transferred to the commission, and ~~((thereafter))~~ from then on all motions and arguments ~~((shall be))~~ are directed to the commission. The commission may request the parties ~~((to))~~ appear before it to make oral arguments ~~((as to))~~ about certain ~~((of the))~~ issues or all of the issues in the matter. The commission ~~((shall))~~ will, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-410 Unfair labor practice remedies. If upon the preponderance of evidence the commission or ~~((commissioner shall))~~ examiner will conclude that any person named in the complaint has engaged in or is engaging in any unfair labor practice, then the ~~((commission))~~ examiner or commissioner ~~((shall))~~ will state its findings of fact and cause to be served on such person an order requiring him or her to cease and desist from such unfair labor practice and to take such affirmative and corrective action as necessary to effectuate the policies of RCW 47.64.005 and 47.64.006, including but not limited to reinstatement of employees with or without back pay. In calculating back pay orders, the following ~~((shall))~~ will apply:

(1) Employee(s) reinstated to employment with back pay ~~((shall))~~ will have deducted from any amount due an amount equal to any earnings such employee(s) may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Employee(s) reinstated to employment with back pay ~~((shall))~~ will have deducted from any amount due an amount equal to any unemployment compensation benefits such employee(s) may have received during the period of the violation, and the employer ~~((shall))~~ will provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as credit to the benefit record of the employee(s).

(3) The commission has the discretion to make money amounts ~~((due shall be))~~ subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-430 Motion for temporary relief. In addition to the remedies available under WAC 316-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions ~~((shall))~~ will be processed as provided in this section.

(1) The complainant ~~((shall))~~ will, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the commission of its intent to make a motion for temporary relief and ~~((shall))~~ will, at the same time, serve a copy of such notice on each of the other parties to the proceedings.

(2) ~~((Upon the filing of))~~ When a notice of intent to make a motion for temporary relief is filed, the commission ~~((shall))~~ will expedite the processing of the matter under WAC 316-45-110.

(3) After the ~~((determination of the))~~ commission determines that the complaint states a cause of action, any complainant ~~((desiring))~~ wanting temporary relief may file with the commission a motion for temporary relief together with affidavits ~~((as to))~~ about the risk of irreparable harm and the adequacy of legal remedies, and ~~((shall))~~ serve a copy of ~~((such))~~ the motion and affidavits on all other parties to the proceedings. The other parties ~~((shall))~~ will have seven calendar days ~~((thereafter))~~ afterward to file and serve counter-affidavits.

(4) The commission ~~((shall))~~ determines whether an injunction pendente lite should be sought. ~~((It))~~ When making ~~((such))~~ that determination, the commission ~~((shall))~~ adheres to the following policy:

"The name and authority of the marine employees' commission ~~((shall))~~ will not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 316-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the commission with the assistance of the attorney general, ~~((shall))~~ will petition the superior court of Thurston county or the county wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been ~~((procured))~~ obtained, the complaint which ~~((has been))~~ was the basis for

such temporary relief ~~((shall))~~ will be heard expeditiously and the case ~~((shall be))~~ given priority over all other cases except cases of like character.

(c) If the commission ~~((concludes))~~ decides that temporary relief should not be sought ~~((prior to))~~ before the conclusion of administrative proceedings in the matter, ~~((such))~~ that determination ~~((shall))~~ does not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

AMENDATORY SECTION (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

WAC 316-45-550 Collective bargaining—Mandatory subjects. The ~~((commission deems the))~~ determination ~~((as to))~~ of whether a particular subject is mandatory or non-mandatory ~~((to be))~~ is a question of law and fact to be determined by the commission ~~((, and which))~~. The issue is not subject to waiver by the parties by their action or inaction. It is the commission's policy ~~((of the commission))~~ that a party ~~((which engages))~~ taking part in collective bargaining with respect to any particular issue does not and cannot ~~((thereby))~~ confer the status of a mandatory subject on a nonmandatory subject.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-001 Scope—Contents—Other rules. This chapter ~~((governs))~~ directs activities of and proceedings before the marine employees' commission relating to the resolution of impasses occurring in collective bargaining. This chapter does not ~~((contemplate))~~ reflect, and does not provide procedures for, direct involvement of the commission in the investigation and/or settlement of contested cases between parties. The assistance rendered by the commission to the parties at impasse during collective bargaining, and the commission's review of compliance with fiscal limitations are not adjudicatory in nature and are not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. Such assistance and/or review of compliance are ~~((deemed))~~ considered to be ministerial acts prescribed by RCW 47.64.170 through 47.64.240. However, ~~((insofar as))~~ because the collective bargaining process is related to bargaining unit recognition and clarification, to fair representation of ferry employees, to alleviation of ferry employee grievances, and to fact-finding survey procedures and requests, the ~~((provisions))~~ terms of this chapter should be read ~~((in conjunction))~~ together with the ~~((provisions))~~ terms of:

(1) Chapter 316-02 WAC, which ~~((contains))~~ lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(2) Chapter 316-25 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(7) Chapter 316-85 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about fact-finding surveys of compensation, benefits, and conditions of employment.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-005 Impasse procedures—Duty to adopt. As the first step in the performance of their duty to bargain, the ferry system management and the ferry employee organization ~~((shall))~~ will endeavor to agree upon impasse procedures. ~~((Said))~~ Such agreement shall provide for implementation of those impasse procedures not later than July 1~~((st))~~ in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse procedures by July 1~~((st))~~, the impasse procedures provided in WAC 316-55-010 through 316-55-600 ~~((shall))~~ will apply.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-010 Resolution of impasses—Request for mediation. ~~((In the absence of an))~~ When there is no impasse agreement between the parties, or ~~((the failure of))~~ either party fails to utilize the procedures of ~~((such))~~ the impasse agreement by August 1~~((st))~~ in each odd-numbered year, either party may make a request in writing to the marine employees' commission for mediation. A copy of ~~((such))~~ the request ~~((shall))~~ is to be served ~~((upon))~~ on the other party.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-020 Mediation request—Information required. The party or parties requesting mediation ~~((shall))~~ must provide the following information to the commission:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) A clear and concise statement of the disputed issues and the parties' positions ~~((in relation thereto));~~

(4) A description of the size and composition of the bargaining unit involved;

(5) The expiration date of any collective bargaining agreement then in effect or recently expired;

(6) Any other relevant information; and

(7) The name, signature, and capacity of each officer, agent, attorney, or other individual acting for the filing party or parties.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-030 Impasse resolution—Appointment of mediator. ~~((Upon the filing of))~~ When a request for mediation is filed, the commission ~~((shall))~~ will appoint a qualified, impartial, and disinterested person to ~~((æt))~~ serve as mediator. If the parties have ~~((stipulated))~~ listed the names of one or more persons who are acceptable to both parties as mediator, then the commission shall consider their desires.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-070 Impasse resolution—Function of mediator. ~~((It is the function of))~~ The mediator's function is to bring the parties together to ~~((effectuate))~~ reach a settlement of the dispute. The mediator ~~((shall))~~ will meet with the parties or their representatives, or both, either jointly or separately, and ~~((shall))~~ will take ~~((such))~~ appropriate steps ~~((as the mediator deems appropriate in order))~~ to aid the parties in voluntarily resolving their differences and ~~((effecting))~~ reaching an agreement. The mediator ~~((shall))~~ will not compel the parties to agree.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-090 Impasse resolution—Confidential nature of function. Information disclosed by the parties to the mediator in confidence during the course of mediation ~~((shall not be divulged))~~ will not be revealed by the mediator. Mediation meetings ~~((shall))~~ will be of an executive, private or nonpublic nature.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-110 Impasse resolution—Dispute resolution panel. (1) The commission ~~((shall establish))~~ will put together and maintain a panel of qualified mediators/arbitrators and ~~((shall))~~ will make a list of members of that arbitration panel available to parties for their use in selecting a mediator, a neutral chairman for an arbitration panel, a grievance arbitrator, a fact-finder or an ad hoc interest arbitrator.

(2) Any person may apply for membership on the panel ~~((; but the commission, in compiling and maintaining a panel of arbitrators, shall require))~~. Each applicant ~~((to))~~ must submit a resume ~~((;))~~ which includes but is not limited to:

(a) A ~~((complete))~~ list of the applicant's cases in the most recent ~~((five-year))~~ two-year period, with dates, names and addresses of parties, issues involved, whether the applicant acted as advocate, mediator, or arbitrator and other pertinent information;

(b) Three of the applicant's grievance arbitration or interest arbitration awards, which can be provided to the parties selecting an arbitrator.

(c) Whether or not and in what capacity, within the past five years the applicant has been employed by the department of transportation or by an organization representing employees in the department;

~~((e))~~ (d) Whether or not and in what capacity within the past five years a close relative of the applicant has been employed by the department or by an organization representing employees in the department.

(3) ~~((The commission shall require))~~ Members of the panel are required to update their resumes ~~((biennially))~~ every two years.

(4) When referring mediators/arbitrators from its dispute resolution panel to the parties, the commission ~~((shall))~~ will provide the parties with the background data submitted by the respective mediators/arbitrators in accordance with subsection (2) of this section. However, the commission ~~((shall))~~ is not ~~((be))~~ responsible for the validity or accuracy of the data ~~((se))~~ provided.

(5) The commission ~~((shall))~~ will maintain a log of those persons referred to the parties as a possible mediator or arbitrator or chairman of an arbitration panel under WAC 316-55-515(5), including dates, parties involved in the dispute, issues, whether or not the person was acceptable to the parties, was used as mediator or arbitrator, or was rejected. The log ~~((shall))~~ is to be available for public inspection.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-120 Impasse resolution—Expenses. Each party ~~((shall))~~ will pay the expenses of presenting its own case and the expenses and fees of its member, if any, of an arbitration panel. The fees and expenses of a single arbitrator or of the chairman of ~~((a))~~ an arbitration panel ~~((of arbitrators shall))~~ will be shared equally by the parties. Fees and expenses of witnesses ~~((shall))~~ will be paid by the party for whom they testify. Fees and expenses of persons called or subpoenaed by a single arbitrator or a chairman of a panel ~~((shall))~~ will be shared equally by the parties. Costs of meeting in a neutral site, of recording and transcription of proceedings, and of other necessary joint activities ~~((shall))~~ will be shared equally by the parties.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-130 Impasse resolution—Disclosure. ~~((Prior to))~~ Before accepting the appointment, or as soon ~~((thereafter))~~ as information ~~((giving rise to))~~ raising a problem of appearance of fairness becomes known, a person serving in an impartial capacity in a dispute resolution proceeding

under the jurisdiction of the commission (~~shall disqualify~~) must inform to the parties of any circumstances (~~likely to~~) which may create an appearance of bias or which might disqualify him or her from serving in the impartial capacity. Employment of the person or any member of his or her immediate family by any party (~~shall~~) will be disqualifying. Each party to the proceeding (~~shall~~) will immediately notify the commission and the appointee or selectee whether it is willing to waive disqualification. If either party declines to waive the disqualification, the appointment (~~shall~~) will be vacated.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-150 Impasse resolution—Vacancies. If any person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission (~~should~~) resigns, dies, withdraws, refuses or ((be)) is unable to serve, or (~~should be~~) is or becomes disqualified to perform the duties of the office, the commission or its (~~designee shall~~) appointee will declare the office vacant. The vacancy (~~shall~~) will be filled as provided in these rules.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-160 Fact finding. (~~Prior to~~) Before collective bargaining, the commission (~~shall~~) will conduct a salary survey as required by RCW 47.64.220 in the manner and procedure described in chapter 316-85 WAC. The (~~commission shall make such other findings of fact as the parties may request~~) parties may request the commission make other findings of fact during bargaining or impasse. The obtained salary survey data (~~shall be~~) is a public document.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-170 Waiver of mediation and fact finding. By mutual agreement, the parties may waive mediation and fact finding and proceed with binding arbitration. (~~Such~~) This waiver (~~shall~~) must be in writing and signed by the representatives of the parties. If the parties waive mediation or fact finding, impasse resolution (~~shall be continued as provided~~) is to continue as described in WAC 316-55-500 et seq.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-500 Binding arbitration. If impasse (~~persists~~) continues fourteen days after the mediator's (~~has been appointed~~) appointment, or beyond any other date mutually agreed to by the parties, all impasse items (~~shall~~) will be submitted to arbitration. That arbitration (~~shall~~) will be binding upon the parties in accordance with RCW 47.64.240. The parties (~~shall~~) will notify the commission in writing. (~~Such~~) This notice (~~shall~~) must contain:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the employee organization party to the impasse and the name, address and telephone number of that party's principal representative in the negotiations;

(3) A clear and concise statement of the disputed issues and the parties' positions (~~in relation thereto~~);

(4) A description of the size and composition of the bargaining unit involved;

(5) The expiration date of any collective bargaining agreement (~~then~~) in effect at the time or recently expired;

(6) Any other relevant information; and

(7) The name, signature and capacity of each officer, agent, attorney or other representative acting for the filing party or parties.

The original notice (~~shall~~) must be filed with the commission at its Olympia office. The party filing the notice (~~shall~~) must serve a copy on each of the other parties to the impasse. Amendments to notices (~~shall~~) must be filed and served in the same manner as the original notice in the proceeding.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-505 Final offer. In addition to the information required in WAC 316-55-500, each party (~~shall~~) will submit to the other party and to the arbitrator, if (~~said~~) the arbitrator has been selected (~~or impanelled, and to the commission~~), within four days of arbitration request, a final offer on the impasse items with proof of service of a copy to the other party. Each party (~~shall also~~) will submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached (~~and~~). Each party will also state the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by an arbitrator or panel of arbitrators. Unless clearly indicated otherwise (~~by context~~), the word arbitrator (~~shall~~) will mean a single arbitrator or a panel of arbitrators impanelled in accordance with RCW 47.64.240 (4) and (5) and WAC 316-55-515.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-510 Single arbitrator. The two parties may agree to submit their dispute to a single arbitrator. The full costs of arbitration under this procedure (~~shall~~) will be shared equally by the parties to the dispute.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-515 Arbitration panel. If the parties cannot agree on an arbitrator within four days, (~~a~~) an arbitration

panel consisting of three members ~~((shall))~~ will be appointed in the following manner:

(1) One member ~~((shall))~~ will be appointed by the secretary of transportation;

(2) One member ~~((shall))~~ will be appointed by the ferry employee organization;

(3) One member ~~((shall))~~ will be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed ~~((shall))~~ will be the chairman of the arbitration panel ~~((of arbitrators))~~;

(4) If the third member has not been selected within four days of notification as provided in subsection (3) of this section, the parties ~~((shall))~~ will notify the commission in accordance with WAC 316-55-500. A list of seven arbitrators ~~((shall))~~ will be submitted to the parties by the marine employees' commission immediately. The two arbitrators selected by ferry system management and the ferry employee organization ~~((shall))~~ will determine by lot which arbitrator ~~((shall))~~ will remove the first name from the list submitted by the commission. The second arbitrator and the first arbitrator ~~((shall))~~ will alternately remove one additional name until only one name remains. The person whose name remains ~~((shall))~~ will become the chairman of the arbitration panel ~~((of arbitrators))~~ and ~~((shall))~~ will call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. All contacts and/or arrangements between the parties and an arbitrator selected under this rule will be the responsibility of the parties. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(5) No person ~~((shall))~~ will serve as an arbitrator in any proceeding in which he/she has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification.

(6) No final award may be made by the panel until three arbitrators have been chosen.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-517 Arbitration panel chairman—Qualifications—Replacement. When submitting names of persons to the parties from which the chairman of ~~((a panel of arbitrators))~~ the arbitration panel will be selected under RCW 47.64.240 and WAC 316-55-515, the commission ~~((shall))~~ will furnish biographical information, background, qualifications and experience, including ~~((references))~~ three arbitration awards required by WAC 316-55-110 (2)(b) and a list of cases ~~((wherein))~~ where the person acted as advocate, or as mediator or arbitrator within the most recent ~~((five-year))~~ two-year period, for each of the seven names supplied to the parties. If one or more of those named is unavailable to accept appointment as chairman of the arbitration panel, or must be disqualified, a substitute name(s) will be provided upon the joint request of the parties. ~~((If all of these persons named by~~

~~the commission are rejected by the parties, a second list will be provided upon the joint request of the parties.))~~ If the parties reject all seven names and jointly request additional names, the commission will provide a second list.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-525 Conduct of interest arbitration. (1) ~~((The))~~ Submission of the impasse items to the ~~((arbitrators shall be))~~ arbitration panel is limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award ~~((shall be))~~ is restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(2) The ~~((panel of arbitrators shall))~~ arbitration panel will at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in chapter 47.64 RCW.

(3) From the time of appointment until ~~((such time as the panel of arbitrators))~~ the arbitration panel makes its final determination, there ~~((shall))~~ is to be no discussion concerning recommendations for settlement of the dispute by the members of the arbitration panel ~~((of arbitrators))~~ with parties other than those who are direct parties to the dispute. The arbitration panel ~~((of arbitrators))~~ may conduct formal or informal hearings to discuss offers submitted by both parties.

(4) The ~~((panel of arbitrators shall))~~ arbitration panel will consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable work but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(5) The chairman of the arbitration panel ~~((of arbitrators))~~ may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the arbitration panel ~~((of arbitrators))~~. The chairman of the arbitration panel ~~((of arbitrators))~~ may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(6) A majority of the arbitration panel ~~((of arbitrators shall))~~ will within thirty days after its first meeting select the

most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(7) The selections by the arbitration panel (~~(of arbitrators)~~) and items agreed upon by the ferry system management and the employee organization (~~(shall)~~) will be deemed to be the collective bargaining agreement between the parties.

(8) The determination of the arbitration panel (~~(of arbitrators shall)~~) will be by majority vote and (~~(shall)~~) will be final and binding, subject to RCW 47.64.180 and 47.64.190. The arbitration panel (~~(of arbitrators shall give written)~~) will write an explanation for its selection and inform the parties of its decision.

(9) Two copies of the final award, including the written explanation required by subsection (8) of this section (~~(shall)~~) will be filed with the commission.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-600 Central filing of agreements. The parties to collective bargaining agreements entered into as a result of collective bargaining (~~(pursuant to)~~) in accordance with chapter 47.64 RCW (~~(shall)~~) will file (~~(with the commission)~~) two complete copies of their agreement with the commission.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-700 Result of collective bargaining agreements—If budget or fares exceeded. If the secretary of transportation finds that the cumulative fiscal requirements of all bargaining agreements and arbitration orders will exceed the budgetary and fare restrictions imposed by RCW 47.64.180, and so notifies the commission in accordance with RCW 47.64.190(3), the commission (~~(shall)~~) will review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with RCW 47.64.180. The commission (~~(shall)~~) will determine, within fifteen days of receiving the secretary's request for review, by majority vote, whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-710 Collective bargaining agreements stayed. Whenever the secretary of transportation requests commission review under RCW 47.64.190, the effect of all agreements and arbitration orders (~~(shall)~~) will be stayed, pending the commission's final determination.

AMENDATORY SECTION (Amending WSR 90-06-047, filed 3/2/90, effective 4/2/90)

WAC 316-55-730 Commission action. If the commission determines that the budget and fare limitations imposed by RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, the com-

mission (~~(shall)~~) will order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.



WSR 03-12-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-104—Filed May 21, 2003, 4:20 p.m.]

Date of Adoption: May 21, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-32-05100B; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Sets additional treaty Indian spring season commercial gillnet fishery. The upriver spring chinook run size has been updated to over 200,000 allowing the harvest rate in the tribal fishery to increase to 10%. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold during open tributary fisheries. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on May 21, 2003. Conforms state rules with tribal rules. 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: Immediately.

May 21, 2003

Evan Jacoby

for Jeff Koenings

Director

shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. May 22 to 6:00 p.m. May 24, 2003

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: Immediately through 6:00 p.m. May 31, 2003

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: Immediately through 6:00 p.m. May 31, 2003 only during lawfully enacted Yakama Nation tribal subsistence fisheries.

a) Open Areas: Klickitat River, Drano Lake, Wind River, White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes. Fish caught from platforms and hook and line fisheries may be sold.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles down-

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NEW SECTION

WAC 220-32-05100C Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon,

stream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100B Columbia River salmon seasons above Bonneville Dam. (03-74)

WSR 03-12-003
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Rehabilitative Services Administration)
[Filed May 22, 2003, 8:23 a.m.]

Date of Adoption: May 15, 2003.

Purpose: Amending chapter 388-880 WAC, Sexual predator program—Special commitment—Escorted leave, and related rules that refer to evaluations, evaluation criteria, evaluation procedures and other procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-880-032; and amending WAC 388-880-005, 388-880-010, 388-880-020, 388-880-030, 388-880-031, 388-880-033, 388-880-034, 388-880-042, 388-880-044, 388-880-045, and 388-880-050.

Statutory Authority for Adoption: Chapter 71.09 RCW, including but not limited to, RCW 71.09.040 and 71.09.800.

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: Amendments to this rule are immediately important to state superior courts and to prosecuting agencies, as well as to the Department of Social and Health Services Health and Rehabilitative Services Administration and Juvenile Rehabilitation Administration and to the Department of Corrections as regards content and means of evaluation of persons for possible civil commitment under chapter 71.09 RCW. Failure to amend the rule may lead to a situation in which the state is unable to conduct required evaluations, thereby putting at risk our ability to accurately identify those sex offenders who should not be released because of the very high risk they pose to the community.

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 5, Amended 8, Repealed 1.

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 5, Amended 8, Repealed 1.

Effective Date of Rule: Immediately.

May 15, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-880 WAC

~~((SEXUAL PREDATOR PROGRAM))~~**SPECIAL COMMITMENT—((ESCORTED LEAVE))** SEXUALLY VIOLENT PREDATORS
(Formerly chapter 275-155)

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-005 Special commitment of sexually violent predators—Legal basis. (1) Chapter 71.09 RCW authorizes the department to develop a sexual predator pro-

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gram (SPP) for a person the court determines to be a sexually violent predator.

(2) (~~Beginning July 1, 1990,~~) The department's SPP shall provide:

(a) Custody, supervision, and evaluation of a person court-detained to the SPP to determine if the person meets the definition of a sexually violent predator under chapter 71.09 RCW; and

(b) Treatment, care, evaluation and control of a person court-committed as a sexually violent predator.

(3) Evaluations and evaluation procedures may be established in coordination with the department, the department of corrections and the end of sentence review board.

(4) Secure facilities operated by the department for the sexual predator program include the special commitment center (SCC) total confinement facility, the secure community transition facility, and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

(5) The secretary may execute such agreements as appropriate and necessary to implement this chapter.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-007 Purpose. These rules carry out the legislative intent of chapter 71.09 RCW, authorizing the department to provide evaluation, care, control, and treatment of persons court-detained or court-committed to the sexual predator program, identified as the special commitment center.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"**Appropriate facility**" means the total confinement facility the department uses to hold and evaluate a person court-detained under chapter 71.09 RCW.

"**Care**" means a service the department provides during a person's detention or commitment within a secure facility toward adequate health, shelter, and physical sustenance.

"**Control**" means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a period of custody under chapter 71.09 RCW.

"**Department**" means the department of social and health services.

"**Escorted leave**" means a leave of absence from a facility housing persons court-detained or court-committed under chapter 71.09 RCW under the continuous supervision of an escort.

"**Evaluation**" means an examination, report, or recommendation by a professionally qualified person (~~makes determining~~) to determine if a person has a personality disorder and/or mental abnormality (~~as defined in chapter 71.09 RCW,~~) which renders the person likely to engage in

predatory acts of sexual violence if not confined in a secure facility.

"**Immediate family**" includes a resident's parents, step-parents, parent surrogates, legal guardians, grandparents, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and other dependents.

"**Indigent**" means a resident who has not been credited with twenty-five dollars or more total from any source for deposit to the resident's trust fund account during the thirty days preceding the request for an escorted leave and has less than a twenty-five dollar balance in his/her trust fund account on the day the escorted leave is requested, and together with his/her requesting immediate family member affirm in writing that they cannot afford to pay the costs of the escorted leave without undue hardship. A declaration of indigency shall be signed by the resident and the resident's requesting immediate family member on forms provided by the department.

"**Individual treatment plan (ITP)**" means an outline the SCC staff persons develop detailing how control, care, and treatment services are provided to a court-committed person or to a court-detained person.

"**Less restrictive alternative**" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions stated in RCW 71.09.092.

"**Less restrictive alternative facility**" means a secure community transition facility as defined under RCW 71.09-020(1).

"**Mental abnormality**" means a congenital or acquired condition, including a personality disorder, affecting the person's emotional or volitional capacity, predisposing the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

"**Oversight**" means official direction, guidance, review, inspection, investigation, and information gathering activities conducted for the purposes of program quality assurance by persons or entities within, or external to, the SCC.

"**Personality disorder**" carries the same definition as found in the DSM-IV-TR and includes psychopathy as assessed using the Hare PCL-R or similar instrument.

"**Predatory**" means acts a person directs toward:

- (1) Strangers;
- (2) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or
- (3) Persons of casual acquaintance with whom no substantial personal relationship exists.

"**Professionally qualified person**" means:

(1) (~~"Mental health counselor" means a person licensed as a mental health counselor under chapter 251, Laws of 2001;~~

(2) ~~"Psychiatric nurse" means a person licensed as a registered nurse under chapter 18.79 RCW and having two or more years supervised clinical experience;~~

(3) ~~"Psychiatrist" means a person licensed as a physician (under) in this state, or licensed or certified in another~~

state, in accordance with chapters 18.71 and 18.57 RCW. In addition, the person shall:

(a) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(b) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology.

~~((4))~~ (2) **"Psychologist"** means a person licensed as a doctor of psychology (~~(under)~~) in this state, or licensed or certified in another state, in accordance with chapter 18.83 RCW(~~;~~

~~(5) "Social worker" means a person licensed as an advanced social worker or independent clinical social worker under chapter 251, Laws of 2001); and~~

~~((6))~~ (3) **"Clinical practitioner"** means a sex offender treatment provider certified by the department of health under chapter 18.155 RCW(~~, or a forensic therapist three or forensic therapist supervisor designated to perform annual evaluations~~).

"Resident" means a person court-detained or court-committed pursuant to chapter 71.09 RCW.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, the facilities established in RCW 71.09.201 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

"Secure facility" means a residential facility for persons court-detained or court-committed under the provisions of chapter 71.09 RCW that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement in RCW 71.09.096.

"Sexual predator program" means a department-administered and operated program including the special commitment center (SCC) established for:

- (1) A court-detained person's custody and evaluation; or
- (2) Control, care, and treatment of a court-committed person defined as a sexually violent predator under chapter 71.09 RCW.

"Sexually violent offense" means an act defined under chapter 9A.28 RCW, RCW 9.94A.030 and 71.09.020.

"Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

"Superintendent" means the person delegated by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC.

"Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-020 Authorization for indefinite commitment to the sexual predator program. A person must be admitted to the custody of the department (~~(shall admit a person as a sexually violent predator only)~~) when(~~;~~

~~(1))~~ a court or jury determines (~~(probable cause exists and orders the person transferred to an appropriate facility for evaluation;~~

~~(2) The person is evaluated by one or more professionally qualified persons;~~

~~(3) The person is found to have a personality disorder and/or mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence unless confined in a secure facility; and~~

~~(4) A court or jury finds a person~~), beyond a reasonable doubt, (~~(to be)~~) the person is a sexually violent predator and under RCW 71.09.060 commits the person (~~(is committed to the department's custody)~~) for placement in a secure facility operated by the department for control, care, and treatment.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-030 Sexual predator program initial evaluation(~~(—Reporting)~~). (1) When a court orders a person transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator, pursuant to RCW 71.09.040(4), the department shall, prior to the scheduled commitment hearing or trial, (~~(evaluate and)~~) provide (~~(a recommendation)~~) an evaluation to the court, and must make a recommendation as to whether the person has been convicted of or charged with a crime of sexual violence and suffers from a mental abnormality or personality disorder which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility.

(2) (~~(If the trial is continued beyond the forty-five day period specified in RCW 71.09.050(1), the evaluation must be completed and provided to attorneys for the prosecution and defense by the date ordered by the trial court or at least thirty days prior to trial)~~) The evaluation must be conducted in accordance with the criteria set forth in WAC 388-880-033, and must be in the form required by and filed in accordance with WAC 388-880-034.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-031 Sexual predator program annual evaluation(~~(—Reporting)~~). (1) Annually or as required by court order, the department shall conduct an evaluation and

examine the mental condition of each person court-committed under chapter 71.09 RCW.

~~((2))~~ (2) The annual ~~(report shall)~~ evaluation must include consideration of whether:

(a) The person currently meets the definition of a sexually violent predator; and

(b) Conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that would adequately protect the community.

~~((2))~~ (3) The report of the department shall be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and shall be prepared by a professionally qualified person as defined herein.

~~((3))~~ (4) The department shall file this periodic report with the court that detained or committed the person under chapter 71.09 RCW.

~~((4))~~ (5) A copy of this report shall be served on the prosecuting agency involved in the initial hearing or commitment and upon the detained or committed person and his or her counsel.

NEW SECTION

WAC 388-880-033 Evaluator—Qualifications. Professionally qualified persons under contract to provide evaluative services must:

(1) Have demonstrated expertise in conducting evaluations of persons under consideration for civil commitment as a sexually violent predator;

(2) Have demonstrated expertise in providing expert testimony in courts of law related to sexually violent predators; and

(3) Provide documentation of such qualification to the department.

NEW SECTION

WAC 388-880-034 Evaluator—Pre-trial evaluation responsibilities. (1) The evaluation done in accordance with WAC 388-880-030(1) in preparation for a trial or hearing must be based on the following:

(a) Examination of the resident, including a forensic interview and a medical examination, if necessary;

(b) Whether the resident currently meets the definition of a sexually violent predator; and

(c) Whether conditional release to a less restrictive alternative is in the best interest of the resident and conditions can be imposed that would adequately protect the community.

(2) The evaluation must include a review of the following records, tests, or reports relating to the person:

(a) All available criminal records, to include arrests and convictions, and records of institutional custody, including city, county, state and federal jails or institutions, with any records and notes of statements made by the person regarding criminal offenses, whether or not the person was charged with or convicted of the offense;

(b) All necessary and relevant court documents;

(c) Sex offender treatment records and, when permitted by law, substance abuse treatment program records, including group notes, autobiographical notes, progress notes, psy-

cho-social reports and other material relating to the person's participation in treatment;

(d) Psychological and psychiatric testing, diagnosis and treatment, and other clinical examinations, including records of custody in a mental health treatment hospital or other facility;

(e) Medical and physiological testing, including plethysmography and polygraphy;

(f) Any end of sentence review report, with information for all prior commitments upon which the report or reports were made;

(g) All other relevant and necessary records, evaluations, reports and other documents from state or local agencies;

(h) Pertinent contacts with collateral informants;

(i) Other relevant and appropriate tests that are industry standard practices;

(j) All evaluations, treatment plans, examinations, forensic measures, charts, files, reports and other information made for or prepared by the SCC which relate to the resident's care, control, observation, and treatment.

NEW SECTION

WAC 388-880-035 Refusal to participate in pre-commitment evaluation. If the person refuses to participate in examinations, forensic interviews, psychological testing or any other interviews necessary to conduct the initial evaluation under WAC 388-880-030(1), the evaluator must notify the SCC. The SCC will notify the prosecuting agency for potential court enforcement.

NEW SECTION

WAC 388-880-036 Evaluation—Reporting. (1) The evaluation must be in the form of a declaration or certification in compliance with the requirements of RCW 9A.72.085 and must be prepared by a professionally qualified person.

(2) The report of the evaluation must include:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the person;

(c) A determination of whether the person suffers from a mental abnormality or personality disorder;

(d) An opinion as to whether the person meets the definition of a sexually violent predator;

(e) An opinion as to whether conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that would adequately protect the community.

(3) The department shall file the evaluation with the court that detained or committed the person under chapter 71.09 RCW.

(4) A copy of the evaluation must be served on the prosecuting agency involved in the initial hearing or commitment, and upon the court-detained or court-committed person and his or her counsel.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-044 Resident records—Access. (1) Upon request and proper showing, the department shall provide to the following persons access to a court-detained or court-committed person for an evaluation and access to all records and reports related to the person's detention, commitment, control, care, and treatment:

- (a) The person's attorney;
- (b) The person's professionally qualified person, if any;
- (c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; and
- (d) The professionally qualified person (~~((approved by the prosecuting attorney or the attorney general))~~).

(2) Upon documented request by a resident, the SCC shall provide the resident supervised access to all records and reports, or to redacted copies thereof, related to the person's commitment, control, care, and treatment. The SCC may reasonably limit conditions, frequency and duration of the person's access to the person's records and reports.

(3) A policy on access to resident records shall be maintained and published to residents of the SCC.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

WAC 388-880-045 Resident records—Retention. (1) The SCC shall create schedules and requirements, consistent with department policy, for the retention, storage, and disposal of records, documents, evaluations, reports, and other material related to SCC residents, to include:

- (a) While a person is currently court-detained or court-committed to the SCC;
- (b) Following a court ruling that a person does not meet the definition of a sexually violent (~~((sexual))~~) predator within chapter 71.09 RCW and upon the person's release from the custody of the department;
- (c) Following a resident's unconditional discharge from commitment;
- (d) Following a resident's death.

(2) All original records specified herein and held by the SCC shall be retained in the SCC total confinement facility for a period of five years, and in the records center of the Secretary of State for a period consistent with department administrative policy, after a resident's:

- (a) Release following a court ruling that the person does not meet the definition of a sexually violent (~~((sexual))~~) predator within chapter 71.09 RCW;
- (b) Unconditional discharge from commitment; or
- (c) Death.

NEW SECTION

WAC 388-880-055 Recommendation for release to a less restrictive alternative (LRA). If the court or jury determines that the person is a sexually violent predator, upon an evaluation which supports a person's unconditional discharge or release to a less restrictive alternative, the secretary or sec-

retary's designee shall authorize the person to petition the court in accordance with RCW 71.09.090.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-880-032	Recommendation for release to a less restrictive alternative (LRA).
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WSR 03-12-004
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed May 22, 2003, 8:25 a.m.]

Date of Adoption: May 20, 2003.

Purpose: The purpose of the proposed emergency rules for group receiving centers (GRC), chapter 388-140 WAC, is to establish licensing standards immediately for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

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: Children's Administration has licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the assistant attorney general and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children. Children's Administration is working with stakeholders for the permanent adoption of rules appropriate to this type of facility, and the department has initiated a rule-making proceeding by filing a preproposal statement of inquiry as WSR 02-20-016. The client age range and other sections may be modified during the permanent rule-making hearing.

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.

EMERGENCY

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 125, 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 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 20, 2003

Brian H. Lindgren, 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 03-14 issue of the Register.

WSR 03-12-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-105—Filed May 27, 2003, 4:07 p.m.]

Date of Adoption: May 27, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100R; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to close waters of Marine Fish-Shellfish Management and Catch Reporting Area 23A-S (south) to commercial pot fishers for spot shrimp. The quota of sport shrimp has been taken in this area. The closure in 22A is repealed due to crab being in hard shell condition. 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.

May 27, 2003

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100S Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Areas 23A-S (south), 23C, 23D, and 29, are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south) and 23D.

(b) All waters of Shrimp Management Areas 1B (except as provided in section 1(f)) and 1C, and Crustacean Management Regions 2 (except as provided in section 1(g)), 4, and 6, and Marine Fish-Shellfish Catch and Reporting Area 25A are open to harvest of all shrimp species except spot shrimp, until further notice.

(c) The shrimp accounting week is Monday through Sunday.

(d) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(d) above.

(f) The following restrictions apply to shellfish pot gear harvest in Marine Fish-Shellfish Management and Catch Reporting Area 25D:

(i) Closed through June 18 in waters of Port Townsend Bay south of the 48°06'N latitude line and north of the 48°04'N latitude line and east of the 122°46'W longitude line.

(2) Shrimp beam trawl gear:

EMERGENCY

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) Shrimp Management Area 1B: Marine Fish Shellfish Catch and Reporting Area 22A open immediately, until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100R Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-95)

WSR 03-12-021

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed May 28, 2003, 1:45 p.m.]

Date of Adoption: May 28, 2003.

Purpose: To prevent the introduction or spread of Exotic Newcastle Disease (END) in Washington state. The virus that causes the disease is highly contagious, and is readily spread by contact with infected birds or materials contaminated with the causative virus.

Citation of Existing Rules Affected by this Order: Amending chapter 16-54 WAC, Animal importation.

Statutory Authority for Adoption: Chapter 16.36 RCW.

Other Authority: 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.

Reasons for this Finding: A serious avian disease known as Exotic Newcastle Disease (END) was first diagnosed in backyard poultry in Los Angeles County October 1, 2002. The disease was subsequently confirmed in birds in five commercial egg-laying facilities in Southern California since mid-December, 2002. Control efforts have not yet been successful in eliminating the disease in the quarantined area.

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.

May 27, 2003

Valoria Loveland

Director

EMERGENCY RULE

NEW SECTION

WAC 16-54-155 Exotic Newcastle Disease (END) emergency quarantine. This section applies to all avian species and commercial traffic originating from the END quarantine zones in Arizona, California, Nevada, New Mexico and Texas and to bird exhibits, shows, auctions, public displays and competitions held in Washington State.

(1) Areas under quarantine. The areas under quarantine include all counties and portions of counties in Arizona, California, Nevada, New Mexico and Texas currently declared or in the future declared to be under quarantine for END by the state or the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service.

(2) Items under restriction. Birds, poultry, poultry products, poultry waste, vehicles, equipment and materials that could transmit END. Included in the restriction are vehicles that make deliveries of live birds into the quarantine zone and return into the state of Washington.

(3) No live or dead bird of any type, including poultry, poultry products, material or poultry waste, that could transmit END may be moved into Washington State from the area under quarantine. An exemption is made for eggs that have met the requirements of 9 CFR 82.8, including washing, sanitizing and packing in new material.

(4) No equipment used for the processing of eggs or for the housing, feeding, watering, entertaining, or otherwise caring for birds of any type may be moved into Washington State from the area under quarantine unless accompanied by a certificate signed by an official of the USDA or the State Department of Agriculture stating the equipment has been cleaned and disinfected according to a protocol established by the USDA.

(5) The driver of a commercial vehicle originating from the area under quarantine who is transporting feed or eggs must provide proof, if asked by an agriculture inspector, of the cleaning and disinfection of the vehicle, trailer, and packing material performed immediately prior to the loading of the vehicle. This proof must be provided in writing and demonstrate that the cleaning and disinfection was performed according to the protocol established by the USDA.

(6) A driver of a vehicle of any type transporting a bird must provide, if asked by any agriculture inspector, an original health certificate issued by an accredited veterinarian within thirty days prior to entry stating the birds are healthy

and do not originate from a quarantined area. Photocopies of health certificates must have an original veterinarian signature. National Poultry Improvement Plan (NPIP) forms for movement of poultry may be used by members of NPIP with the certification that the shipment did not originate from a quarantined area.

(7) A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type shall immediately inform the State Veterinarian by mail, facsimile, or electronic mail of a scheduled event. The notification shall include the contact name, mailing address, physical address of the event, and daytime telephone number.

(8) A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type, shall inform the event exhibitors and vendors in writing of this WAC, the current quarantine for END, and the risk of introducing END into Washington State. The promoter also shall require each event exhibitor and vendor to attest in writing that they are not in violation of this WAC. The signed document shall be forwarded to the State Veterinarian within one week of the conclusion of the event.

WSR 03-12-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-106—Filed May 28, 2003, 4:32 p.m., effective June 1, 2003,
12:01 a.m.]

Date of Adoption: May 28, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900E; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: Sufficient numbers of summer chinook are available to be harvested under the management guidelines in place for the Columbia River. Spring chinook returns to Klickitat Salmon Hatchery have been strong. The hatchery escapement goal is expected to be reached within the next few days. 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: June 1, 2003, 12:01 a.m.

May 28, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 1, 2003, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) Columbia River:

(a) Buoy 10 line to Rocky Point-Tongue Point line:

(i) Effective May 16 through July 31, closed to salmon fishing.

(ii) Effective August 1 through August 15, open for salmon fishing with a daily limit of two salmon, no more than one chinook. Chinook minimum size 24 inches, coho minimum size 16 inches. Release sockeye, chum and wild coho.

(iii) Effective August 16 until further notice, open for salmon fishing with a daily limit of three salmon, no more than one chinook. Chinook minimum size 24 inches, coho minimum size 16 inches. Release sockeye, chum and wild coho.

(b) Rocky Point-Tongue Point line to I-5 Bridge:

(i) Effective immediately through June 15, open for salmon fishing with a daily limit of six chinook jacks only. Release wild chinook. Release sockeye.

(ii) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye, chum and wild coho.

(iii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye, chum and wild coho.

(c) I-5 Bridge to Bonneville Dam:

(i) Effective immediately through June 15, closed to salmon fishing.

(ii) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye, chum and wild coho.

(iii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye, chum and wild coho.

(d) Bonneville Dam to The Dalles Dam:

(i) Effective immediately through June 15, closed to salmon fishing.

(ii) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(iii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

(iv) Effective August 1 until further notice, all species, night closure and non-buoyant lure restriction.

The Dalles Dam to McNary Dam:

Effective immediately through June 15, closed to salmon fishing.

(i) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(ii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

McNary Dam to Highway 395 Bridge at Pasco.

(i) Effective immediately through June 15, closed to salmon fishing.

(ii) Effective June 16 through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook. Release sockeye and chum.

(iii) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and chum.

(2) Cowlitz River (Lewis County): Boundary markers at mouth to 400 feet or posted deadline below Barrier Dam:

(a) Effective immediately through July 31, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective immediately through June 15, south bank of the Cowlitz River from Mill Creek upstream to the Barrier Dam closed to all fishing.

(c) Effective August 1 until further notice, open for salmon fishing with a daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(3) Green River (Cowlitz Co.): Mouth to 2800 Road Bridge:

(a) Effective June 1 through July 31, open for salmon fishing, daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective August 1 until further notice, open for salmon fishing, daily limit six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(4) Klickitat River (Klickitat Co.):

(a) Mouth to Fisher Hill Bridge:

(i) Effective June 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than two adults.

(ii) Effective August 1 until further notice, non-buoyant lure restriction.

(b) From 400' upstream from #5 fishway to boundary markers below the Klickitat Salmon Hatchery, effective June 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than two adults.

(5) Lewis River (Clark. Co.): Boundary markers at mouth to mouth of the East Fork:

(a) Effective immediately through July 31, open for salmon fishing, daily limit six, no more than two adults. Release wild chinook.

(b) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(6) Lewis River, North Fork (Cowlitz Co.): Mouth to overhead power lines below Merwin Dam:

(a) Effective immediately through July 31, open for salmon fishing, daily limit of six salmon, no more than two adults. Release wild chinook.

(b) Effective immediately until further notice, open for trout fishing, daily limit two. Release wild cutthroat. Minimum size 20 inches.

(c) Effective immediately until further notice, lawful to fish from a floating device in those waters from Johnson Creek upstream to Colvin Creek.

(d) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(e) Effective immediately until further notice, upstream of Johnson Creek, all species, night closure and non-buoyant lure restriction.

(7) Toutle River (Cowlitz Co.): Mouth to forks: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(8) Toutle River, North Fork (Cowlitz Co.): Mouth to posted deadline below the fish collection facilities: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(9) Washougal River (Clark County): Mouth to Salmon Falls Bridge: Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than three adults, of which no more than two may be adult chinook. Release chum and wild coho.

(10) Wind River (Skamania County):

(a) Mouth (boundary line markers) to 400 feet below Shipherd Falls:

(i) Effective immediately through June 30, open to fishing for salmon and steelhead.

Special daily limit of four chinook salmon or hatchery steelhead, of which no more than two may be hatchery steelhead. Salmon minimum size is 12 inches, hatchery steelhead minimum size is 20 inches.

(ii) Effective August 1 until further notice, open for salmon fishing, daily limit of six salmon, no more than two adults. Release all chinook from the Burlington Northern Railroad Bridge to 400 feet below Shipherd Falls.

(iii) Effective immediately through June 30, all species, night closure and non-buoyant lure restriction.

(iv) Effective August 1 until further notice, all species, non-buoyant lure restriction.

(b) From four hundred feet below Shipherd falls upstream to one hundred feet above Shipherd Falls, effective immediately until further notice, closed waters.

(c) From 100 feet above Shipherd Falls to 800 yards below Carson National Fish Hatchery:

(i) Effective immediately until further notice, from 400 feet below the coffer dam upstream to 100 feet above the coffer dam: closed waters.

(ii) Notwithstanding the provisions of this section, effective immediately through June 30, open to fishing for salmon and steelhead. Special daily limit of four chinook salmon or hatchery steelhead, of which no more than two may be hatchery steelhead. Salmon minimum size is 12 inches, hatchery steelhead minimum size is 20 inches.

(iii) Effective immediately through June 30, all species, night closure and non-buoyant lure restriction.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 2003:

WAC 232-28-61900E Exceptions to statewide rules—2003 North of Falcon. (03-103)

**WSR 03-12-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-108—Filed May 28, 2003, 4:34 p.m.]

Date of Adoption: May 28, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100C; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Sets additional treaty Indian spring season commercial gillnet fishery. Harvestable numbers of spring chinook are available for the tribal fishery. The upriver spring chinook run size has been updated to over 203,000 allowing the harvest rate in the tribal fishery to increase to 10%. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold during open tributary fisheries. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on May 28, 2003. Conforms state rules with tribal

rules. 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: Immediately.

May 28, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100D Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. May 29 to 6:00 p.m. May 31, 2003

a) Open Areas: SMCRA 1F, 1G, 1H
b) Gear: Gillnets. No mesh restriction

2) Open Periods: Immediately through 6:00 p.m. May 31, 2003

a) Open Areas: SMCRA 1F, 1G, 1H,
b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: Immediately through 6:00 p.m. May 31, 2003 only during lawfully enacted Yakama Nation tribal subsistence fisheries.

a) Open Areas: Klickitat River and Wind River.
b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes. Fish caught from platforms and hook and line fisheries may be sold.

EMERGENCY

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right

angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100C	Columbia River salmon seasons above Bonneville Dam. (03-104)
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WSR 03-12-024

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 03-109—Filed May 28, 2003, 4:36 p.m.]

Date of Adoption: May 28, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-69-273.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation allows fishers to use persons to transport fish to buyers in order to sell fish and shellfish without having to use the license card, provided that a transportation ticket is filled out and accompanies the fish receiving ticket. 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.

May 28, 2003
J. P. Koenings
Director

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

January 27, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 220-69-27300A Imprinter use not required with transportation ticket. Notwithstanding the provisions of WAC 220-69-273, use of an imprinter is not required if a transportation ticket is completed and affixed to the copy of the fish receiving ticket returned to the department.

WSR 03-12-025
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 29, 2003, 8:39 a.m.]

Date of Adoption: May 27, 2003.

Purpose: The proposed amendment will eliminate the transitional work expense from authorized WorkFirst support services. The second emergency filing is necessary as there will be more changes to WorkFirst support services required to keep the expenditures within the amount budgeted. The department has filed a preproposal statement of inquiry as WSR 03-11-087 and has initiated rule-making proceedings to adopt this as a permanent rule.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 78.08A.340.

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 change is necessary to save federal TANF funds that are currently being overexpended. If we overexpend federal funds, we must use general state funds to make up the overexpenditure. We do not have the authority to do this because funds have not been appropriated for this purpose.

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 Mak-

AMENDATORY SECTION (Amending WSR 02-11-130, filed 5/21/02, effective 7/1/02)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to one year after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

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• Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

•• Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family

violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

••• Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$200 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$500 per program year	x	x	
License/fees/liability insurance	\$600 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$10 for immediate need, or \$20 twice a month if you live within 40 miles of your local WorkFirst office, or \$30 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

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(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What ((is)) was a transitional work expense?

(a) A transitional work expense ((is)) was a special type of support services that is only paid once in a lifetime. It ((is))

was authorized in two payments of five hundred dollars to cover your work expenses and help you exit TANF sooner and stay off of assistance longer. ~~((The first payment is made in the month after your TANF grant closes if you can show you have a plan for staying employed and off of TANF.~~

(b) To qualify for the first transitional work expense payment of five hundred dollars, you must also meet the following conditions:

- (i) You are in unsubsidized employment; or
- (ii) You are in subsidized employment that does not use TANF funds or does not end with your TANF grant; and

~~(iii) You are in the assistance unit and getting a TANF/SFA grant of one hundred dollars or less a month; and~~
~~(iv) Neither you or anyone else in your assistance unit is in sanction status; and~~
~~(v) You voluntarily stop getting your TANF/SFA grant.~~
 (e) ~~To~~) Effective February 1, 2003, transitional work expenses are no longer available.

(b) You may still qualify for the second payment of five hundred dollars if you ~~((must))~~ meet the following conditions:

(i) You received your first transitional work expense payment of five hundred dollars on or before January 31, 2003; and

(ii) You have not received a TANF/SFA grant or diversion cash assistance (DCA) for three months after you stopped your TANF/SFA grant; and

~~((#))~~ (iii) You are still employed.

(6) **What happens to my support services if I do not participate as required?**

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

WSR 03-12-026

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 29, 2003, 8:40 a.m., effective June 2, 2003]

Date of Adoption: May 20, 2003.

Purpose: WAC 388-290-0130 What in-home/relative providers can I choose under the WCCC program?, is being amended to clarify that an in-home/relative provider is determined an eligible provider when the results of the criminal background inquiry are received. We must make this clear in the interest of safety of children, and the general welfare of the state.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0130.

Statutory Authority for Adoption: RCW 74.04.050.

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: Emergency rules are needed to assure that in-home or relative providers paid by the department to provide child care do not have criminal convictions or background that would disqualify the provider or pose a threat to the safety of children under their care.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 2, 2003.

May 20, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-12-069, filed 5/31/02, effective 7/1/02)

WAC 388-290-0130 What in-home/relative providers can I choose under the WCCC program? (1) To be authorized as an in-home/relative provider under the WCCC program, your in-home/relative provider must:

(a) Be a U.S. citizen or legally residing in the country;

(b) Meet the requirements in WAC 388-290-0135; and

(c) ~~((Complete and submit a criminal background inquiry form prescribed by us; and~~

~~(d))~~) Be one of the following adult relatives providing care in the home of either the child or the relative:

(i) An adult sibling living outside the child's home;

(ii) An extended tribal family member under chapter 74.15 RCW; or

(iii) A grandparent, aunt, uncle, or great-grandparent, great-aunt or great-uncle.

(2) Your in-home/relative provider is not an eligible provider (under WAC 388-290-0095 and 388-290-0100) any-time prior to the date the results of all applicable criminal background inquiries under WAC 388-290-0143(1) are received. Providers other than in-home/relative that you can use are described in WAC 388-290-0125.

(3) A nonrelative provider may be an adult friend or neighbor and must provide care in the child's own home.

~~((3))~~ (4) The in-home/relative provider may not be:

(a) The child's biological, adoptive or step-parent;

(b) The child's legal guardian or the guardian's spouse; or

(c) Another adult acting in loco parentis or that adult's spouse.

WSR 03-12-027

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 29, 2003, 8:41 a.m.]

Date of Adoption: May 22, 2003.

Purpose: In order to limit expenditures under the additional requirements for emergent needs (AREN) program, we

must reduce the maximum payment from \$1,500 to \$750 per month.

Citation of Existing Rules Affected by this Order: Amending WAC 388-436-0002.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.510, 74.08A.340.

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 change is necessary to save federal TANF funds that are currently being overexpended. If we overexpend federal TANF funds, we must use general state funds to make up the overexpenditure. We do not have the authority to do this because funds have not been appropriated for this purpose. We are in the process of adopting a permanent rule change - preproposal statement on inquiry has been filed as WSR 03-11-089. However, an extension of the current emergency filing is necessary because funding levels have not been established yet.

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: Immediately.

May 22, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-22-064, filed 10/27/00, effective 12/1/00)

WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities? DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need a one-time cash payment to get or keep safe housing or utilities, you may be eligible. The special AREN payment is in addition to the regular monthly cash grant your family may already get.

(1) To get AREN, you must:

(a) Be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA);

(b) Have an emergency housing or utility need; and

(c) Have a good reason that you do not have enough money to pay your housing or utility costs.

(2) To get AREN, you must be eligible for TANF, SFA, or RCA. This means you must:

(a) Get benefits through TANF, SFA, or RCA. For RCA you must also be pregnant or have an eligible child; or

(b) Apply for TANF, SFA, and RCA, and meet all eligibility criteria including:

(i) The maximum earned income limit under WAC 388-478-0035;

(ii) The requirement that your unearned income not exceed the grant payment standard;

(iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned income and unearned income;

(iv) The resource limits under chapter 388-470 WAC;

(v) The program summary rules for either TANF (WAC 388-400-0005); SFA (WAC 388-400-0010); or RCA (WAC 388-400-0030); and

(vi) The requirement that you must be pregnant or have an eligible child.

(3) If you do not get or do not want to get TANF, SFA or RCA, you cannot get AREN to help with one-time housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-432-0005.

(4) To get AREN, you must have an emergency housing or utility need. You may get AREN to help pay to:

(a) Prevent eviction or foreclosure;

(b) Get housing if you are homeless or need to leave your home because of domestic violence;

(c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:

(i) Electricity or fuel for heating, lighting, or cooking;

(ii) Water;

(iii) Sewer; and

(iv) Basic local telephone service if it is necessary for your basic health and safety.

(d) Repair damage or defect to your home when it causes a risk to your health or safety:

(i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;

(ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay for the repair or pay to move you to a different place whichever cost is lower.

(e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Nonhousing expenses, that are not covered under AREN, may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

(5) To get AREN, you must have a good reason for not having enough money to pay for your housing or utility costs. You must prove that you:

(a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation

that reduced your income (such as a long-term illness or injury);

(b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

(i) Basic health and safety needs for shelter, food and clothing;

(ii) Medical care;

(iii) Dental care needed to get a job or because of pain;

(iv) Emergency child care;

(v) Emergency expenses due to a natural disaster, accident, or injury; and

(vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended when we budgeted your expected income for the month, but the income will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before you can get AREN.

(6) In addition to having a good reason for not having enough money to pay for your costs, you must also explain how you will afford to pay for the on-going need in the future. We may deny AREN if your expenses exceed your income (if you are living beyond your means). We may approve AREN to help you get into housing you can afford.

(7) If you meet the above requirements, we decide the amount we will pay based on the following criteria.

(a) AREN payments may be made up to a maximum of ~~(fifteen)~~ seven hundred fifty dollars.

(b) We can make the payment all at once or as separate payments over a thirty-day period. The thirty-day period starts with the date of the first payment.

(c) The amount of AREN is in addition to the amount of your monthly TANF, SFA, or RCA cash grant.

(d) We will decide the lowest amount we must pay to end your housing or utility emergency. We will contact your landlord, utility company, or other vendor for information to make this decision. We may take any of the following steps when deciding the lowest amount to pay:

(i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking, or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money other individuals such as family or friends voluntarily give you. We will not count loans of money that you must repay to friends or family members.

(v) We may consider money from a nonneedy caretaker relative that lives in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(8) Starting August 1, 2000, your family can get AREN for your emergency housing or utility needs for one thirty-day period every twelve months:

(a) The thirty-day period starts on the date we issue your first AREN payment and lasts thirty consecutive days.

(b) The twelve-month period starts the month we issued your first AREN payment. The next time you could be eligible for AREN is the first day of the twelfth month after we issued the first AREN payment. For example, if we issued you AREN on January 15th, you could be eligible again on the first of January the next year.

(c) The limit of one thirty-day period every twelve months applies to the following people even if they leave the assistance unit:

(i) Adults; and

(ii) Minor parents that get AREN when no adults are in the assistance unit.

(d) We do not look at AREN benefits you received before August 1, 2000 when we look to see if you received AREN in the last twelve months.

(9) We pay AREN:

(a) Directly to the landlord, mortgage company, utility, or other vendor whenever we can.

(b) If we cannot pay AREN directly to the landlord or other vendor, we will issue the AREN as a part of your TANF, SFA, or RCA cash grant. If we issue the AREN as a part of your grant, you must use it for your emergency need.

(10) We may assign you a protective payee for your monthly grant under WAC 388-265-1250.

WSR 03-12-032

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-107—Filed May 29, 2003, 12:15 p.m., effective June 1, 2003, 7:00 a.m.]

Date of Adoption: May 29, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000Z; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

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: A new quota for each area is available beginning June 1. In addition, shell condition testing indicates the molt has been completed and both areas can open for harvest. 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: June 1, 2003, 7:00 a.m.

May 29, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000A Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective immediately until 9:00 p.m. August 11, 2003, Fridays through Mondays only, it is lawful to fish for crab for personal use in that portion of Marine Area 8-2, south of a line that extends from Camano Head on the southern tip of Camano Island southward to Sandy Point on Whidbey Island.

2) Effective 7:00 a.m. June 1, 2003, until further notice, it is lawful to fish for crab for personal use in Marine Areas 9, 10, 11, 12, and 13.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 1, 2003:

WAC 220-56-33000Z Crab—Areas and seasons. (03-99)

**WSR 03-12-038
EMERGENCY RULES
STATE BOARD OF EDUCATION**

[Filed May 30, 2003, 8:36 a.m.]

Date of Adoption: May 21, 2003.

Purpose: The amendatory language is a result of the State Board of Education adopting WAC 180-78A-700 in January 2003 which establishes a pilot Washington state first peoples' language/culture teacher certification program. The amendments add first peoples' language/culture certificate to the list of limited certificates.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-140 and 180-79A-231.

Statutory Authority for Adoption: RCW 28A.305.130 and 28A.410.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendatory language will allow candidates to begin the process for a first peoples' language/culture certificate to be eligible for the 2003-04 school year.

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 2, 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.

May 28, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

WAC 180-79A-140 Types of certificates. Five types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff asso-

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ciate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Nonimmigrant alien exchange teacher.
- (f) Intern substitute teacher certificate.
- (g) Transitional certificate.
- (h) First people's language/culture certificate.

AMENDATORY SECTION (Amending WSR 02-13-027, filed 6/12/02, effective 7/13/02)

WAC 180-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on short-ages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instruc-

tional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) A teacher whose continuing certificate has lapsed according to WAC 180-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must complete any continuing certificate reinstatement requirements established by the state board of education within two years of the date the holder was issued the transitional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under state board policy WAC 180-79A-117.

(b) No teacher whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 180-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable.

(8) First people's language/culture certificate. See WAC 180-78A-700.

WSR 03-12-039

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed May 30, 2003, 8:37 a.m.]

Date of Adoption: May 21, 2003.

Purpose: Amend language to allow candidates full admission to the professional certificate program, prior to completion of a provisional status, if the candidate provides a letter from the candidate's employing school district, private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-505.

Statutory Authority for Adoption: RCW 28A.410.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The emergency adoption of this rule will allow candidates to be admitted immediately to a professional certification 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 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 1, 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.

May 28, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 03-04-025, filed 1/27/03, effective 2/27/03)

WAC 180-78A-505 Overview—Teacher professional certificate program. (1) By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards.

(2) To obtain a professional certificate, the residency teacher will need to complete a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

(3)(a) Prior to full admission to a professional certificate program, excluding the preassessment seminar, the candidate shall complete provisional status((;-)) with a school district under RCW 28A.405.220, or the equivalent with an approved private school or state agency providing educational services for students((,- prior to admission to a professional certificate program, excluding the preassessment seminar)).

(b) The candidate may be fully admitted to the professional certificate program, prior to completion of provisional status, if the candidate provides to the program a letter from the candidate's employing school district, private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program.

(4) The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and 17 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evi-

dence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

(5)(a) The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

(b) The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

(c) The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

(6) The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

(7) As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

WSR 03-12-041

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-110—Filed May 30, 2003, 9:54 a.m.]

Date of Adoption: May 29, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V and 232-28-61900G; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: Based on a stronger than expected return of spring chinook to the Snake River, there are sufficient numbers of hatchery-origin fish within allowable limits for potential impacts to wild fish, to continue this selective chinook fishery and expand the bag limit in the Snake River. 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 2.

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.

May 29, 2003

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through June 15, 2003, in those waters of the Snake River from Texas Rapids boat launch upstream to the Corps of Engineers boat launch on the south bank of the river approximately one mile upstream of Little Goose Dam, it is lawful to fish for and possess salmon. Daily limit of two hatchery chinook salmon, minimum size 12 inches in length. Night closure is in effect when fishing for chinook salmon.

(a) It is unlawful to use barbed hooks when fishing for chinook salmon.

(b) It is unlawful to use any hook larger than 5/8 inch (point of hook to shank) when fishing for chinook salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900V Exceptions to statewide rules—Snake River. (03-72)

The following section of the Washington Administrative Code is repealed effective June 15, 2003, one hour after official sunset:

WAC 232-28-61900G Exceptions to statewide rules—Snake River.

**WSR 03-12-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 30, 2003, 4:32 p.m., effective June 1, 2003]

Date of Adoption: May 30, 2003.

Purpose: The Community Services Division is amending Washington telephone assistance program (WTAP) rules to clarify the WTAP payment limits for reimbursable services, and to streamline the billing process; and add community service voice mail as a WTAP benefit as provided for by 2003 legislative session (chapter 134, Laws of 2003) effective July 1, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0025, 388-273-0030, and 388-273-0035.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440, chapter 134, Laws of 2003.

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 extent of reimbursement to telephone companies must be limited for services provided on and after June 1, 2003, in order to ensure the viability of the program, and to keep the WTAP fund within budget. Without this change, more than 120,000 households now using the program may lose telephone services as it would be unaffordable - restricting their ability to contact emergency services, doctors, social workers, employers and others. Community service voice mail has been added as a WTAP benefit by 2003 legislative session, chapter 134, Laws of 2003, effective July 1, 2003.

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 0, 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 3, Repealed 0.

Effective Date of Rule: June 1, 2003.

May 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY

AMENDATORY SECTION (Amending WSR 02-18-106, filed 9/3/02, effective 10/4/02)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; ~~(and)~~

(c) Fifty percent discount on service connection fees through June 30, 2003. Effective July 1, 2003, fifty percent discount for the first connection; and for a second or subsequent connection when you ask for service at a new address. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent; or

(d) Effective July 1, 2003, a community service voice mail box offered by a community agency that has been contracted with the department of community, trade and economic development to provide the service.

(2) WTAP benefits are limited to one residential line per household.

(3) ~~((The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.~~

(4)) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits(~~(-~~

~~(5))~~. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0030 How you can apply for WTAP.

(1) You can apply for ~~((WTAP))~~ telephone benefits by contacting the local telephone company.

(2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.

(3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

(4) Effective July 1, 2003, you can apply for community service voice mail by contacting your local community service voice mail provider.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented

administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Telecommunications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less.

(iii) Waiver of local deposit.

We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) ~~((Invoices))~~ One monthly invoice and supporting documentation submitted ((within ninety days)) and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within ~~((sixty))~~ thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

(g) Expenses for supplies and materials for implementing and maintaining WTAP;

(h) Postage and handling for delivery of WTAP material;

(i) Administrative charge for change of service orders specified by tariffs; and

(j) Pre-approved documented indirect costs associated with implementing and maintaining WTAP.

**WSR 03-12-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-112—Filed June 2, 2003, 2:49 p.m.]

Date of Adoption: June 2, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-33000A; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to protect soft shell crab in all marine areas. Hard shell criteria have been met in Marine Areas 8-1, northern 8-2, 9, 10, 11, 12 and 13, and the southern portion of Marine Area 8-2 to allow harvest. 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.

June 2, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000B Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective immediately until 9:00 p.m. August 11, 2003, Fridays through Mondays only, it is lawful to fish for crab for personal use in that portion of Marine Area 8-2, south of a line that extends from Camano Head on the southern tip of Camano Island southward to Sandy Point on Whidbey Island.

2) Effective immediately, until further notice, it is lawful to fish for crab for personal use in Marine Areas 9, 10, 11, 12, and 13.

3) Effective 7:00 a.m. June 6, 2003, Fridays through Mondays only, until 8:00 p.m. September 2, it is lawful to fish for crab for personal use in that portion of Marine Area 8-2, north of a line drawn between Camano Head and Sandy Pt., and all of Marine Area 8-1.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000A Crab—Areas and seasons.
(03-107)

WSR 03-12-063 EMERGENCY RULES DEPARTMENT OF HEALTH

[Filed June 2, 2003, 3:02 p.m.]

Date of Adoption: May 29, 2003.

Purpose: Amend WAC 246-840-990 Fees and renewal cycle, to reflect fees and renewal cycle for registered nursing technicians.

Citation of Existing Rules Affected by this Order: Amending WAC 246-840-990.

Statutory Authority for Adoption: Chapter 18.79 RCW, chapter 258, Laws of 2003.

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: Chapter 258, Laws of 2003, requires emergency adoption of the nursing technician registration.

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: Immediately.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-990 Fees and renewal cycle. (1) Licenses for practical nurse and registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(3) Registrations for nurse technicians must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The renewal must be accompanied by an attestation as described in chapter 258, Laws of 2003. This attestation will include the nurse technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire thirty days after the anticipated graduation date. The expiration date may be extended to sixty days after graduation if the nurse technician can show good cause as defined in WAC 246-840-010(15).

(4) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive renewal	20.00
Expired inactive license reissuance	20.00
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per speciality)	\$65.00
ARNP renewal with or without prescriptive authority (per speciality)	50.00
ARNP late renewal penalty (per speciality)	50.00
ARNP duplicate license (per speciality)	20.00
ARNP written verification of license (per speciality)	25.00

Nurse technologist fees:

<u>Title of Fee</u>	<u>Fee</u>
<u>Application fee registration</u>	<u>\$130.00</u>
<u>Renewal of registration</u>	<u>90.00</u>
<u>Duplicate registration</u>	<u>15.00</u>
<u>Registration late renewal penalty</u>	<u>50.00</u>

WSR 03-12-064

EMERGENCY RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 2, 2003, 4:42 p.m.]

Date of Adoption: May 27, 2003.

Purpose: On February 3, 2003, the Division of Child Support Services (DCS) adopted emergency rules to bring the regulations and procedures of DCS into agreement with statutory changes in the 2002 legislative session, namely changes to the Uniform Parentage Act (chapter 302, Laws of 2002) and changes regarding the jurisdiction of DCS (chapter 199, Laws of 2002). DCS anticipates that the proposed rules will be filed in May and must do this fourth emergency filing to continue the existing rules in place until the permanent rules become effective this summer.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3370, 388-14A-3100, 388-14A-3810, 388-14A-3102, 388-14A-3110, 388-14A-3115, and 388-14A-3120.

Statutory Authority for Adoption: RCW 34.05.350 (1)(b), 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, and 74.20A.310, chapter 302, Laws of 2002, chapter 199, Laws of 2002.

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: (1) Chapter 302, Laws of 2002, amends the Uniform Parentage Act regarding the affidavit or acknowledgment of paternity; (2) chapter 199, Laws of 2002, amends the statutory jurisdiction of DCS, with effective date of June 13, 2002; and (3) DCS continues to work with stakeholders to develop permanent policy.

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 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 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 1, Amended 7, Repealed 0.

Effective Date of Rule: Immediately.

May 27, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when parties to a paternity order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity order or the decree of dissolution, including provisions establishing paternity, remain in effect.

(4) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(c) Notice and finding of medical responsibility (NFMR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3102 When the parents have signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)), which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For ~~((paternity))~~ affidavits or acknowledgments filed on or before August 14, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR). See WAC 388-14A-3120.

(3) For paternity affidavits filed ~~((on or))~~ after August 14, 1997 with the center for health statistics in the state of Washington, ~~((it depends on how much time has elapsed since filing:))~~

~~((a) If less than sixty days have passed since filing, DCS serves a NFPR under WAC 388-14A-3120, because the parents can rescind (withdraw) the affidavit within sixty days of filing and request genetic testing; or~~

~~((b) If sixty or more days has passed since filing;))~~ DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit or acknowledgment has become a conclusive presumption of paternity under ~~((RCW 26.26.040))~~ section 305, chapter 302, Laws of 2002.

(4) For ~~((paternity))~~ acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFPR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on ~~((paternity))~~ the acknowledgment or affidavit((s)), even if the mother ((and the)) or father were eighteen years of age or older at the time they ((signed)) entered the acknowledgment or affidavit, ((or have reached eighteen years of age since signing the affidavit. A party who was under eighteen at the time the affidavit was signed and filed in Washington after August 14, 1997 has sixty days after their eighteenth birthday to void the affidavit; for affidavits filed in other states, the law of the state of filing determines whether the affidavit is voidable)) under section 304, chapter 302, Laws of 2002.

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed ((the affidavit to deny)) and filed a denial of paternity within ten days of the child's birth.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

(a) Within twenty days of service, if the noncustodial parent was served in Washington state.

(b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.

(4) To be timely, the custodial parent must object within twenty days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFFR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-11-048 (or as later amended) within the following time limits:

(a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state (~~and the affidavit has not yet become a final determination of paternity~~)).

(b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state (~~and the affidavit has not yet become a final determination of paternity~~)).

(c) The custodial parent must request genetic testing within twenty days of service (~~and may request genetic testing only if the affidavit has not yet become a final determination of paternity~~).

~~(d) For parties who have filed paternity affidavits in Washington after August 14, 1997, a request for genetic testing does not by itself operate to rescind the affidavit) of the notice.~~

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14-500 (or as later amended) regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-11-150 (or as later amended);

(b) An initial decision for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A review decision.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian

of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by WAC 388-11-210 (or as later amended) and RCW 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by WAC 388-11-215 (or as later amended).

(d) May include an obligation to provide support for day care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(e) Warns the noncustodial parent and the custodial parent that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) If paternity has been established by an affidavit or acknowledgment of paternity ((filed in Washington state on or after August 14, 1997 becomes a legal finding of paternity under RCW 26.26.040 (1)(c) unless it is rescinded (withdrawn) within sixty days of filing. If sixty days have passed since the affidavit or acknowledgment was filed, DCS may serve a NFFR to establish a support obligation)), DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to challenge the acknowledgment or denial of paternity may only bring an action in court to rescind or challenge the acknowledgment or denial of paternity under sections 307 and 308, chapter 302, Laws of 2002.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFPR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR)(see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFPR.

(3) DCS serves a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before August 14, 1997; or

~~(b) ((An affidavit acknowledging paternity is on file with the center for health statistics and was filed on or after August 14, 1997 but the sixty day period for rescission has not yet passed; or~~

~~(e)))~~ An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(5) The NFPR advises the noncustodial parent and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFPR, if necessary for an accurate support order.

(6) The NFPR includes the information required by WAC 388-11-210 (or as later amended), RCW 74.20A.055, and 74.20A.056.

(7) The NFPR includes the noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended).

(8) The NFPR may include an obligation to provide support for day care expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(9) DCS may not assess an accrued support debt for a period longer than five years before the NFPR is served. This limitation does not apply to the extent that the noncustodial parent hid or left the state of Washington for the purpose of avoiding service.

(10) After service of the NFPR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(11) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(12) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(13) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFPR can end sooner or later than age eighteen.

(14) Either the noncustodial parent, or the mother, if she is also the custodial parent, may request genetic tests under WAC 388-11-048 (or as later amended), notwithstanding the language of WAC 388-11-048, which refers only to the father. A mother who is not the custodial parent may at any time request that DCS refer the case for paternity establishment in the superior court.

(15) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the noncustodial parent is later:

(a) Excluded from being the father by genetic tests; or

(b) Found not to be the father by a court of competent jurisdiction.

(16) If the noncustodial parent requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(17) If the noncustodial parent was not excluded as the father, the mother, if she is also the custodial parent, may within twenty days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

~~(18) ((If the affidavit or acknowledgment was filed in Washington after August 14, 1997, but sixty days have not passed since filing, DCS serves a NFPR. If the NCP wishes to contest paternity he must rescind (withdraw) the acknowledgment at the center for health statistics before the sixty day period ends or there will be a legal finding of paternity under RCW 26.26.040 (1)(e). A request to DCS for genetic testing is not sufficient to withdraw the paternity affidavit.~~

~~(19)))~~ If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

~~((20))~~ (19) A hearing on a NFPR is for the limited purpose of resolving the accrued support debt, current support obligation and reimbursement to DCS for paternity-related

costs. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3122 When the rescission period has not yet passed for an affidavit or acknowledgment filed between August 14, 1997 and June 13, 2002, which support establishment notice does the division of child support serve when the father is the noncustodial parent? (1) The division of child support (DCS) serves a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120 if:

(a) The parents filed an affidavit or acknowledgment of paternity with the department of health between August 14, 1997 and June 13, 2002;

(b) The sixty-day rescission period has not yet passed; and

(c) The father is the noncustodial parent.

(2) Either the father or the custodial parent may request a hearing on the terms of the NFPR.

(3) The father, or the mother if she is also the custodial parent, may request genetic tests on the NFPR if the acknowledgment or affidavit of paternity has not yet become a final determination of paternity.

(4) A party who requests genetic testing from DCS on an acknowledgment or affidavit of paternity filed with the department of health between August 14, 1997 and June 13, 2002, but within the sixty-day rescission period, must also file a rescission with the department of health. Requesting genetic testing does not stop the acknowledgment or affidavit from becoming final.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, Chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a custodial parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) An NCP may be excused from providing support for a dependent child (~~receiving public assistance under chapter 74.12 RCW~~) if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

(d) Within a reasonable time after deprivation, the NCP exerted and continues to exert reasonable efforts to regain physical custody of the child.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

(a) A superior or tribal court order supersedes the order;

(b) The order is modified under WAC 388-14A-3925;

(c) The child reaches eighteen years of age;

(d) The child is emancipated;

(e) The child marries;

(f) The child becomes a member of the United States armed forces;

(g) The child or the responsible parent die;

(h) A responsible stepparent's marriage is dissolved;

~~(i)~~

(i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or

(j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues and/or may be established for a dependent child who is:

(a) Under nineteen years of age; and

(b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the student becomes nineteen years of age.

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

WSR 03-12-079
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-113—Filed June 3, 2003, 2:13 p.m., effective June 7, 2003, 7:00 a.m.]

Date of Adoption: June 3, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-32500E; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7 and other shrimp species are available for harvest in Marine Area 11. The state recreational share of spot shrimp is available in the Discovery Bay Shrimp District. 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: June 7, 2003, 7:00 a.m.

June 3, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500F Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District - All waters of Port Townsend bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10.

3) Effective 9:00 p.m. June 8, 2003, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

4) Effective 9:00 p.m. June 8, 2003, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

5) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2 and 9 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) Closed Mondays through Wednesdays.

(c) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(d) All waters of the Port Townsend Shrimp District are closed except those waters south of a line from Kala Point to Walan Point.

6) Effective 7:00 a.m. June 7, 2003, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District except:

(a) Spot shrimp may be retained on Saturdays only.

(b) Daily limit of spot shrimp is a maximum of 80 as part of the 10 pound limit.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 7, 2003:

WAC 220-56-32500E Shrimp—Areas and seasons
(03-93)

WSR 03-12-001
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—May 19, 2003]

The board of trustees of Bates Technical College will have a special meeting on May 27, 2003, from 10:00 a.m. to approximately 12:00 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters. No action will be taken during executive session.

WSR 03-12-008
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—May 20, 2003]

The board of trustees of Eastern Washington University will hold its regularly scheduled meeting on Friday, May 23, 2003, beginning at 9:00 a.m. in the Pence Union Building, Rooms 263-5-7, on the Cheney Campus. This meeting will be followed by a meeting of the Committee of the Whole to further discuss the strategic plan. No action will be taken during the Committee of the Whole meeting.

9:00 a.m. - 11:30 a.m.	BOT Open Public Meeting	PUB 263-5-7
11:30 a.m. - 1:30 p.m.	BOT Executive Session	PUB 261
1:30 p.m. - 2:00 p.m.	BOT Open Public Meeting	PUB 263-5-7
2:00 p.m. - 3:00 p.m.	Committee of the Whole/Strategic Plan	PUB 263-5-7

WSR 03-12-010
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—May 21, 2003]

The board of directors of the Washington State Convention and Trade Center has set the following schedule for board meetings through end of calendar year 2003.

June 17, 2003
 July 15, 2003
 August 2003 - no meeting
 September 9, 2003
 October 21, 2003
 November 18, 2003
 December 16, 2003

All dates are on a Tuesday, and meetings begin at 2:00 p.m. Meeting rooms are not noted because the location may be changed on short notice, as convention needs dictate.

WSR 03-12-011
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Memorandum—May 22, 2003]

In compliance with the Open Public Meetings Act, this letter serves as notice that the board of trustees of Shoreline Community College will hold a special meeting on Wednesday, May 28, 2003, for two purposes:

- Meeting with the Vice-President for Administrative Services (Beverly Brandt) at 2:00 p.m. to review the proposed budget for 2003-2004.
- Meeting with President Holly Moore and Vice-President for Academic Affairs, Dr. Carol Henderson, to review the tenure packet for a second-year probationer prior to taking action to renew his contract.

The meeting will be held from 2:00 p.m. to 4:00 p.m. in the Central Conference Room at the Administration Building.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you need further information.

WSR 03-12-012
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—May 23, 2003]

The location for the June 6, 2003, WTECB Workforce Training and Education Coordinating Board meeting has changed to the Department of Transportation, Olympic Region Office in Tumwater.

The WTECB will hold a board meeting on June 6, 2003, from 8:30 a.m. to 2:45 p.m. at the Washington State Department of Transportation, Olympic Region Office in Tumwater, Washington.

The board will provide direction to staff on the application for federal incentive funds, discuss and act on the agency operating budget and the federal career and technical education funds for next year. The board will also learn about a multi-state worksource marketing effort led by the Employment Security Department, the outcomes of investments in customized training, and activities of sustaining industry-led skills panels and other cluster-based initiatives.

People needing special accommodations can contact Mary Reister at least seven days in advance at (360) 753-5660, e-mail mreister@wtb.wa.gov.

NOTICE OF POSSIBLE EXECUTIVE SESSION

Under RCW 42.30.110, an executive session may be held for the purpose of consulting with legal counsel regarding agency enforcement actions or actual or potential agency litigation.

Please give Mary Reister a call at 753-5660 if you have any questions.

WSR 03-12-015

NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD

[Memorandum—May 27, 2003]

The regular meetings of the Washington State Noxious Weed Control Board for the remainder of 2003 will begin at 9:30 a.m. The revised schedule is as follows:

- July 15 - 9:30 a.m.
Regular Meeting
Grant County Public Works
124 Enterprise Street S.E.
Ephrata, WA 98823
- September 16 - 9:30 a.m.
Regular Meeting
WSU Cooperative Extension
201 West Patison
Port Hadlock, WA 98339
- November 18 - 9:30
Regular Meeting and Hearing on
2004 Noxious Weed List
Washington Cattlemen's Association
1301 Dolarway
Ellensburg, WA

WSR 03-12-028

POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed May 29, 2003, 11:04 a.m.]

Following is a Notice of Adoption of Policy Statement for a recently adopted policy. It was adopted May 27, 2003.

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Valuing Sustainable Practices.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted to affirm the Marine Employees' Commission commitment to sustainable practices.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: May 27, 2003.

Kathy Marshall
Administrator

WSR 03-12-029

NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—May 29, 2003]

The location for the June 6, 2003, Workforce Training and Education Coordinating Board (WTECB) meeting has changed again to the Association of Washington Business in Olympia.

June 6, 2003

Association of Washington Business
1414 Cherry Street S.E.
Olympia, WA 98501
(360) 943-1600

NOTE: LOCATION CHANGE

The Workforce Training and Education Coordinating Board will hold a board meeting on June 6, 2003, from 8:30 a.m. to 2:45 p.m. at the Association of Washington Business, 1414 Cherry Street S.E., Olympia, WA.

The board will provide direction to staff on the application for federal incentive funds, discuss and act on the agency operating budget and the federal career and technical education funds for next year. The board will also learn about a multi-state worksource marketing effort led by the Employment Security Department, the outcomes of investments in customized training, and activities of sustaining industry-led skills panels and other cluster-based initiatives.

People needing special accommodations can contact Mary Reister at least seven days in advance at (360) 753-5660, e-mail mreister@wtb.wa.gov.

NOTICE OF POSSIBLE EXECUTIVE SESSION: Under RCW 42.30.110, an executive session may be held for the purpose of consulting with legal counsel regarding agency enforcement actions or actual or potential agency litigation.

Please give Mary Reister a call at 753-5660 if you have any questions.

WSR 03-12-030

NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Memorandum—May 28, 2003]

In compliance with RCW 42.30.075, the following is South Puget Sound Community College—District 24's board of trustees regular meeting schedule for 2003-04:

Thursday	August 28, 2003	3:00 p.m.
Thursday	October 9, 2003	3:00 p.m.
Thursday	November 13, 2003	3:00 p.m.
Thursday	December 11, 2003	3:00 p.m.
Thursday	January 8, 2004	3:00 p.m.
Thursday	February 12, 2004	3:00 p.m.
Thursday	March 11, 2004	3:00 p.m.
Thursday	April 8, 2004	3:00 p.m.

MISC.

Thursday May 13, 2004 3:00 p.m.
 Thursday June 10, 2004 3:00 p.m.

Contact Carlena Anderson or Mary Miller, Mailstop 4510, phone (360) 902-5315/(360) 902-6041.

Carmen Moore
 Rules Coordinator
 Legislative and
 Governmental Affairs Office

If you have any questions, please contact Diana Toledo, at 596-5206.

WSR 03-12-031
RULES COORDINATOR
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Filed May 29, 2003, 11:05 a.m.]

Our agency is currently working on revising some of our council's rules and realized we needed to appoint a new agency rules coordinator for the Energy Facility Site Evaluation Council (EFSEC).

As of May 20, 2003, the agency rules coordinator is Allen Fiksdal, Managing Director, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152.

If you have any questions, you can call Jim Luce at (360) 956-2150 or reach my secretary, Mariah Laamb, at (360) 956-121.

Jim Luce
 EFSEC Chair

WSR 03-12-043
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 30, 2003, 11:47 a.m.]

In accordance with RCW 34.05.230(12), enclosed is a list of Policy and Interpretive Statements issued by the department for April 2003.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

Specialty Compliance Services Division

Minors and Bloodborne Pathogens in Non-Medical Settings

Policy # ES.C.4.2 issued April 16, 2003.

This policy will provide clarification regarding the child labor provisions in WAC 296-125-030 which prohibits a minor from working in jobs where there is potential for exposure to bloodborne pathogens as defined in WAC 296-62-08001.

Contact Carlena Anderson or Mary Miller, Mailstop 4510, phone (360) 902-5315/(360) 902-6041.

Restricting Mandatory Overtime for Nurses

Policy # ES.A.11 issued August 28, 2002.

This policy will provide clarification regarding the hours of health care facility employees law described in RCW 49.28.130 through 49.28.150.

WSR 03-12-059
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—May 29, 2003]

The board of trustees of Bates Technical College will have a special meeting on May 30, 2003, from 4:00 p.m. to approximately 5:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board of trustees will meet in executive session for the purpose of discussing personnel issues. No action will be taken during executive session.

WSR 03-12-065
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 2, 2003, 4:43 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 03-003.

Subject: Minor mothers or fathers—Using the sexual misconduct report, DSHS 09-859, to report rape of a child.

Effective Date: May 28, 2003.

Document Description: This notice explains to DCS staff how to detect and report when rape of a child has occurred on a case.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

May 28, 2003
 Stephanie E. Schiller

WSR 03-12-073
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—June 2, 2003]

The board of trustees of Bates Technical College will have a special meeting on June 3, 2003, from 4:00 p.m. to approximately 5:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board of trustees will meet in executive session for the purpose of discussing personnel issues. No action will be taken during executive session.

MISC.

WSR 03-12-075

**NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Memorandum—June 2, 2003]

There will be a change in the previously adopted schedule for the 2003 meeting schedule of the Marine Employees' Commission. The July 25, 2003, meeting will be changed to July 18, 2003, in Seattle at the Dolphin Conference Room, Colman Building, 3rd Floor, 811 First Avenue, Seattle and will begin at 10:00 a.m.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

WSR 03-12-080

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 3, 2003, 2:29 p.m.]

NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT OF WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (WDFW) HATCHERY GENETIC MANAGEMENT PLANS FOR WDFW PUGET SOUND HATCHERY PROGRAMS

Hatchery genetic management plans (HGMPs) for WDFW Puget Sound artificial production programs are available for a thirty-day public review and comment period. The comments, WDFW's response, and any resultant modifications to HGMPs will subsequently be posted on the WDFW website and provided to NOAA fisheries for its consideration.

The HGMPs describe, in a format prescribed by NOAA fisheries, the operation of each artificial production program for salmon and steelhead in the Puget Sound region and the potential effects of each program on listed species. The HGMPs have been provided to NOAA fisheries for consideration as significant conservation measures under Section 4(d) of the Endangered Species Act.

The HGMPs may be accessed for review through one of the following means: (1) Electronically via the Internet to the WDFW website (www.wa.gov/wdfw/); or (2) in-person through a scheduled appointment at the WDFW office in Olympia, Washington. To schedule an appointment, or to obtain more information, please call (360) 902-2802 or (360) 902-2701.

WDFW will be accepting public comments on the HGMPs for Puget Sound artificial production programs until July 18, 2003. Comments must be submitted in writing to Dr. Jeff Koenings, Director, WDFW, (Attention: Cheryl McCartney, Fish Program), 600 Capitol Way North, Olympia, WA 98501-1091 or electronically through e-mail addressed to HGMP@dfw.wa.gov. All comments must be received by WDFW at the appropriate address or via WDFW's website by 5 p.m. Pacific Daylight Time on July 18, 2003.

This notice can also be found on the Washington State Register website at <http://slc.leg.wa.gov/>.

WSR 03-12-082

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)
[Memorandum—June 2, 2003]

**Board of Hearing and Speech
2003 Meeting Dates**

January 24, 2003	Olympia	Division of Child Support All Staff Conference Room
May 2, 2003	Spokane	Spokane Falls Community College
August 15, 2003	Olympia	Department of Health, Olympia Conference Room #1-6-152
October 3, 2003	Kent	Department of Health, Kent Facility Conference Room #1

WSR 03-12-097

DEPARTMENT OF ECOLOGY

[Filed June 4, 2003, 11:49 a.m.]

Notice of Public Hearing

Concerning the Proposed Award List for Flood Control Assistance Account Program Grants for the 2003-2005 Biennium, by the Washington State Department of Ecology Shorelands and Environmental Assistance Program as mandated by WAC 173-145-070(3).

Public Hearing

Date:	Tuesday, August 5, 2003
Time:	9:30 a.m.
Location:	Department of Ecology 300 Desmond Drive Lacey Auditorium Room ROA-36

The proposed award list will be posted on Ecology's FCAAP website at <http://www.ecy.wa.gov/programs/sea/grants/fcaap/intro.html> as of July 22, 2003. Ecology will be accepting written comments until COB August 12, 2003.

Contacts: Tim D'Acci, (360) 407-6796, tdac461@ecy.wa.gov; or Bev Huether at bhue461@ecy.wa.gov.

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- 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
- X = Expedited rule making
- 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 #
3- 20-100	REP-P	03-05-101	16-200-7405	NEW	03-02-100	16-239-020	NEW	03-12-040
3- 20-100	REP	03-09-144	16-200-7406	NEW	03-02-100	16-239-030	NEW-P	03-07-082
3- 20-200	NEW-P	03-05-101	16-200-7407	NEW	03-02-100	16-239-030	NEW	03-12-040
3- 20-200	NEW	03-09-144	16-219-016	REP-X	03-09-088	16-239-040	NEW-P	03-07-082
3- 20-300	NEW-P	03-05-101	16-228-1231	AMD-P	03-02-099	16-239-040	NEW	03-12-040
3- 20-300	NEW	03-09-144	16-228-1231	AMD	03-05-034	16-239-050	NEW-P	03-07-082
4- 25	PREP	03-12-052	16-228-1262	NEW-P	03-02-098	16-239-050	NEW	03-12-040
4- 25-622	PREP	03-12-083	16-228-1262	NEW	03-05-033	16-239-060	NEW-P	03-07-082
4- 25-720	AMD-P	03-09-051	16-228-1264	NEW-P	03-02-098	16-239-060	NEW	03-12-040
4- 25-720	AMD-S	03-10-036	16-228-1264	NEW	03-05-033	16-239-061	NEW-P	03-07-082
4- 25-721	PREP	03-05-012	16-228-1266	NEW-P	03-02-098	16-239-061	NEW	03-12-040
4- 25-721	AMD-P	03-09-052	16-228-1266	NEW	03-05-033	16-239-062	NEW-P	03-07-082
16- 54-155	NEW-E	03-03-085	16-229-010	AMD-P	03-05-075	16-239-062	NEW	03-12-040
16- 54-155	PREP	03-12-020	16-229-010	AMD	03-09-034	16-239-063	NEW-P	03-07-082
16- 54-155	NEW-E	03-12-021	16-229-200	AMD-P	03-05-075	16-239-063	NEW	03-12-040
16-157-020	AMD	03-03-044	16-229-200	AMD-W	03-09-035	16-239-064	NEW-P	03-07-082
16-157-030	AMD	03-03-044	16-231-107	AMD-X	03-07-037	16-239-064	NEW	03-12-040
16-157-100	REP	03-03-044	16-231-107	AMD	03-11-097	16-239-065	NEW-P	03-07-082
16-157-110	REP	03-03-044	16-237-170	PREP	03-12-086	16-239-065	NEW	03-12-040
16-157-200	REP	03-03-044	16-238-010	REP-P	03-07-082	16-239-070	NEW-P	03-07-082
16-157-220	AMD	03-03-044	16-238-010	REP	03-12-040	16-239-070	NEW	03-12-040
16-157-230	AMD	03-03-044	16-238-020	REP-P	03-07-082	16-239-071	NEW-P	03-07-082
16-157-240	AMD	03-03-044	16-238-020	REP	03-12-040	16-239-071	NEW	03-12-040
16-157-245	NEW	03-03-044	16-238-030	REP-P	03-07-082	16-239-072	NEW-P	03-07-082
16-157-250	AMD	03-03-044	16-238-030	REP	03-12-040	16-239-072	NEW	03-12-040
16-157-255	AMD	03-03-044	16-238-060	REP-P	03-07-082	16-239-073	NEW-P	03-07-082
16-157-260	AMD	03-03-044	16-238-060	REP	03-12-040	16-239-073	NEW	03-12-040
16-157-270	AMD	03-03-044	16-238-070	REP-P	03-07-082	16-239-074	NEW-P	03-07-082
16-157-280	REP	03-03-044	16-238-070	REP	03-12-040	16-239-074	NEW	03-12-040
16-157-290	AMD	03-03-044	16-238-082	REP-P	03-07-082	16-239-075	NEW-P	03-07-082
16-160-010	AMD	03-03-045	16-238-082	REP	03-12-040	16-239-075	NEW	03-12-040
16-160-020	AMD	03-03-045	16-238-090	REP-P	03-07-082	16-239-076	NEW-P	03-07-082
16-160-025	REP	03-03-045	16-238-090	REP	03-12-040	16-239-076	NEW	03-12-040
16-160-035	AMD	03-03-045	16-238-100	REP-P	03-07-082	16-239-077	NEW-P	03-07-082
16-160-060	AMD	03-03-045	16-238-100	REP	03-12-040	16-239-077	NEW	03-12-040
16-160-070	AMD	03-03-045	16-238-110	REP-P	03-07-082	16-239-078	NEW-P	03-07-082
16-200-7401	NEW	03-02-100	16-238-110	REP	03-12-040	16-239-078	NEW	03-12-040
16-200-7402	NEW	03-02-100	16-239-010	NEW-P	03-07-082	16-239-079	NEW-P	03-07-082
16-200-7403	NEW	03-02-100	16-239-010	NEW	03-12-040	16-239-079	NEW	03-12-040
16-200-7404	NEW	03-02-100	16-239-020	NEW-P	03-07-082	16-239-080	NEW-P	03-07-082

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-239-080	NEW	03-12-040	16-301-010	PREP	03-12-085	16-321-100	REP	03-08-018
16-239-0801	NEW-P	03-07-082	16-301-055	PREP	03-12-085	16-321-110	REP-X	03-03-124
16-239-0801	NEW	03-12-040	16-302-045	PREP	03-12-085	16-321-110	REP	03-08-018
16-239-0802	NEW-P	03-07-082	16-302-110	PREP	03-12-085	16-321-120	REP-X	03-03-124
16-239-0802	NEW	03-12-040	16-302-150	PREP	03-12-085	16-321-120	REP	03-08-018
16-239-0803	NEW-P	03-07-082	16-302-155	PREP	03-12-085	16-328-008	AMD-P	03-07-090
16-239-0803	NEW	03-12-040	16-302-255	PREP	03-12-085	16-328-008	AMD	03-10-080
16-239-0804	NEW-P	03-07-082	16-302-385	PREP	03-12-085	16-328-010	PREP	03-03-121
16-239-0804	NEW	03-12-040	16-302-410	PREP	03-12-085	16-328-010	REP-P	03-07-090
16-239-0805	NEW-P	03-07-082	16-303-200	AMD-P	03-03-130	16-328-010	REP	03-10-080
16-239-0805	NEW	03-12-040	16-303-200	AMD	03-08-005	16-328-011	PREP	03-03-121
16-239-0806	NEW-P	03-07-082	16-303-200	PREP	03-12-084	16-328-011	AMD-P	03-07-090
16-239-0806	NEW	03-12-040	16-303-210	AMD-P	03-03-130	16-328-011	AMD	03-10-080
16-239-0807	NEW-P	03-07-082	16-303-210	AMD	03-08-005	16-333-010	AMD-P	03-07-089
16-239-0807	NEW	03-12-040	16-303-210	PREP	03-12-084	16-333-010	AMD	03-10-081
16-239-0808	NEW-P	03-07-082	16-303-220	PREP	03-12-084	16-333-040	PREP	03-03-120
16-239-0808	NEW	03-12-040	16-303-230	AMD-P	03-03-130	16-333-040	REP-P	03-07-089
16-239-0809	NEW-P	03-07-082	16-303-230	AMD	03-08-005	16-333-040	REP	03-10-081
16-239-0809	NEW	03-12-040	16-303-230	PREP	03-12-084	16-333-041	PREP	03-03-120
16-239-0810	NEW-P	03-07-082	16-303-240	PREP	03-12-084	16-333-041	AMD-P	03-07-089
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16-239-0811	NEW-P	03-07-082	16-303-250	AMD	03-08-005	16-400-040	AMD-P	03-07-081
16-239-0811	NEW	03-12-040	16-303-250	PREP	03-12-084	16-400-040	AMD-W	03-10-062
16-239-0812	NEW-P	03-07-082	16-303-300	AMD-P	03-03-130	16-400-100	AMD-P	03-07-081
16-239-0812	NEW	03-12-040	16-303-300	AMD	03-08-005	16-400-100	AMD-W	03-10-062
16-239-0813	NEW-P	03-07-082	16-303-300	PREP	03-12-084	16-400-210	AMD-P	03-07-081
16-239-0813	NEW	03-12-040	16-303-310	AMD-P	03-03-130	16-400-210	AMD-W	03-10-062
16-239-090	NEW-P	03-07-082	16-303-310	AMD	03-08-005	16-400-215	NEW-P	03-07-081
16-239-090	NEW	03-12-040	16-303-310	PREP	03-12-084	16-400-215	NEW-W	03-10-062
16-239-0901	NEW-P	03-07-082	16-303-315	PREP	03-12-084	16-401-021	AMD-P	03-07-091
16-239-0901	NEW	03-12-040	16-303-317	AMD-P	03-03-130	16-401-021	AMD	03-10-083
16-239-0902	NEW-P	03-07-082	16-303-317	AMD	03-08-005	16-401-023	AMD-P	03-07-091
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16-239-0903	NEW	03-12-040	16-303-320	AMD	03-08-005	16-401-026	REP	03-10-083
16-239-0904	NEW-P	03-07-082	16-303-320	PREP	03-12-084	16-401-027	AMD-P	03-07-091
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16-239-0905	NEW-P	03-07-082	16-303-330	AMD	03-08-005	16-401-031	REP-P	03-07-091
16-239-0905	NEW	03-12-040	16-303-330	PREP	03-12-084	16-401-031	REP	03-10-083
16-239-0906	NEW-P	03-07-082	16-303-340	AMD	03-06-005	16-401-032	AMD-P	03-07-091
16-239-0906	NEW	03-12-040	16-319-041	AMD	03-06-006	16-401-032	AMD	03-10-083
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16-239-0907	NEW	03-12-040	16-321-001	REP	03-08-018	16-401-041	AMD	03-10-083
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16-239-0909	NEW-P	03-07-082	16-321-020	REP-X	03-03-124	16-465-001	REP	03-05-079
16-239-0909	NEW	03-12-040	16-321-020	REP	03-08-018	16-465-060	REP	03-05-079
16-239-0910	NEW-P	03-07-082	16-321-030	REP-X	03-03-124	16-470-905	AMD-P	03-07-092
16-239-0910	NEW	03-12-040	16-321-030	REP	03-08-018	16-470-905	AMD	03-10-082
16-239-0911	NEW-P	03-07-082	16-321-040	REP-X	03-03-124	16-470-911	REP-P	03-07-092
16-239-0911	NEW	03-12-040	16-321-040	REP	03-08-018	16-470-911	REP	03-10-082
16-239-0912	NEW-P	03-07-082	16-321-050	REP-X	03-03-124	16-470-912	AMD-P	03-07-092
16-239-0912	NEW	03-12-040	16-321-050	REP	03-08-018	16-470-912	AMD	03-10-082
16-239-100	NEW-P	03-07-082	16-321-060	REP-X	03-03-124	16-470-916	REP-P	03-07-092
16-239-100	NEW	03-12-040	16-321-060	REP	03-08-018	16-470-916	REP	03-10-082
16-239-1010	NEW-P	03-07-082	16-321-070	REP-X	03-03-124	16-470-917	AMD-P	03-07-092
16-239-1010	NEW	03-12-040	16-321-070	REP	03-08-018	16-470-917	AMD	03-10-082
16-239-1020	NEW-P	03-07-082	16-321-080	REP-X	03-03-124	16-470-921	AMD-P	03-07-092
16-239-1020	NEW	03-12-040	16-321-080	REP	03-08-018	16-470-921	AMD	03-10-082
16-239-1030	NEW-P	03-07-082	16-321-090	REP-X	03-03-124	16-536-040	AMD-C	03-06-101
16-239-1030	NEW	03-12-040	16-321-090	REP	03-08-018	16-536-040	AMD-W	03-12-042
16-301-005	PREP	03-12-085	16-321-100	REP-X	03-03-124	16-603-010	AMD-X	03-08-088

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-657	PREP	03-03-122	118- 66-081	NEW	03-10-014	132F-120-200	REP-P	03-06-067
16-659	PREP	03-03-122	118- 66-085	NEW-P	03-04-108	132F-120-210	REP-P	03-06-067
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16-662-105	AMD-X	03-03-123	118- 66-090	NEW	03-10-014	132F-121-030	NEW-P	03-06-067
16-662-105	AMD	03-08-017	131	PREP	03-09-043	132F-121-040	NEW-P	03-06-067
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16-662-110	AMD	03-08-017	132A-116-011	AMD-P	03-08-056	132F-121-060	NEW-P	03-06-067
16-662-115	AMD-X	03-03-123	132A-150-010	AMD-P	03-08-056	132F-121-070	NEW-P	03-06-067
16-662-115	AMD	03-08-017	132A-320-010	AMD-P	03-08-056	132F-121-080	NEW-P	03-06-067
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16-750-005	AMD	03-04-001	132F- 01-010	AMD-P	03-06-067	132F-121-100	NEW-P	03-06-067
16-750-011	AMD	03-04-001	132F- 01-020	REP-P	03-06-067	132F-121-110	NEW-P	03-06-067
16-750-015	AMD	03-04-001	132F-104	AMD-C	03-10-078	132F-121-120	NEW-P	03-06-067
16-752-300	AMD-X	03-11-098	132F-104-010	AMD-P	03-06-067	132F-121-130	NEW-P	03-06-067
16-752-305	AMD-X	03-11-098	132F-104-020	AMD-P	03-06-067	132F-121-140	NEW-P	03-06-067
16-752-315	AMD-X	03-11-098	132F-104-030	REP-P	03-06-067	132F-121-150	NEW-P	03-06-067
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36- 14-120	NEW-W	03-06-072	132F-104-811	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067
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82- 50-021	AMD-X	03-07-083	132F-104-814	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067
82- 50-021	AMD	03-11-073	132F-104-815	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067
98- 70-010	PREP	03-04-077	132F-104-816	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067
98- 70-010	AMD-P	03-08-009	132F-104-817	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067
98- 70-010	AMD	03-11-020	132F-104-818	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067
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118- 65-010	REP	03-10-014	132F-108	AMD-P	03-06-067	132H-116	PREP	03-04-074
118- 65-020	REP-P	03-04-108	132F-108	AMD-C	03-10-078	132H-120	PREP	03-04-075
118- 65-020	REP	03-10-014	132F-108-020	AMD-P	03-06-067	132H-120-020	AMD-P	03-08-021
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118- 65-040	REP-P	03-04-108	132F-108-080	AMD-P	03-06-067	132H-120-050	AMD-P	03-08-021
118- 65-040	REP	03-10-014	132F-108-100	AMD-P	03-06-067	132H-120-200	AMD-P	03-08-021
118- 65-050	REP-P	03-04-108	132F-108-120	AMD-P	03-06-067	132H-120-220	AMD-P	03-08-021
118- 65-050	REP	03-10-014	132F-108-130	AMD-P	03-06-067	132H-120-300	AMD-P	03-08-021
118- 65-060	REP-P	03-04-108	132F-108-140	AMD-P	03-06-067	132H-120-310	AMD-P	03-08-021
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118- 65-070	REP-P	03-04-108	132F-120	AMD-C	03-10-078	132H-132-020	REP-P	03-08-019
118- 65-070	REP	03-10-014	132F-120-020	REP-P	03-06-067	132H-152-135	PREP	03-04-073
118- 65-081	REP-P	03-04-108	132F-120-030	REP-P	03-06-067	132H-152-135	REP-P	03-08-020
118- 65-081	REP	03-10-014	132F-120-040	REP-P	03-06-067	132H-155-010	NEW-P	03-08-020
118- 65-090	REP-P	03-04-108	132F-120-041	REP-P	03-06-067	132H-155-020	NEW-P	03-08-020
118- 65-090	REP	03-10-014	132F-120-042	REP-P	03-06-067	132H-155-030	NEW-P	03-08-020
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118- 66-010	NEW	03-10-014	132F-120-050	REP-P	03-06-067	132H-155-050	NEW-P	03-08-020
118- 66-020	NEW-P	03-04-108	132F-120-060	REP-P	03-06-067	132H-155-060	NEW-P	03-08-020
118- 66-020	NEW	03-10-014	132F-120-061	REP-P	03-06-067	132H-155-070	NEW-P	03-08-020
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118- 66-040	NEW	03-10-014	132F-120-100	REP-P	03-06-067	132Q- 05	PREP	03-09-094
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118- 66-042	NEW	03-10-014	132F-120-120	REP-P	03-06-067	132Q- 07	PREP	03-09-094
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118- 66-045	NEW	03-10-014	132F-120-140	REP-P	03-06-067	132Q- 94	PREP	03-09-094
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132R-04-019	NEW-P	03-11-006	132R-175-100	AMD-P	03-11-006	173-157-050	NEW	03-03-081
132R-04-020	REP-P	03-11-006	132R-175-110	AMD-P	03-11-006	173-157-100	NEW	03-03-081
132R-04-030	REP-P	03-11-006	132R-175-120	AMD-P	03-11-006	173-157-110	NEW	03-03-081
132R-04-035	REP-P	03-11-006	132R-175-130	AMD-P	03-11-006	173-157-120	NEW	03-03-081
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132R-04-090	REP-P	03-11-006	136-60-020	AMD	03-05-009	173-170-050	AMD	03-07-104
132R-04-100	AMD-P	03-11-006	136-60-030	AMD	03-05-009	173-170-070	AMD	03-07-104
132R-04-110	REP-P	03-11-006	136-60-040	AMD	03-05-009	173-170-080	AMD	03-07-104
132R-04-112	NEW-P	03-11-006	136-60-050	AMD	03-05-009	173-170-090	AMD	03-07-104
132R-04-115	NEW-P	03-11-006	136-60-060	AMD	03-05-009	173-170-100	AMD	03-07-104
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173-314-010	REP	03-10-020	180- 24-220	PREP	03-12-037	180- 82A-206	AMD-E	03-09-027
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173-314-100	REP	03-10-020	180- 26	PREP	03-10-077	180- 82A-215	AMD-P	03-09-026
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173-314-210	REP	03-10-020	180- 32	PREP	03-10-077	180- 86	PREP	03-10-076
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173-314-300	REP	03-10-020	180- 50-315	AMD	03-04-054	180- 86-116	PREP	03-10-028
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173-314-310	REP	03-10-020	180- 51-063	AMD-E	03-09-018	180- 90-105	AMD	03-04-053
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173-314-330	REP	03-10-020	180- 55-150	PREP	03-04-111	180- 90-119	REP	03-04-053
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173-314-340	REP	03-10-020	180- 57-055	AMD	03-04-055	180- 90-123	REP	03-04-053
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173-350-240	NEW	03-03-043	180- 78A-505	AMD-E	03-12-039	182- 25-035	NEW-P	03-05-094
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173-350-310	NEW	03-03-043	180- 78A-700	NEW	03-04-026	192- 16-036	REP	03-06-038
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180- 10-001	REP-W	03-03-060	180- 82	PREP	03-10-076	196- 16	PREP	03-09-032
180- 10-003	REP-W	03-03-060	180- 82-110	AMD	03-04-023	196- 20	PREP	03-09-032
180- 10-005	REP-W	03-03-060	180- 82-115	PREP	03-09-084	196- 21	PREP	03-09-032
180- 10-007	REP-W	03-03-060	180- 82-204	PREP	03-04-020	196- 24	PREP	03-09-032
180- 10-010	REP-W	03-03-060	180- 82-204	AMD-E	03-04-027	196- 25	PREP	03-09-032
180- 10-015	REP-W	03-03-060	180- 82-204	AMD-P	03-09-024	196- 26A	PREP	03-09-032
180- 10-020	REP-W	03-03-060	180- 82-204	AMD-E	03-09-025	196- 30	PREP	03-03-111
180- 10-025	REP-W	03-03-060	180- 82-205	PREP	03-09-022	197- 11-070	AMD-P	03-03-082
180- 10-030	REP-W	03-03-060	180- 82A-204	PREP	03-04-020	197- 11-250	AMD-P	03-03-082
180- 10-035	REP-W	03-03-060	180- 82A-204	AMD-E	03-04-028	197- 11-310	AMD-P	03-03-082
180- 10-040	REP-W	03-03-060	180- 82A-204	AMD-P	03-09-024	197- 11-800	AMD-P	03-03-082
180- 10-045	REP-W	03-03-060	180- 82A-204	AMD-E	03-09-025	197- 11-820	AMD-P	03-03-082

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197- 11-835	AMD-P	03-03-082	220- 33-01000Y	REP-E	03-04-033	220- 52-07300B	NEW-E	03-03-002
197- 11-850	AMD-P	03-03-082	220- 33-01000Z	NEW-E	03-04-033	220- 52-07300B	REP-E	03-03-068
197- 11-855	AMD-P	03-03-082	220- 33-01000Z	REP-E	03-04-033	220- 52-07300C	NEW-E	03-03-068
197- 11-902	AMD-P	03-03-082	220- 33-01000Z	REP-E	03-04-078	220- 52-07300C	REP-E	03-06-001
197- 11-904	AMD-P	03-03-082	220- 33-03000T	NEW-E	03-11-002	220- 52-07300D	NEW-E	03-06-001
197- 11-908	AMD-P	03-03-082	220- 33-03000T	REP-E	03-11-002	220- 52-07300D	REP-E	03-06-001
204- 82A-060	AMD-P	03-08-089	220- 33-04000S	REP-E	03-07-015	220- 52-07300E	NEW-E	03-11-080
204- 82A-060	AMD	03-12-013	220- 33-04000T	NEW-E	03-07-015	220- 52-075	AMD	03-05-064
212- 12-200	NEW	03-06-063	220- 33-04000T	REP-E	03-07-015	220- 55-001	AMD-P	03-06-079
212- 12-210	NEW	03-06-063	220- 33-060	AMD	03-05-062	220- 55-060	REP-P	03-06-079
212- 12-220	NEW	03-06-063	220- 36-03001	AMD	03-05-062	220- 55-060	REP	03-10-040
212- 12-230	NEW	03-06-063	220- 36-03001A	NEW-E	03-05-002	220- 56-10000A	NEW-E	03-10-039
212- 12-240	NEW	03-06-063	220- 36-03001A	REP-E	03-05-002	220- 56-105	AMD	03-05-057
212- 12-250	NEW	03-06-063	220- 40-030	AMD	03-05-062	220- 56-12800F	NEW-E	03-10-039
212- 12-260	NEW	03-06-063	220- 44-050	AMD-P	03-02-105	220- 56-12800F	REP-E	03-10-039
212- 12-270	NEW	03-06-063	220- 44-050	AMD	03-05-078	220- 56-129	NEW	03-05-057
212- 12-280	NEW	03-06-063	220- 44-05000R	REP-E	03-04-058	220- 56-175	AMD	03-05-057
212- 12-290	NEW	03-06-063	220- 44-05000S	NEW-E	03-04-058	220- 56-18000B	NEW-E	03-10-039
212- 12-300	NEW	03-06-063	220- 44-05000S	REP-E	03-05-027	220- 56-18000B	REP-E	03-10-039
212- 12-310	NEW	03-06-063	220- 44-05000T	NEW-E	03-05-027	220- 56-19500K	NEW-E	03-10-039
212- 12-320	NEW	03-06-063	220- 44-05000T	REP-E	03-07-024	220- 56-19500K	REP-E	03-10-039
212- 12-330	NEW	03-06-063	220- 44-05000U	NEW-E	03-07-024	220- 56-2300	AMD	03-05-057
212- 12-340	NEW	03-06-063	220- 47-301	AMD	03-05-076	220- 56-23000A	NEW-E	03-07-032
212- 12-350	NEW	03-06-063	220- 48-029	AMD	03-05-063	220- 56-23000A	REP-E	03-07-032
212- 12-360	NEW	03-06-063	220- 48-032	AMD	03-05-063	220- 56-235	AMD	03-05-057
212- 12-370	NEW	03-06-063	220- 52-019	AMD-P	03-06-065	220- 56-23500Q	NEW-E	03-07-032
212- 12-380	NEW	03-06-063	220- 52-019	AMD	03-10-008	220- 56-23500Q	REP-E	03-07-032
212- 12-390	NEW	03-06-063	220- 52-01900A	NEW-E	03-09-072	220- 56-23500Q	REP-E	03-09-123
212- 12-400	NEW	03-06-063	220- 52-02000A	NEW-E	03-10-002	220- 56-23500R	NEW-E	03-09-123
212- 12-410	NEW	03-06-063	220- 52-03500A	NEW-E	03-09-081	220- 56-250	AMD	03-05-057
212- 12-420	NEW-W	03-06-071	220- 52-04000M	REP-E	03-06-030	220- 56-25000E	NEW-E	03-07-032
220- 12-020	AMD	03-05-057	220- 52-04600N	REP-E	03-04-046	220- 56-25000E	REP-E	03-07-032
220- 16-27000A	NEW-E	03-09-081	220- 52-04600P	NEW-E	03-04-007	220- 56-255	AMD	03-05-057
220- 16-290	NEW	03-05-061	220- 52-04600P	REP-E	03-04-007	220- 56-25500E	NEW-E	03-09-061
220- 20-016	AMD	03-10-010	220- 52-04600P	REP-E	03-07-014	220- 56-25500E	REP-E	03-11-026
220- 20-080	NEW	03-05-059	220- 52-04600Q	NEW-E	03-04-046	220- 56-25500F	NEW-E	03-11-026
220- 20-110	NEW-P	03-12-076	220- 52-04600Q	REP-E	03-07-002	220- 56-25500F	REP-E	03-11-081
220- 24-04000I	NEW-E	03-10-005	220- 52-04600R	NEW-E	03-05-006	220- 56-25500G	NEW-E	03-11-081
220- 32-05100A	NEW-E	03-07-044	220- 52-04600R	REP-E	03-06-020	220- 56-265	AMD	03-05-057
220- 32-05100A	REP-E	03-07-044	220- 52-04600S	NEW-E	03-05-047	220- 56-27000N	REP-E	03-05-025
220- 32-05100B	NEW-E	03-10-003	220- 52-04600S	REP-E	03-10-022	220- 56-27000P	NEW-E	03-05-025
220- 32-05100B	REP-E	03-10-003	220- 52-04600T	NEW-E	03-06-020	220- 56-27000P	REP-E	03-05-025
220- 32-05100B	REP-E	03-12-002	220- 52-04600T	REP-E	03-10-022	220- 56-320	AMD	03-05-057
220- 32-05100C	NEW-E	03-12-002	220- 52-04600U	NEW-E	03-07-002	220- 56-325	AMD	03-05-057
220- 32-05100C	REP-E	03-12-023	220- 52-04600U	REP-E	03-08-048	220- 56-32500C	NEW-E	03-09-014
220- 32-05100D	NEW-E	03-12-023	220- 52-04600V	NEW-E	03-07-014	220- 56-32500C	REP-E	03-10-034
220- 32-05100Z	REP-E	03-07-044	220- 52-04600V	REP-E	03-07-014	220- 56-32500D	NEW-E	03-10-034
220- 32-05500F	NEW-E	03-08-047	220- 52-04600V	REP-E	03-10-021	220- 56-32500D	REP-E	03-11-003
220- 32-06000A	NEW-E	03-10-003	220- 52-04600W	NEW-E	03-08-048	220- 56-32500E	NEW-E	03-11-003
220- 32-06000A	REP-E	03-10-003	220- 52-04600X	NEW-E	03-10-021	220- 56-32500E	REP-E	03-12-079
220- 33-01000A	NEW-E	03-05-036	220- 52-04600X	REP-E	03-10-021	220- 56-32500F	NEW-E	03-12-079
220- 33-01000A	REP-E	03-05-036	220- 52-050	AMD	03-05-060	220- 56-33000A	NEW-E	03-12-032
220- 33-01000A	REP-E	03-06-007	220- 52-051	AMD	03-05-064	220- 56-33000A	REP-E	03-12-060
220- 33-01000B	NEW-E	03-06-007	220- 52-05100P	NEW-E	03-09-013	220- 56-33000B	NEW-E	03-12-060
220- 33-01000B	REP-E	03-06-007	220- 52-05100P	REP-E	03-09-081	220- 56-33000R	REP-E	03-05-026
220- 33-01000C	NEW-E	03-08-004	220- 52-05100Q	NEW-E	03-09-081	220- 56-33000S	NEW-E	03-05-005
220- 33-01000C	REP-E	03-08-004	220- 52-05100Q	REP-E	03-11-008	220- 56-33000S	REP-E	03-06-020
220- 33-01000D	NEW-E	03-09-080	220- 52-05100R	NEW-E	03-11-008	220- 56-33000T	NEW-E	03-05-026
220- 33-01000D	REP-E	03-09-080	220- 52-05100R	REP-E	03-12-016	220- 56-33000T	REP-E	03-07-003
220- 33-01000D	REP-E	03-10-006	220- 52-05100S	NEW-E	03-12-016	220- 56-33000U	NEW-E	03-06-020
220- 33-01000E	NEW-E	03-10-042	220- 52-066	AMD-P	03-06-064	220- 56-33000U	REP-E	03-10-022
220- 33-01000E	REP-E	03-10-042	220- 52-07300A	REP-E	03-03-002	220- 56-33000V	NEW-E	03-07-003

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220-56-33000V	REP-E	03-08-049	220-100-057	NEW	03-10-038	232-12-61900S	REP-E	03-10-039
220-56-33000W	NEW-E	03-08-049	220-100-058	NEW-P	03-06-080	232-12-828	AMD-P	03-06-079
220-56-33000W	REP-E	03-09-060	220-100-058	NEW	03-10-038	232-12-828	AMD	03-10-040
220-56-33000X	NEW-E	03-09-060	220-100-060	AMD-P	03-06-080	232-19-010	REP-P	03-06-080
220-56-33000X	REP-E	03-11-023	220-100-060	AMD	03-10-038	232-19-010	REP	03-10-038
220-56-33000Y	NEW-E	03-11-023	220-100-065	AMD-P	03-06-080	232-19-015	REP-P	03-06-080
220-56-33000Y	REP-E	03-11-039	220-100-065	AMD	03-10-038	232-19-015	REP	03-10-038
220-56-33000Z	NEW-E	03-11-039	220-100-068	NEW-P	03-06-080	232-19-020	REP-P	03-06-080
220-56-33000Z	REP-E	03-12-032	220-100-068	NEW	03-10-038	232-19-020	REP	03-10-038
220-56-350	AMD	03-05-057	220-100-070	AMD-P	03-06-080	232-19-030	REP-P	03-06-080
220-56-35000P	NEW-E	03-07-025	220-100-070	AMD	03-10-038	232-19-030	REP	03-10-038
220-56-35000P	REP-E	03-07-025	220-100-075	AMD-P	03-06-080	232-19-040	REP-P	03-06-080
220-56-370	REP-P	03-06-079	220-100-075	AMD	03-10-038	232-19-040	REP	03-10-038
220-56-380	AMD	03-05-057	220-100-080	AMD-P	03-06-080	232-19-050	REP-P	03-06-080
220-69-240	AMD	03-05-059	220-100-080	AMD	03-10-038	232-19-050	REP	03-10-038
220-69-240	AMD	03-05-064	220-100-095	AMD-P	03-06-080	232-19-055	REP-P	03-06-080
220-69-24000F	NEW-E	03-11-080	220-100-095	AMD	03-10-038	232-19-055	REP	03-10-038
220-69-241	AMD	03-05-059	222-21-010	AMD	03-06-039	232-19-060	REP-P	03-06-080
220-69-27300A	NEW-E	03-12-024	222-21-030	AMD	03-06-039	232-19-060	REP	03-10-038
220-72-002	AMD-P	03-06-109	222-21-035	AMD	03-06-039	232-19-070	REP-P	03-06-080
220-72-002	AMD	03-10-041	222-21-040	AMD	03-06-039	232-19-070	REP	03-10-038
220-72-011	AMD-P	03-06-109	222-21-045	AMD	03-06-039	232-19-080	REP-P	03-06-080
220-72-011	AMD	03-10-041	222-21-050	AMD	03-06-039	232-19-080	REP	03-10-038
220-72-015	AMD-P	03-06-109	230-02-412	AMD-P	03-08-002	232-19-090	REP-P	03-06-080
220-72-015	AMD	03-10-041	230-02-412	AMD	03-11-042	232-19-090	REP	03-10-038
220-72-070	AMD-P	03-06-109	230-04-110	AMD-P	03-08-002	232-19-100	REP-P	03-06-080
220-72-070	AMD	03-10-041	230-04-110	AMD	03-11-042	232-19-100	REP	03-10-038
220-72-073	AMD-P	03-06-109	230-08-017	AMD	03-05-089	232-19-110	REP-P	03-06-080
220-72-073	AMD	03-10-041	230-12-305	AMD-P	03-08-001	232-19-110	REP	03-10-038
220-72-076	AMD-P	03-06-109	230-12-305	AMD	03-11-041	232-19-120	REP-P	03-06-080
220-72-076	AMD	03-10-041	230-12-315	AMD-P	03-08-002	232-19-120	REP	03-10-038
220-72-086	NEW-P	03-06-109	230-12-315	AMD	03-11-042	232-19-130	REP-P	03-06-080
220-72-086	NEW	03-10-041	230-12-316	NEW-P	03-08-002	232-19-130	REP	03-10-038
220-72-087	NEW-P	03-06-109	230-12-316	NEW	03-11-042	232-19-140	REP-P	03-06-080
220-72-087	NEW	03-10-041	230-20-059	AMD-P	03-05-088	232-19-140	REP	03-10-038
220-72-089	NEW-P	03-06-109	230-20-059	AMD	03-11-040	232-19-180	REP-P	03-06-080
220-72-089	NEW	03-10-041	230-40-550	AMD-P	03-05-087	232-19-180	REP	03-10-038
220-72-090	NEW-P	03-06-109	230-40-550	AMD	03-09-076	232-28-02201	REP-P	03-02-103
220-72-090	NEW	03-10-041	230-40-625	AMD-P	03-05-087	232-28-02201	REP	03-06-110
220-72-092	NEW-P	03-06-109	230-40-625	AMD	03-09-076	232-28-02202	REP-P	03-02-103
220-72-092	NEW	03-10-041	230-40-815	AMD-P	03-05-087	232-28-02202	REP	03-06-110
220-88C-020	AMD-P	03-08-100	230-40-815	AMD	03-09-076	232-28-02203	REP-P	03-02-103
220-88C-030	AMD-P	03-08-100	230-40-825	AMD-P	03-05-087	232-28-02203	REP	03-06-110
220-88C-040	AMD-P	03-08-100	230-40-825	AMD	03-09-076	232-28-02204	REP-P	03-02-103
220-88C-04000	NEW-E	03-11-027	230-40-860	AMD-P	03-05-087	232-28-02204	REP	03-06-110
220-88C-04000	REP-E	03-11-027	230-40-860	AMD	03-09-076	232-28-02205	REP-P	03-02-103
220-88C-050	AMD-P	03-08-100	230-40-875	AMD-P	03-05-087	232-28-02205	REP	03-06-110
220-100-010	AMD-P	03-06-080	230-40-875	AMD	03-09-076	232-28-02206	REP-P	03-02-103
220-100-010	AMD	03-10-038	230-40-895	AMD-P	03-05-087	232-28-02206	REP	03-06-110
220-100-020	AMD-P	03-06-080	230-40-895	AMD	03-09-076	232-28-02220	REP-P	03-06-112
220-100-020	AMD	03-10-038	232-12-045	NEW-P	03-06-104	232-28-02240	REP-P	03-06-112
220-100-027	NEW-P	03-06-080	232-12-051	AMD-P	03-06-104	232-28-02280	REP-P	03-02-103
220-100-027	NEW	03-10-038	232-12-054	AMD-P	03-06-104	232-28-02280	REP	03-06-110
220-100-030	AMD-P	03-06-080	232-12-068	AMD-P	03-06-106	232-28-248	AMD-P	03-06-108
220-100-030	AMD	03-10-038	232-12-106	AMD	03-03-016	232-28-266	AMD-P	03-06-066
220-100-040	AMD-P	03-06-080	232-12-181	AMD	03-03-016	232-28-266	AMD	03-10-009
220-100-040	AMD	03-10-038	232-12-287	AMD-P	03-12-078	232-28-271	AMD	03-03-016
220-100-045	AMD-P	03-06-080	232-12-289	NEW-P	03-02-103	232-28-272	AMD-P	03-06-108
220-100-045	AMD	03-10-038	232-12-289	NEW	03-06-110	232-28-273	AMD-P	03-06-105
220-100-055	AMD-P	03-06-080	232-12-31500J	NEW-E	03-08-075	232-28-276	REP-P	03-06-106
220-100-055	AMD	03-10-038	232-12-619	AMD-W	03-10-095	232-28-278	REP-P	03-06-113
220-100-057	NEW-P	03-06-080	232-12-61900S	NEW-E	03-10-039	232-28-279	REP-P	03-06-114

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232-28-282	AMD	03-03-016	232-28-61900M	REP-E	03-11-037	246-100-036	AMD-X	03-09-066
232-28-291	AMD-P	03-06-105	232-28-61900N	NEW-E	03-07-023	246-100-040	NEW	03-05-048
232-28-291	AMD-P	03-12-077	232-28-61900N	REP-E	03-07-023	246-100-045	NEW	03-05-048
232-28-331	NEW-P	03-02-103	232-28-61900P	NEW-E	03-07-075	246-100-050	NEW	03-05-048
232-28-331	NEW	03-06-110	232-28-61900P	REP-E	03-07-075	246-100-055	NEW	03-05-048
232-28-332	NEW-P	03-02-103	232-28-61900Q	REP-E	03-05-003	246-100-060	NEW	03-05-048
232-28-332	NEW	03-06-110	232-28-61900Q	NEW-E	03-07-064	246-100-065	NEW	03-05-048
232-28-333	NEW-P	03-02-103	232-28-61900Q	REP-E	03-07-064	246-100-070	NEW	03-05-048
232-28-333	NEW	03-06-110	232-28-61900R	NEW-E	03-07-068	246-100-166	PREP	03-09-126
232-28-334	NEW-P	03-02-103	232-28-61900R	REP-E	03-07-068	246-101-505	AMD	03-06-003
232-28-334	NEW	03-06-110	232-28-61900S	NEW-E	03-08-054	246-205-990	AMD-P	03-08-033
232-28-335	NEW-P	03-02-103	232-28-61900S	REP-E	03-08-054	246-243-150	AMD-P	03-07-094
232-28-335	NEW	03-06-110	232-28-61900T	NEW-E	03-09-001	246-243-150	AMD	03-12-062
232-28-336	NEW-P	03-02-103	232-28-61900T	REP-E	03-09-001	246-244-020	AMD-P	03-07-094
232-28-336	NEW	03-06-110	232-28-61900T	REP-E	03-10-033	246-244-020	AMD	03-12-062
232-28-337	NEW-P	03-06-112	232-28-61900U	NEW-E	03-09-016	246-244-030	AMD-P	03-07-094
232-28-341	NEW-P	03-06-106	232-28-61900U	REP-E	03-09-016	246-244-030	AMD	03-12-062
232-28-351	NEW-P	03-06-113	232-28-61900V	NEW-E	03-10-001	246-244-080	AMD-P	03-07-094
232-28-352	NEW-P	03-06-114	232-28-61900V	REP-E	03-10-001	246-244-080	AMD	03-12-062
232-28-42600C	NEW-E	03-03-102	232-28-61900V	REP-E	03-12-041	246-244-110	AMD-P	03-07-094
232-28-42600C	REP-E	03-03-102	232-28-61900W	NEW-E	03-10-015	246-244-110	AMD	03-12-062
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-13-270	REP	03-09-111	296-17-759	PREP	03-03-026	296-24-650	REP	03-09-009
296-13-280	REP-P	03-05-074	296-17-760	PREP	03-03-026	296-24-65003	REP	03-09-009
296-13-280	REP	03-09-111	296-17-761	PREP	03-03-026	296-24-65005	REP	03-09-009
296-13-290	REP-P	03-05-074	296-17-762	PREP	03-03-026	296-24-65007	REP	03-09-009
296-13-290	REP	03-09-111	296-17-76201	PREP	03-03-026	296-24-655	REP	03-09-009
296-13-300	REP-P	03-05-074	296-17-76202	PREP	03-03-026	296-24-65501	REP	03-09-009
296-13-300	REP	03-09-111	296-17-76203	PREP	03-03-026	296-24-657	REP	03-09-009
296-13-310	REP-P	03-05-074	296-17-76204	PREP	03-03-026	296-24-65701	REP	03-09-009
296-13-310	REP	03-09-111	296-17-76205	PREP	03-03-026	296-24-65703	REP	03-09-009
296-13-320	REP-P	03-05-074	296-17-76206	PREP	03-03-026	296-24-660	REP	03-09-009
296-13-320	REP	03-09-111	296-17-76207	PREP	03-03-026	296-24-66001	REP	03-09-009
296-13-330	REP-P	03-05-074	296-17-76208	PREP	03-03-026	296-24-66003	REP	03-09-009
296-13-330	REP	03-09-111	296-17-76209	PREP	03-03-026	296-24-66005	REP	03-09-009
296-13-340	REP-P	03-05-074	296-17-76210	PREP	03-03-026	296-24-66007	REP	03-09-009
296-13-340	REP	03-09-111	296-17-76211	PREP	03-03-026	296-24-66009	REP	03-09-009
296-13-350	REP-P	03-05-074	296-17-76212	PREP	03-03-026	296-24-66011	REP	03-09-009
296-13-350	REP	03-09-111	296-19A-010	AMD	03-11-009	296-24-663	REP	03-09-009
296-13-360	REP-P	03-05-074	296-19A-020	AMD	03-11-009	296-24-66301	REP	03-09-009
296-13-360	REP	03-09-111	296-19A-025	NEW	03-11-009	296-24-66303	REP	03-09-009
296-13-370	REP-P	03-05-074	296-19A-030	AMD	03-11-009	296-24-66305	REP	03-09-009
296-13-370	REP	03-09-111	296-19A-040	AMD	03-11-009	296-24-66307	REP	03-09-009
296-13-380	REP-P	03-05-074	296-19A-060	AMD	03-11-009	296-24-66309	REP	03-09-009
296-13-380	REP	03-09-111	296-19A-065	NEW	03-11-009	296-24-66311	REP	03-09-009
296-13-390	REP-P	03-05-074	296-19A-070	AMD	03-11-009	296-24-66313	REP	03-09-009
296-13-390	REP	03-09-111	296-19A-090	AMD	03-11-009	296-24-66315	REP	03-09-009
296-13-400	REP-P	03-05-074	296-19A-100	AMD	03-11-009	296-24-66317	REP	03-09-009
296-13-400	REP	03-09-111	296-19A-110	AMD	03-11-009	296-24-66319	REP	03-09-009
296-13-410	REP-P	03-05-074	296-19A-125	NEW	03-11-009	296-24-66321	REP	03-09-009
296-13-410	REP	03-09-111	296-19A-130	AMD	03-11-009	296-24-665	REP	03-09-009
296-13-420	REP-P	03-05-074	296-19A-135	NEW	03-11-009	296-24-66501	REP	03-09-009
296-13-420	REP	03-09-111	296-19A-137	NEW	03-11-009	296-24-66503	REP	03-09-009
296-13-430	REP-P	03-05-074	296-19A-140	AMD	03-11-009	296-24-66505	REP	03-09-009
296-13-430	REP	03-09-111	296-19A-170	AMD	03-11-009	296-24-66507	REP	03-09-009
296-13-440	REP-P	03-05-074	296-19A-180	AMD	03-11-009	296-24-66509	REP	03-09-009
296-13-440	REP	03-09-111	296-19A-190	AMD	03-11-009	296-24-670	REP	03-09-009
296-14-310	NEW-P	03-06-074	296-19A-191	NEW	03-11-009	296-24-67001	REP	03-09-009
296-14-310	NEW	03-12-046	296-19A-192	NEW	03-11-009	296-24-67003	REP	03-09-009
296-14-315	NEW-P	03-06-074	296-19A-193	NEW	03-11-009	296-24-67005	REP	03-09-009
296-14-315	NEW	03-12-046	296-19A-200	AMD	03-11-009	296-27-01109	AMD	03-09-110
296-14-320	NEW-P	03-06-074	296-19A-210	AMD	03-11-009	296-30-190	PREP	03-11-057
296-14-320	NEW	03-12-046	296-19A-240	AMD	03-11-009	296-30-200	PREP	03-11-058
296-14-325	NEW-P	03-06-074	296-19A-245	NEW	03-11-009	296-37	PREP	03-04-097
296-14-325	NEW	03-12-046	296-19A-260	AMD	03-11-009	296-400A	PREP	03-04-098
296-14-330	NEW-P	03-06-074	296-19A-270	AMD	03-11-009	296-401B	PREP	03-04-098
296-14-330	NEW	03-12-046	296-19A-300	AMD	03-11-009	296-402A	PREP	03-04-098
296-14-520	NEW	03-11-035	296-19A-350	AMD	03-11-009	296-45	PREP	03-07-072
296-14-522	NEW	03-11-035	296-19A-400	AMD	03-11-009	296-45	PREP	03-10-064
296-14-524	NEW	03-11-035	296-19A-440	AMD	03-11-009	296-45-045	AMD-P	03-10-067
296-14-526	NEW	03-11-035	296-19A-480	AMD	03-11-009	296-45-255	AMD-P	03-10-067
296-14-528	NEW	03-11-035	296-200A	PREP	03-04-098	296-45-325	AMD-P	03-10-067
296-14-530	NEW	03-11-035	296-20-135	AMD-P	03-09-107	296-45-48535	AMD-X	03-12-072
296-150C	PREP	03-04-098	296-23-220	AMD-P	03-09-107	296-46A	PREP	03-04-098
296-150F	PREP	03-04-098	296-23-230	AMD-P	03-09-107	296-46A-090	REP-P	03-05-074
296-150M	PREP	03-04-098	296-24	PREP	03-03-110	296-46A-090	REP	03-09-111
296-150P	PREP	03-04-098	296-24	PREP	03-10-064	296-46A-092	REP-P	03-05-074
296-150R	PREP	03-04-098	296-24	PREP	03-10-066	296-46A-092	REP	03-09-111
296-150T	PREP	03-04-098	296-24-120	AMD-X	03-12-072	296-46A-095	REP-P	03-05-074
296-150V	PREP	03-04-098	296-24-12001	REP-X	03-12-072	296-46A-095	REP	03-09-111
296-17	PREP	03-05-072	296-24-12002	REP-X	03-12-072	296-46A-100	REP-P	03-05-074
296-17	PREP-W	03-09-106	296-24-12010	REP-X	03-12-072	296-46A-100	REP	03-09-111
296-17-757	PREP	03-03-026	296-24-12011	REP-X	03-12-072	296-46A-102	REP-P	03-05-074
296-17-758	PREP	03-03-026	296-24-12017	REP-X	03-12-072	296-46A-102	REP	03-09-111

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074	296-46B-358	NEW	03-09-111
296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111	296-46B-394	NEW-P	03-05-074
296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074	296-46B-394	NEW	03-09-111
296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111	296-46B-410	NEW-P	03-05-074
296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074	296-46B-410	NEW	03-09-111
296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111	296-46B-422	NEW-P	03-05-074
296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074	296-46B-422	NEW	03-09-111
296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111	296-46B-430	NEW-P	03-05-074
296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074	296-46B-430	NEW	03-09-111
296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111	296-46B-450	NEW-P	03-05-074
296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074	296-46B-450	NEW	03-09-111
296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111	296-46B-501	NEW-P	03-05-074
296-46A-215	REP-P	03-05-074	296-46A-930	REP-P	03-05-074	296-46B-501	NEW	03-09-111
296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111	296-46B-514	NEW-P	03-05-074
296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074	296-46B-514	NEW	03-09-111
296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111	296-46B-517	NEW-P	03-05-074
296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074	296-46B-517	NEW	03-09-111
296-46A-22530	REP	03-09-111	296-46A-932	REP	03-09-111	296-46B-520	NEW-P	03-05-074
296-46A-23001	REP-P	03-05-074	296-46A-933	REP-P	03-05-074	296-46B-520	NEW	03-09-111
296-46A-23001	REP	03-09-111	296-46A-933	REP	03-09-111	296-46B-527	NEW-P	03-05-074
296-46A-23028	REP-P	03-05-074	296-46A-934	REP-P	03-05-074	296-46B-527	NEW	03-09-111
296-46A-23028	REP	03-09-111	296-46A-934	REP	03-09-111	296-46B-550	NEW-P	03-05-074
296-46A-23040	REP-P	03-05-074	296-46A-935	REP-P	03-05-074	296-46B-550	NEW	03-09-111
296-46A-23040	REP	03-09-111	296-46A-935	REP	03-09-111	296-46B-553	NEW-P	03-05-074
296-46A-23062	REP-P	03-05-074	296-46A-940	REP-P	03-05-074	296-46B-553	NEW	03-09-111
296-46A-23062	REP	03-09-111	296-46A-940	REP	03-09-111	296-46B-555	NEW-P	03-05-074
296-46A-250	REP-P	03-05-074	296-46A-950	REP-P	03-05-074	296-46B-555	NEW	03-09-111
296-46A-250	REP	03-09-111	296-46A-950	REP	03-09-111	296-46B-600	NEW-P	03-05-074
296-46A-300	REP-P	03-05-074	296-46A-960	REP-P	03-05-074	296-46B-600	NEW	03-09-111
296-46A-300	REP	03-09-111	296-46A-960	REP	03-09-111	296-46B-680	NEW-P	03-05-074
296-46A-30011	REP-P	03-05-074	296-46B	PREP	03-10-065	296-46B-680	NEW	03-09-111
296-46A-30011	REP	03-09-111	296-46B-005	NEW-P	03-05-074	296-46B-700	NEW-P	03-05-074
296-46A-324	REP-P	03-05-074	296-46B-005	NEW	03-09-111	296-46B-700	NEW	03-09-111
296-46A-324	REP	03-09-111	296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074
296-46A-348	REP-P	03-05-074	296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111
296-46A-348	REP	03-09-111	296-46B-020	NEW-P	03-05-074	296-46B-900	NEW-P	03-05-074
296-46A-365	REP-P	03-05-074	296-46B-020	NEW	03-09-111	296-46B-900	NEW	03-09-111
296-46A-365	REP	03-09-111	296-46B-030	NEW-P	03-05-074	296-46B-905	NEW-P	03-05-074
296-46A-370	REP-P	03-05-074	296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111
296-46A-370	REP	03-09-111	296-46B-040	NEW-P	03-05-074	296-46B-910	NEW-P	03-05-074
296-46A-41004	REP-P	03-05-074	296-46B-040	NEW	03-09-111	296-46B-910	NEW	03-09-111
296-46A-41004	REP	03-09-111	296-46B-110	NEW-P	03-05-074	296-46B-911	NEW-P	03-05-074
296-46A-41030	REP-P	03-05-074	296-46B-110	NEW	03-09-111	296-46B-911	NEW	03-09-111
296-46A-41030	REP	03-09-111	296-46B-210	NEW-P	03-05-074	296-46B-915	NEW-P	03-05-074
296-46A-422	REP-P	03-05-074	296-46B-210	NEW	03-09-111	296-46B-915	NEW	03-09-111
296-46A-422	REP	03-09-111	296-46B-215	NEW-P	03-05-074	296-46B-920	NEW-P	03-05-074
296-46A-450	REP-P	03-05-074	296-46B-215	NEW	03-09-111	296-46B-920	NEW	03-09-111
296-46A-450	REP	03-09-111	296-46B-220	NEW-P	03-05-074	296-46B-925	NEW-P	03-05-074
296-46A-500	REP-P	03-05-074	296-46B-220	NEW	03-09-111	296-46B-925	NEW	03-09-111
296-46A-500	REP	03-09-111	296-46B-225	NEW-P	03-05-074	296-46B-930	NEW-P	03-05-074
296-46A-514	REP-P	03-05-074	296-46B-225	NEW	03-09-111	296-46B-930	NEW	03-09-111
296-46A-514	REP	03-09-111	296-46B-230	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074
296-46A-517	REP-P	03-05-074	296-46B-230	NEW	03-09-111	296-46B-935	NEW	03-09-111
296-46A-517	REP	03-09-111	296-46B-250	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074
296-46A-550	REP-P	03-05-074	296-46B-250	NEW	03-09-111	296-46B-940	NEW	03-09-111
296-46A-550	REP	03-09-111	296-46B-300	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074
296-46A-553	REP-P	03-05-074	296-46B-300	NEW	03-09-111	296-46B-945	NEW	03-09-111
296-46A-553	REP	03-09-111	296-46B-314	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074
296-46A-600	REP-P	03-05-074	296-46B-314	NEW	03-09-111	296-46B-950	NEW	03-09-111
296-46A-600	REP	03-09-111	296-46B-334	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074
296-46A-680	REP-P	03-05-074	296-46B-334	NEW	03-09-111	296-46B-951	NEW	03-09-111
296-46A-680	REP	03-09-111	296-46B-358	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074

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296-46B-955	NEW	03-09-111	296-62-05402	REP	03-10-068	296-104-055	AMD	03-12-051
296-46B-960	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100	296-104-700	AMD-P	03-08-076
296-46B-960	NEW	03-09-111	296-62-05404	REP	03-10-068	296-104-700	AMD	03-12-051
296-46B-965	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100	296-115-050	AMD-X	03-12-072
296-46B-965	NEW	03-09-111	296-62-05406	REP	03-10-068	296-128-500	AMD	03-03-109
296-46B-970	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100	296-128-532	NEW	03-03-109
296-46B-970	NEW	03-09-111	296-62-05408	REP	03-10-068	296-128-533	NEW	03-03-109
296-46B-971	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100	296-130-010	AMD	03-03-010
296-46B-971	NEW	03-09-111	296-62-05410	REP	03-10-068	296-130-020	AMD	03-03-010
296-46B-975	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100	296-130-030	AMD	03-03-010
296-46B-975	NEW	03-09-111	296-62-05412	REP	03-10-068	296-130-035	AMD	03-03-010
296-46B-980	NEW-P	03-05-074	296-62-0700	REP-X	03-04-100	296-130-040	AMD	03-03-010
296-46B-980	NEW	03-09-111	296-62-0700	REP	03-10-068	296-130-050	AMD	03-03-010
296-46B-985	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100	296-130-060	AMD	03-03-010
296-46B-985	NEW	03-09-111	296-62-07001	REP	03-10-068	296-130-065	AMD	03-03-010
296-46B-990	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100	296-130-070	AMD	03-03-010
296-46B-990	NEW	03-09-111	296-62-07003	REP	03-10-068	296-130-080	AMD	03-03-010
296-46B-995	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100	296-130-100	NEW	03-03-010
296-46B-995	NEW	03-09-111	296-62-07005	REP	03-10-068	296-130-500	REP	03-03-010
296-46B-998	NEW-P	03-05-074	296-62-071	AMD-P	03-08-044	296-150C	PREP	03-10-065
296-46B-998	NEW	03-09-111	296-62-07308	AMD-X	03-12-072	296-150C-0150	NEW-P	03-09-109
296-46B-999	NEW-P	03-05-074	296-62-07336	AMD-X	03-12-072	296-150C-0150	NEW	03-12-044
296-46B-999	NEW	03-09-111	296-62-07342	AMD-X	03-12-072	296-150C-3000	AMD-P	03-09-108
296-52-60020	AMD	03-06-073	296-62-07347	AMD-X	03-12-072	296-150C-3000	AMD	03-12-045
296-52-60130	AMD	03-06-073	296-62-07419	AMD-X	03-12-072	296-150F	PREP	03-10-065
296-52-61040	AMD-X	03-05-073	296-62-07460	AMD-X	03-12-072	296-150F-3000	AMD-P	03-09-109
296-52-61040	AMD	03-10-037	296-62-075	AMD-P	03-11-059	296-150F-3000	AMD	03-12-044
296-52-62005	AMD-X	03-05-073	296-62-07521	AMD-X	03-12-072	296-150M	PREP	03-10-065
296-52-62005	AMD	03-10-037	296-62-07719	AMD-X	03-12-072	296-150M-0020	AMD-P	03-09-109
296-52-63005	AMD-X	03-05-073	296-62-080	REP-X	03-04-100	296-150M-0020	AMD	03-12-044
296-52-63005	AMD	03-10-037	296-62-080	REP	03-10-068	296-150M-0049	AMD-P	03-09-109
296-52-65005	AMD-X	03-05-073	296-62-08001	AMD	03-09-110	296-150M-0049	AMD	03-12-044
296-52-65005	AMD	03-10-037	296-62-09015	AMD	03-11-060	296-150M-0050	AMD-P	03-09-109
296-52-66005	AMD-X	03-05-073	296-62-11021	REP-X	03-04-100	296-150M-0050	AMD	03-12-044
296-52-66005	AMD	03-10-037	296-62-11021	REP	03-10-068	296-150M-0051	NEW-P	03-09-109
296-52-67065	AMD	03-06-073	296-62-130	REP-X	03-04-100	296-150M-0051	NEW	03-12-044
296-52-67160	AMD	03-06-073	296-62-130	REP	03-10-068	296-150M-0302	AMD-P	03-09-109
296-52-68060	AMD	03-06-073	296-62-20015	AMD-X	03-12-072	296-150M-0302	AMD	03-12-044
296-52-69010	AMD	03-06-073	296-62-31020	AMD-X	03-12-072	296-150M-0320	AMD-P	03-09-109
296-52-69015	AMD	03-06-073	296-62-31335	AMD-X	03-12-072	296-150M-0320	AMD	03-12-044
296-52-69095	AMD	03-06-073	296-78	PREP	03-10-064	296-150M-0322	NEW-P	03-09-109
296-52-69125	AMD	03-06-073	296-78	PREP	03-10-066	296-150M-0322	NEW	03-12-044
296-52-69130	NEW	03-06-073	296-78-56505	AMD	03-06-076	296-150M-0360	AMD-P	03-09-109
296-52-70010	AMD	03-06-073	296-78-71001	AMD	03-06-076	296-150M-0360	AMD	03-12-044
296-52-710	AMD	03-06-073	296-78-71011	AMD	03-06-076	296-150M-0705	NEW-P	03-09-109
296-52-71020	AMD	03-06-073	296-78-835	AMD	03-06-076	296-150M-0705	NEW	03-12-044
296-52-71040	AMD	03-06-073	296-79	PREP	03-03-110	296-150M-0715	NEW-P	03-09-109
296-52-71045	AMD	03-06-073	296-79	PREP	03-10-064	296-150M-0715	NEW	03-12-044
296-54	PREP	03-10-064	296-79	PREP	03-10-066	296-150M-0725	NEW-P	03-09-109
296-54	PREP	03-10-066	296-96	PREP	03-04-098	296-150M-0725	NEW	03-12-044
296-54-51130	AMD	03-11-060	296-96	PREP	03-10-065	296-150M-0800	NEW-P	03-09-109
296-56	PREP	03-03-110	296-96-01005	AMD-P	03-09-108	296-150M-0800	NEW	03-12-044
296-56	PREP	03-10-066	296-96-01005	AMD	03-12-045	296-150M-0805	NEW-P	03-09-109
296-56-60001	AMD	03-11-060	296-96-01030	AMD-P	03-09-108	296-150M-0805	NEW	03-12-044
296-59	PREP	03-03-110	296-96-01030	AMD	03-12-045	296-150M-0810	NEW-P	03-09-109
296-59	PREP	03-10-064	296-96-01050	AMD-P	03-09-108	296-150M-0810	NEW	03-12-044
296-59-090	AMD	03-11-060	296-96-01050	AMD	03-12-045	296-150M-0815	NEW-P	03-09-109
296-62	PREP	03-04-097	296-96-01055	AMD-P	03-09-108	296-150M-0815	NEW	03-12-044
296-62	PREP	03-08-073	296-96-01055	AMD	03-12-045	296-150M-0820	NEW-P	03-09-109
296-62-054	REP-X	03-04-100	296-104	PREP	03-03-129	296-150M-0820	NEW	03-12-044
296-62-054	REP	03-10-068	296-104	PREP	03-12-081	296-150M-0830	NEW-P	03-09-109
296-62-05402	REP-X	03-04-100	296-104-055	AMD-P	03-08-076	296-150M-0830	NEW	03-12-044

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296-150M-0835	NEW-P	03-09-109	296-304-05013	AMD	03-04-099	296-307-45017	REP	03-10-068
296-150M-0835	NEW	03-12-044	296-304-06003	AMD	03-04-099	296-307-45019	REP-X	03-04-100
296-150M-0840	NEW-P	03-09-109	296-304-07009	AMD	03-04-099	296-307-45019	REP	03-10-068
296-150M-0840	NEW	03-12-044	296-304-07011	AMD	03-04-099	296-307-45020	NEW-X	03-04-100
296-150M-0845	NEW-P	03-09-109	296-304-07013	AMD	03-04-099	296-307-45020	NEW	03-10-068
296-150M-0845	NEW	03-12-044	296-304-08001	AMD	03-04-099	296-307-45021	REP-X	03-04-100
296-150M-0855	NEW-P	03-09-109	296-304-08009	AMD	03-11-060	296-307-45021	REP	03-10-068
296-150M-0855	NEW	03-12-044	296-304-09009	AMD	03-11-060	296-307-45023	REP-X	03-04-100
296-150M-0860	NEW-P	03-09-109	296-304-09017	AMD	03-04-099	296-307-45023	REP	03-10-068
296-150M-0860	NEW	03-12-044	296-304-09021	AMD	03-04-099	296-307-45025	AMD-X	03-04-100
296-150M-0865	NEW-P	03-09-109	296-304-09023	AMD	03-04-099	296-307-45025	AMD	03-10-068
296-150M-0865	NEW	03-12-044	296-304-10003	AMD	03-04-099	296-307-45027	REP-X	03-04-100
296-150M-3000	AMD-P	03-09-109	296-304-10007	AMD	03-04-099	296-307-45027	REP	03-10-068
296-150M-3000	AMD	03-12-044	296-305	PREP	03-04-097	296-307-45029	REP-X	03-04-100
296-150P	PREP	03-10-065	296-305	PREP	03-10-066	296-307-45029	REP	03-10-068
296-150P-0020	AMD-P	03-09-109	296-305-01515	AMD	03-09-110	296-307-45030	NEW-X	03-04-100
296-150P-0020	AMD	03-12-044	296-305-02005	AMD	03-11-060	296-307-45030	NEW	03-10-068
296-150P-3000	AMD-P	03-09-108	296-305-02501	AMD	03-09-110	296-307-45035	NEW-X	03-04-100
296-150P-3000	AMD	03-12-045	296-305-05503	AMD	03-11-060	296-307-45035	NEW	03-10-068
296-150R	PREP	03-10-065	296-307	PREP	03-10-064	296-307-45045	NEW-X	03-04-100
296-150R-0020	AMD-P	03-09-109	296-307	PREP	03-10-066	296-307-45045	NEW	03-10-068
296-150R-0020	AMD	03-12-044	296-307-009	AMD-X	03-04-100	296-307-45050	NEW-X	03-04-100
296-150R-3000	AMD-P	03-09-108	296-307-009	AMD	03-10-068	296-307-45050	NEW	03-10-068
296-150R-3000	AMD	03-12-045	296-307-018	AMD-X	03-04-100	296-307-455	NEW-X	03-04-100
296-150T	PREP	03-10-065	296-307-018	AMD	03-10-068	296-307-455	NEW	03-10-068
296-150T-3000	AMD-P	03-09-108	296-307-03930	NEW-X	03-04-100	296-307-45505	NEW-X	03-04-100
296-150T-3000	AMD	03-12-045	296-307-03930	NEW	03-10-068	296-307-45505	NEW	03-10-068
296-150V	PREP	03-10-065	296-307-03935	NEW-X	03-04-100	296-307-45510	NEW-X	03-04-100
296-150V-0020	AMD-P	03-09-109	296-307-03935	NEW	03-10-068	296-307-45510	NEW	03-10-068
296-150V-0020	AMD	03-12-044	296-307-03940	NEW-X	03-04-100	296-307-45515	NEW-X	03-04-100
296-150V-0800	AMD-P	03-09-109	296-307-03940	NEW	03-10-068	296-307-45515	NEW	03-10-068
296-150V-0800	AMD	03-12-044	296-307-03945	NEW-X	03-04-100	296-307-45520	NEW-X	03-04-100
296-150V-1090	AMD-P	03-09-109	296-307-03945	NEW	03-10-068	296-307-45520	NEW	03-10-068
296-150V-1090	AMD	03-12-044	296-307-40013	AMD-X	03-04-100	296-307-45525	NEW-X	03-04-100
296-150V-1220	REP-P	03-09-109	296-307-40013	AMD	03-10-068	296-307-45525	NEW	03-10-068
296-150V-1220	REP	03-12-044	296-307-40015	AMD-X	03-04-100	296-307-45535	NEW-X	03-04-100
296-150V-1530	AMD-P	03-09-109	296-307-40015	AMD	03-10-068	296-307-45535	NEW	03-10-068
296-150V-1530	AMD	03-12-044	296-307-40027	AMD-X	03-04-100	296-307-45540	NEW-X	03-04-100
296-150V-1600	NEW-P	03-09-109	296-307-40027	AMD	03-10-068	296-307-45540	NEW	03-10-068
296-150V-1600	NEW	03-12-044	296-307-445	NEW-X	03-04-100	296-307-45545	NEW-X	03-04-100
296-150V-3000	AMD-P	03-09-108	296-307-445	NEW	03-10-068	296-307-45545	NEW	03-10-068
296-150V-3000	AMD	03-12-045	296-307-450	AMD-X	03-04-100	296-307-45550	NEW-X	03-04-100
296-155	PREP	03-04-097	296-307-450	AMD	03-10-068	296-307-45550	NEW	03-10-068
296-155	PREP	03-10-064	296-307-45001	REP-X	03-04-100	296-307-45555	NEW-X	03-04-100
296-155-145	AMD	03-11-060	296-307-45001	REP	03-10-068	296-307-45555	NEW	03-10-068
296-155-210	AMD	03-11-060	296-307-45003	REP-X	03-04-100	296-307-45560	NEW-X	03-04-100
296-155-300	AMD	03-06-075	296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068
296-155-305	AMD	03-06-075	296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100
296-155-310	AMD	03-06-075	296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068
296-155-315	AMD	03-06-075	296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100
296-200A	PREP	03-10-065	296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068
296-304-01001	AMD	03-04-099	296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100
296-304-01003	AMD	03-04-099	296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068
296-304-02007	AMD	03-04-099	296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100
296-304-02009	AMD	03-04-099	296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068
296-304-03007	AMD	03-04-099	296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100
296-304-04001	AMD	03-04-099	296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068
296-304-05001	AMD	03-04-099	296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100
296-304-05003	AMD	03-04-099	296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068
296-304-05005	AMD	03-04-099	296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100
296-304-05009	AMD	03-04-099	296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068
296-304-05017	AMD	03-04-099	296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100

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296-402A-340	REP-P	03-05-074	296-402A-660	REP-P	03-05-074	296-807-15025	NEW	03-09-009
296-402A-340	REP	03-09-111	296-402A-660	REP	03-09-111	296-807-15030	NEW	03-09-009
296-402A-350	REP-P	03-05-074	296-402A-670	REP-P	03-05-074	296-807-15035	NEW	03-09-009
296-402A-350	REP	03-09-111	296-402A-670	REP	03-09-111	296-807-15040	NEW	03-09-009
296-402A-360	REP-P	03-05-074	296-402A-675	REP-P	03-05-074	296-807-15045	NEW	03-09-009
296-402A-360	REP	03-09-111	296-402A-675	REP	03-09-111	296-807-15050	NEW	03-09-009
296-402A-370	REP-P	03-05-074	296-402A-680	REP-P	03-05-074	296-807-15055	NEW	03-09-009
296-402A-370	REP	03-09-111	296-402A-680	REP	03-09-111	296-807-160	NEW	03-09-009
296-402A-380	REP-P	03-05-074	296-402A-690	REP-P	03-05-074	296-807-16005	NEW	03-09-009
296-402A-380	REP	03-09-111	296-402A-690	REP	03-09-111	296-807-16010	NEW	03-09-009
296-402A-390	REP-P	03-05-074	296-800	PREP	03-04-097	296-807-16015	NEW	03-09-009
296-402A-390	REP	03-09-111	296-800-110	AMD-X	03-12-072	296-807-16020	NEW	03-09-009
296-402A-400	REP-P	03-05-074	296-800-11030	AMD-X	03-12-072	296-807-16025	NEW	03-09-009
296-402A-400	REP	03-09-111	296-800-15005	AMD	03-09-110	296-807-16030	NEW	03-09-009
296-402A-410	REP-P	03-05-074	296-800-170	AMD-X	03-12-072	296-807-16035	NEW	03-09-009
296-402A-410	REP	03-09-111	296-800-17005	AMD-X	03-12-072	296-807-170	NEW	03-09-009
296-402A-430	REP-P	03-05-074	296-800-17007	NEW-X	03-12-072	296-807-17005	NEW	03-09-009
296-402A-430	REP	03-09-111	296-800-17015	AMD-X	03-12-072	296-807-17010	NEW	03-09-009
296-402A-440	REP-P	03-05-074	296-800-17020	AMD-X	03-12-072	296-807-17015	NEW	03-09-009
296-402A-440	REP	03-09-111	296-800-230	AMD-X	03-12-072	296-807-17020	NEW	03-09-009
296-402A-450	REP-P	03-05-074	296-800-23005	AMD-X	03-12-072	296-807-180	NEW	03-09-009
296-402A-450	REP	03-09-111	296-800-23010	AMD-X	03-12-072	296-807-18005	NEW	03-09-009
296-402A-460	REP-P	03-05-074	296-800-23020	AMD-X	03-12-072	296-807-18010	NEW	03-09-009
296-402A-460	REP	03-09-111	296-800-23025	AMD-X	03-12-072	296-807-18015	NEW	03-09-009
296-402A-470	REP-P	03-05-074	296-800-23030	REP-X	03-12-072	296-807-18020	NEW	03-09-009
296-402A-470	REP	03-09-111	296-800-23035	REP-X	03-12-072	296-807-18025	NEW	03-09-009
296-402A-480	REP-P	03-05-074	296-800-23040	NEW-X	03-12-072	296-807-18030	NEW	03-09-009
296-402A-480	REP	03-09-111	296-800-23045	NEW-X	03-12-072	296-807-18035	NEW	03-09-009
296-402A-490	REP-P	03-05-074	296-800-23050	NEW-X	03-12-072	296-807-18040	NEW	03-09-009
296-402A-490	REP	03-09-111	296-800-23055	NEW-X	03-12-072	296-807-18045	NEW	03-09-009
296-402A-500	REP-P	03-05-074	296-800-23060	NEW-X	03-12-072	296-807-18050	NEW	03-09-009
296-402A-500	REP	03-09-111	296-800-23065	NEW-X	03-12-072	296-807-18055	NEW	03-09-009
296-402A-510	REP-P	03-05-074	296-800-23070	NEW-X	03-12-072	296-807-18060	NEW	03-09-009
296-402A-510	REP	03-09-111	296-800-23075	NEW-X	03-12-072	296-807-18065	NEW	03-09-009
296-402A-520	REP-P	03-05-074	296-800-31050	AMD-X	03-12-072	296-807-18070	NEW	03-09-009
296-402A-520	REP	03-09-111	296-800-350	AMD-X	03-12-072	296-807-18075	NEW	03-09-009
296-402A-530	REP-P	03-05-074	296-800-35038	AMD-X	03-12-072	296-807-18080	NEW	03-09-009
296-402A-530	REP	03-09-111	296-800-35040	AMD-X	03-12-072	296-807-18085	NEW	03-09-009
296-402A-540	REP-P	03-05-074	296-800-35062	AMD-X	03-12-072	296-807-190	NEW	03-09-009
296-402A-540	REP	03-09-111	296-800-35064	AMD-X	03-12-072	296-817-100	NEW	03-11-060
296-402A-550	REP-P	03-05-074	296-800-370	AMD-X	03-12-072	296-817-200	NEW	03-11-060
296-402A-550	REP	03-09-111	296-807-100	NEW	03-09-009	296-817-20005	NEW	03-11-060
296-402A-560	REP-P	03-05-074	296-807-110	NEW	03-09-009	296-817-20010	NEW	03-11-060
296-402A-560	REP	03-09-111	296-807-11005	NEW	03-09-009	296-817-20015	NEW	03-11-060
296-402A-570	REP-P	03-05-074	296-807-120	NEW	03-09-009	296-817-20020	NEW	03-11-060
296-402A-570	REP	03-09-111	296-807-12005	NEW	03-09-009	296-817-20025	NEW	03-11-060
296-402A-580	REP-P	03-05-074	296-807-130	NEW	03-09-009	296-817-20030	NEW	03-11-060
296-402A-580	REP	03-09-111	296-807-13005	NEW	03-09-009	296-817-20035	NEW	03-11-060
296-402A-590	REP-P	03-05-074	296-807-140	NEW	03-09-009	296-817-20040	NEW	03-11-060
296-402A-590	REP	03-09-111	296-807-14005	NEW	03-09-009	296-817-300	NEW	03-11-060
296-402A-600	REP-P	03-05-074	296-807-14010	NEW	03-09-009	296-817-30005	NEW	03-11-060
296-402A-600	REP	03-09-111	296-807-14015	NEW	03-09-009	296-817-30010	NEW	03-11-060
296-402A-610	REP-P	03-05-074	296-807-14020	NEW	03-09-009	296-817-30015	NEW	03-11-060
296-402A-610	REP	03-09-111	296-807-14025	NEW	03-09-009	296-817-400	NEW	03-11-060
296-402A-620	REP-P	03-05-074	296-807-14030	NEW	03-09-009	296-817-40005	NEW	03-11-060
296-402A-620	REP	03-09-111	296-807-14035	NEW	03-09-009	296-817-40010	NEW	03-11-060
296-402A-630	REP-P	03-05-074	296-807-14040	NEW	03-09-009	296-817-40015	NEW	03-11-060
296-402A-630	REP	03-09-111	296-807-150	NEW	03-09-009	296-817-40020	NEW	03-11-060
296-402A-640	REP-P	03-05-074	296-807-15005	NEW	03-09-009	296-817-40025	NEW	03-11-060
296-402A-640	REP	03-09-111	296-807-15010	NEW	03-09-009	296-817-40030	NEW	03-11-060
296-402A-650	REP-P	03-05-074	296-807-15015	NEW	03-09-009	296-817-40035	NEW	03-11-060
296-402A-650	REP	03-09-111	296-807-15020	NEW	03-09-009	296-817-500	NEW	03-11-060

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296-817-50005	NEW	03-11-060	296-841	PREP	03-08-073	308- 20-120	AMD-P	03-05-058
296-817-50010	NEW	03-11-060	296-841-100	NEW-P	03-11-059	308- 20-120	AMD	03-08-043
296-817-50015	NEW	03-11-060	296-841-200	NEW-P	03-11-059	308- 20-120	AMD-P	03-10-085
296-817-50020	NEW	03-11-060	296-841-20005	NEW-P	03-11-059	308- 20-180	REP-P	03-10-085
296-817-50025	NEW	03-11-060	296-841-20010	NEW-P	03-11-059	308- 20-210	AMD-P	03-03-119
296-817-600	NEW	03-11-060	296-841-20015	NEW-P	03-11-059	308- 20-210	AMD	03-06-054
296-823-100	NEW	03-09-110	296-841-20020	NEW-P	03-11-059	308- 20-210	AMD-P	03-10-085
296-823-110	NEW	03-09-110	296-841-300	NEW-P	03-11-059	308- 20-520	AMD-P	03-10-085
296-823-11005	NEW	03-09-110	296-842-100	NEW-P	03-08-044	308- 20-530	REP-P	03-10-085
296-823-11010	NEW	03-09-110	296-842-105	NEW-P	03-08-044	308- 20-550	AMD-P	03-10-085
296-823-120	NEW	03-09-110	296-842-10505	NEW-P	03-08-044	308- 20-560	AMD-P	03-10-085
296-823-12005	NEW	03-09-110	296-842-110	NEW-P	03-08-044	308- 20-570	AMD-P	03-10-085
296-823-12010	NEW	03-09-110	296-842-11005	NEW-P	03-08-044	308- 20-575	NEW-P	03-10-085
296-823-12015	NEW	03-09-110	296-842-11010	NEW-P	03-08-044	308- 20-600	AMD-P	03-10-085
296-823-130	NEW	03-09-110	296-842-120	NEW-P	03-08-044	308- 20-710	AMD-P	03-10-085
296-823-13005	NEW	03-09-110	296-842-12005	NEW-P	03-08-044	308- 48-800	PREP	03-04-076
296-823-13010	NEW	03-09-110	296-842-12010	NEW-P	03-08-044	308- 48-800	AMD-P	03-08-010
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296-823-14035	NEW	03-09-110	296-842-16005	NEW-P	03-08-044	308- 56A-060	AMD	03-05-081
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365-212-050	NEW	03-07-036	388- 27-0160	AMD-E	03-11-067	388- 71-0430	AMD-P	03-09-042
365-212-060	NEW	03-07-036	388- 27-0160	PREP	03-11-090	388- 71-0435	AMD-E	03-05-044
365-212-070	NEW	03-07-036	388- 27-0165	AMD-E	03-11-067	388- 71-0435	AMD-E	03-05-098
365-212-080	NEW	03-07-036	388- 27-0165	PREP	03-11-090	388- 71-0435	AMD-P	03-09-042
365-212-090	NEW	03-07-036	388- 27-0175	AMD-E	03-11-067	388- 71-0442	NEW-E	03-05-044

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-0442	NEW-E	03-05-098	388- 71-0764	NEW	03-06-024	388- 78A-020	REP-P	03-03-018
388- 71-0442	NEW-P	03-09-042	388- 71-0766	NEW	03-06-024	388- 78A-0200	NEW-P	03-03-018
388- 71-0445	AMD-E	03-05-044	388- 71-0768	NEW	03-06-024	388- 78A-0210	NEW-P	03-03-018
388- 71-0445	AMD-E	03-05-098	388- 71-0770	NEW	03-06-024	388- 78A-0220	NEW-P	03-03-018
388- 71-0445	AMD-P	03-09-042	388- 71-0772	NEW	03-06-024	388- 78A-0230	NEW-P	03-03-018
388- 71-0460	AMD-E	03-05-044	388- 71-0774	NEW	03-06-024	388- 78A-0240	NEW-P	03-03-018
388- 71-0460	AMD-E	03-05-098	388- 71-0776	NEW	03-06-024	388- 78A-0250	NEW-P	03-03-018
388- 71-0460	AMD-P	03-09-042	388- 71-0800	AMD-P	03-09-091	388- 78A-0260	NEW-P	03-03-018
388- 71-0460	AMD-W	03-11-025	388- 71-0805	AMD-P	03-09-091	388- 78A-0270	NEW-P	03-03-018
388- 71-0460	AMD-P	03-11-066	388- 71-0810	AMD-P	03-09-091	388- 78A-0280	NEW-P	03-03-018
388- 71-0465	AMD-E	03-05-044	388- 71-0815	AMD-P	03-09-091	388- 78A-0290	NEW-P	03-03-018
388- 71-0465	AMD-E	03-05-098	388- 71-0820	AMD-P	03-09-091	388- 78A-030	REP-P	03-03-018
388- 71-0465	AMD-P	03-09-042	388- 71-0825	AMD-P	03-09-091	388- 78A-0300	NEW-P	03-03-018
388- 71-0470	AMD-E	03-05-044	388- 71-0835	AMD-P	03-09-091	388- 78A-0310	NEW-P	03-03-018
388- 71-0470	AMD-E	03-05-098	388- 71-0840	AMD-P	03-09-091	388- 78A-0320	NEW-P	03-03-018
388- 71-0470	AMD-P	03-09-042	388- 71-0845	AMD-P	03-09-091	388- 78A-0330	NEW-P	03-03-018
388- 71-0475	REP-P	03-06-093	388- 72A-0005	NEW	03-05-097	388- 78A-0340	NEW-P	03-03-018
388- 71-0475	REP	03-09-092	388- 72A-0010	NEW	03-05-097	388- 78A-0350	NEW-P	03-03-018
388- 71-0480	AMD-E	03-05-044	388- 72A-0015	NEW	03-05-097	388- 78A-0360	NEW-P	03-03-018
388- 71-0480	AMD-E	03-05-098	388- 72A-0020	NEW	03-05-097	388- 78A-0370	NEW-P	03-03-018
388- 71-0480	AMD-P	03-09-042	388- 72A-0025	NEW	03-05-097	388- 78A-0380	NEW-P	03-03-018
388- 71-05923	PREP	03-09-089	388- 72A-0030	NEW	03-05-097	388- 78A-0390	NEW-P	03-03-018
388- 71-0600	AMD-E	03-05-044	388- 72A-0035	NEW	03-05-097	388- 78A-040	REP-P	03-03-018
388- 71-0600	AMD-E	03-05-098	388- 72A-0040	NEW	03-05-097	388- 78A-0400	NEW-P	03-03-018
388- 71-0600	AMD-P	03-09-042	388- 72A-0045	NEW	03-05-097	388- 78A-0410	NEW-P	03-03-018
388- 71-0605	AMD-E	03-05-044	388- 72A-0050	NEW	03-05-097	388- 78A-0420	NEW-P	03-03-018
388- 71-0605	AMD-E	03-05-098	388- 72A-0055	NEW	03-05-097	388- 78A-0430	NEW-P	03-03-018
388- 71-0605	AMD-P	03-09-042	388- 72A-0060	NEW	03-05-097	388- 78A-0440	NEW-P	03-03-018
388- 71-0610	AMD-E	03-05-044	388- 72A-0065	NEW	03-05-097	388- 78A-045	REP-P	03-03-018
388- 71-0610	AMD-E	03-05-098	388- 72A-0070	NEW	03-05-097	388- 78A-0450	NEW-P	03-03-018
388- 71-0610	AMD-P	03-09-042	388- 72A-0075	NEW	03-05-097	388- 78A-0460	NEW-P	03-03-018
388- 71-0702	NEW	03-06-024	388- 72A-0080	NEW	03-05-097	388- 78A-0470	NEW-P	03-03-018
388- 71-0704	NEW	03-06-024	388- 72A-0085	NEW	03-05-097	388- 78A-0480	NEW-P	03-03-018
388- 71-0706	NEW	03-06-024	388- 72A-0090	NEW	03-05-097	388- 78A-0490	NEW-P	03-03-018
388- 71-0708	NEW	03-06-024	388- 72A-0095	NEW	03-05-097	388- 78A-050	REP-P	03-03-018
388- 71-0710	NEW	03-06-024	388- 72A-0100	NEW	03-05-097	388- 78A-0500	NEW-P	03-03-018
388- 71-0712	NEW	03-06-024	388- 72A-0105	NEW	03-05-097	388- 78A-0510	NEW-P	03-03-018
388- 71-0714	NEW	03-06-024	388- 72A-0110	NEW	03-05-097	388- 78A-0520	NEW-P	03-03-018
388- 71-0716	NEW	03-06-024	388- 76-655	AMD-P	03-10-090	388- 78A-0530	NEW-P	03-03-018
388- 71-0718	NEW	03-06-024	388- 76-675	PREP	03-12-055	388- 78A-0540	NEW-P	03-03-018
388- 71-0720	NEW	03-06-024	388- 78A	REP-P	03-03-018	388- 78A-055	REP-P	03-03-018
388- 71-0722	NEW	03-06-024	388- 78A	AMD-C	03-07-088	388- 78A-0550	NEW-P	03-03-018
388- 71-0724	NEW	03-06-024	388- 78A-0010	NEW-P	03-03-018	388- 78A-0560	NEW-P	03-03-018
388- 71-0726	NEW	03-06-024	388- 78A-0020	NEW-P	03-03-018	388- 78A-0570	NEW-P	03-03-018
388- 71-0728	NEW	03-06-024	388- 78A-0030	NEW-P	03-03-018	388- 78A-0580	NEW-P	03-03-018
388- 71-0730	NEW	03-06-024	388- 78A-0040	NEW-P	03-03-018	388- 78A-0590	NEW-P	03-03-018
388- 71-0732	NEW	03-06-024	388- 78A-0050	NEW-P	03-03-018	388- 78A-060	REP-P	03-03-018
388- 71-0734	NEW	03-06-024	388- 78A-0060	NEW-P	03-03-018	388- 78A-0600	NEW-P	03-03-018
388- 71-0736	NEW	03-06-024	388- 78A-0070	NEW-P	03-03-018	388- 78A-0605	NEW-P	03-03-018
388- 71-0738	NEW	03-06-024	388- 78A-0080	NEW-P	03-03-018	388- 78A-0610	NEW-P	03-03-018
388- 71-0740	NEW	03-06-024	388- 78A-0090	NEW-P	03-03-018	388- 78A-0620	NEW-P	03-03-018
388- 71-0742	NEW	03-06-024	388- 78A-010	REP-P	03-03-018	388- 78A-0630	NEW-P	03-03-018
388- 71-0744	NEW	03-06-024	388- 78A-0100	NEW-P	03-03-018	388- 78A-0635	NEW-P	03-03-018
388- 71-0746	NEW	03-06-024	388- 78A-0110	NEW-P	03-03-018	388- 78A-0640	NEW-P	03-03-018
388- 71-0748	NEW	03-06-024	388- 78A-0120	NEW-P	03-03-018	388- 78A-0650	NEW-P	03-03-018
388- 71-0750	NEW	03-06-024	388- 78A-0130	NEW-P	03-03-018	388- 78A-0660	NEW-P	03-03-018
388- 71-0752	NEW	03-06-024	388- 78A-0140	NEW-P	03-03-018	388- 78A-0670	NEW-P	03-03-018
388- 71-0754	NEW	03-06-024	388- 78A-0150	NEW-P	03-03-018	388- 78A-0680	NEW-P	03-03-018
388- 71-0756	NEW	03-06-024	388- 78A-0160	NEW-P	03-03-018	388- 78A-0690	NEW-P	03-03-018
388- 71-0758	NEW	03-06-024	388- 78A-0170	NEW-P	03-03-018	388- 78A-070	REP-P	03-03-018
388- 71-0760	NEW	03-06-024	388- 78A-0180	NEW-P	03-03-018	388- 78A-0700	NEW-P	03-03-018
388- 71-0762	NEW	03-06-024	388- 78A-0190	NEW-P	03-03-018	388- 78A-0710	NEW-P	03-03-018

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-0720	NEW-P	03-03-018	388-78A-180	REP-P	03-03-018	388-140-0090	NEW-E	03-12-004
388-78A-0730	NEW-P	03-03-018	388-78A-190	REP-P	03-03-018	388-140-0095	NEW-E	03-04-035
388-78A-0740	NEW-P	03-03-018	388-78A-200	REP-P	03-03-018	388-140-0095	NEW-E	03-12-004
388-78A-0750	NEW-P	03-03-018	388-78A-210	REP-P	03-03-018	388-140-0100	NEW-E	03-04-035
388-78A-0760	NEW-P	03-03-018	388-78A-220	REP-P	03-03-018	388-140-0100	NEW-E	03-12-004
388-78A-0770	NEW-P	03-03-018	388-78A-230	REP-P	03-03-018	388-140-0105	NEW-E	03-04-035
388-78A-0780	NEW-P	03-03-018	388-78A-240	REP-P	03-03-018	388-140-0105	NEW-E	03-12-004
388-78A-0790	NEW-P	03-03-018	388-78A-250	REP-P	03-03-018	388-140-0110	NEW-E	03-04-035
388-78A-0800	REP-P	03-03-018	388-78A-260	REP-P	03-03-018	388-140-0110	NEW-E	03-12-004
388-78A-0810	NEW-P	03-03-018	388-78A-265	REP-P	03-03-018	388-140-0115	NEW-E	03-04-035
388-78A-0820	NEW-P	03-03-018	388-78A-268	REP-P	03-03-018	388-140-0115	NEW-E	03-12-004
388-78A-0830	NEW-P	03-03-018	388-78A-280	REP-P	03-03-018	388-140-0120	NEW-E	03-04-035
388-78A-0840	NEW-P	03-03-018	388-78A-290	REP-P	03-03-018	388-140-0120	NEW-E	03-12-004
388-78A-0850	NEW-P	03-03-018	388-78A-300	REP-P	03-03-018	388-140-0125	NEW-E	03-04-035
388-78A-0860	NEW-P	03-03-018	388-78A-310	REP-P	03-03-018	388-140-0125	NEW-E	03-12-004
388-78A-0870	NEW-P	03-03-018	388-78A-320	REP-P	03-03-018	388-140-0130	NEW-E	03-04-035
388-78A-0880	NEW-P	03-03-018	388-78A-330	REP-P	03-03-018	388-140-0130	NEW-E	03-12-004
388-78A-0890	NEW-P	03-03-018	388-78A-335	REP-P	03-03-018	388-140-0135	NEW-E	03-04-035
388-78A-0900	REP-P	03-03-018	388-78A-340	REP-P	03-03-018	388-140-0135	NEW-E	03-12-004
388-78A-0910	NEW-P	03-03-018	388-78A-990	REP-P	03-03-018	388-140-0140	NEW-E	03-04-035
388-78A-0920	NEW-P	03-03-018	388-79-010	AMD-P	03-06-094	388-140-0140	NEW-E	03-12-004
388-78A-0930	NEW-P	03-03-018	388-79-020	AMD-P	03-06-094	388-140-0145	NEW-E	03-04-035
388-78A-0940	NEW-P	03-03-018	388-79-030	AMD-P	03-06-094	388-140-0145	NEW-E	03-12-004
388-78A-0950	NEW-P	03-03-018	388-79-040	AMD-P	03-06-094	388-140-0150	NEW-E	03-04-035
388-78A-0960	NEW-P	03-03-018	388-79-050	NEW-P	03-06-094	388-140-0150	NEW-E	03-12-004
388-78A-0970	NEW-P	03-03-018	388-96	PREP	03-07-031	388-140-0155	NEW-E	03-04-035
388-78A-0980	NEW-P	03-03-018	388-97-076	PREP	03-12-056	388-140-0155	NEW-E	03-12-004
388-78A-0990	NEW-P	03-03-018	388-140-0005	NEW-E	03-04-035	388-140-0160	NEW-E	03-04-035
388-78A-1000	REP-P	03-03-018	388-140-0005	NEW-E	03-12-004	388-140-0160	NEW-E	03-12-004
388-78A-1000	NEW-P	03-03-018	388-140-0010	NEW-E	03-04-035	388-140-0165	NEW-E	03-04-035
388-78A-1010	NEW-P	03-03-018	388-140-0010	NEW-E	03-12-004	388-140-0165	NEW-E	03-12-004
388-78A-1020	NEW-P	03-03-018	388-140-0015	NEW-E	03-04-035	388-140-0170	NEW-E	03-04-035
388-78A-1030	NEW-P	03-03-018	388-140-0015	NEW-E	03-12-004	388-140-0170	NEW-E	03-12-004
388-78A-1040	NEW-P	03-03-018	388-140-0020	NEW-E	03-04-035	388-140-0175	NEW-E	03-04-035
388-78A-1050	NEW-P	03-03-018	388-140-0020	NEW-E	03-12-004	388-140-0175	NEW-E	03-12-004
388-78A-1060	NEW-P	03-03-018	388-140-0025	NEW-E	03-04-035	388-140-0180	NEW-E	03-04-035
388-78A-1070	NEW-P	03-03-018	388-140-0025	NEW-E	03-12-004	388-140-0180	NEW-E	03-12-004
388-78A-1080	NEW-P	03-03-018	388-140-0030	NEW-E	03-04-035	388-140-0185	NEW-E	03-04-035
388-78A-1090	NEW-P	03-03-018	388-140-0030	NEW-E	03-12-004	388-140-0185	NEW-E	03-12-004
388-78A-1100	REP-P	03-03-018	388-140-0035	NEW-E	03-04-035	388-140-0190	NEW-E	03-04-035
388-78A-1100	NEW-P	03-03-018	388-140-0035	NEW-E	03-12-004	388-140-0190	NEW-E	03-12-004
388-78A-1110	NEW-P	03-03-018	388-140-0040	NEW-E	03-04-035	388-140-0195	NEW-E	03-04-035
388-78A-1120	NEW-P	03-03-018	388-140-0040	NEW-E	03-12-004	388-140-0195	NEW-E	03-12-004
388-78A-1130	NEW-P	03-03-018	388-140-0045	NEW-E	03-04-035	388-140-0200	NEW-E	03-04-035
388-78A-1140	NEW-P	03-03-018	388-140-0045	NEW-E	03-12-004	388-140-0200	NEW-E	03-12-004
388-78A-1150	NEW-P	03-03-018	388-140-0050	NEW-E	03-04-035	388-140-0205	NEW-E	03-04-035
388-78A-1160	NEW-P	03-03-018	388-140-0050	NEW-E	03-12-004	388-140-0205	NEW-E	03-12-004
388-78A-1170	NEW-P	03-03-018	388-140-0055	NEW-E	03-04-035	388-140-0210	NEW-E	03-04-035
388-78A-1180	NEW-P	03-03-018	388-140-0055	NEW-E	03-12-004	388-140-0210	NEW-E	03-12-004
388-78A-1190	NEW-P	03-03-018	388-140-0060	NEW-E	03-04-035	388-140-0215	NEW-E	03-04-035
388-78A-1200	REP-P	03-03-018	388-140-0060	NEW-E	03-12-004	388-140-0215	NEW-E	03-12-004
388-78A-1200	NEW-P	03-03-018	388-140-0065	NEW-E	03-04-035	388-140-0220	NEW-E	03-04-035
388-78A-1210	NEW-P	03-03-018	388-140-0065	NEW-E	03-12-004	388-140-0220	NEW-E	03-12-004
388-78A-1220	NEW-P	03-03-018	388-140-0070	NEW-E	03-04-035	388-140-0225	NEW-E	03-04-035
388-78A-1230	NEW-P	03-03-018	388-140-0070	NEW-E	03-12-004	388-140-0225	NEW-E	03-12-004
388-78A-130	REP-P	03-03-018	388-140-0075	NEW-E	03-04-035	388-140-0230	NEW-E	03-04-035
388-78A-140	REP-P	03-03-018	388-140-0075	NEW-E	03-12-004	388-140-0230	NEW-E	03-12-004
388-78A-150	REP-P	03-03-018	388-140-0080	NEW-E	03-04-035	388-140-0235	NEW-E	03-04-035
388-78A-160	REP-P	03-03-018	388-140-0080	NEW-E	03-12-004	388-140-0235	NEW-E	03-12-004
388-78A-170	REP-P	03-03-018	388-140-0085	NEW-E	03-04-035	388-140-0240	NEW-E	03-04-035
			388-140-0085	NEW-E	03-12-004	388-140-0240	NEW-E	03-12-004
			388-140-0090	NEW-E	03-04-035	388-140-0245	NEW-E	03-04-035

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-295-5060	NEW-P	03-09-005	388-470-0012	AMD	03-05-015	388-530-1270	NEW	03-05-043
388-295-5070	NEW-P	03-09-005	388-470-0015	REP	03-05-015	388-530-1300	PREP	03-11-086
388-295-5080	NEW-P	03-09-005	388-470-0020	REP	03-05-015	388-531	PREP	03-04-087
388-295-5090	NEW-P	03-09-005	388-470-0025	REP	03-05-015	388-531	PREP	03-08-084
388-295-5100	NEW-P	03-09-005	388-470-0030	REP	03-05-015	388-531	PREP	03-08-086
388-295-5110	NEW-P	03-09-005	388-470-0035	REP	03-05-015	388-531-0050	AMD	03-06-049
388-295-5120	NEW-P	03-09-005	388-470-0045	AMD	03-05-015	388-532	PREP	03-08-086
388-295-5140	NEW-P	03-09-005	388-470-0050	REP	03-05-015	388-532-001	NEW-P	03-12-067
388-295-5150	NEW-P	03-09-005	388-470-0055	AMD	03-05-015	388-532-050	AMD-P	03-12-067
388-295-5160	NEW-P	03-09-005	388-470-0065	REP	03-05-015	388-532-100	AMD-P	03-12-067
388-295-5170	NEW-P	03-09-005	388-474-0012	NEW	03-03-114	388-532-110	NEW-P	03-12-067
388-295-6010	NEW-P	03-09-005	388-475	PREP	03-12-054	388-532-120	NEW-P	03-12-067
388-295-6020	NEW-P	03-09-005	388-476-0005	PREP	03-04-086	388-532-130	NEW-P	03-12-067
388-295-6030	NEW-P	03-09-005	388-478-0055	AMD	03-03-114	388-532-140	NEW-P	03-12-067
388-295-6040	NEW-P	03-09-005	388-478-0075	PREP	03-06-058	388-532-500	NEW-P	03-12-067
388-295-6050	NEW-P	03-09-005	388-478-0075	AMD-E	03-08-066	388-532-510	NEW-P	03-12-067
388-295-6060	NEW-P	03-09-005	388-478-0075	AMD-P	03-12-068	388-532-520	NEW-P	03-12-067
388-295-7010	NEW-P	03-09-005	388-478-0080	PREP	03-08-085	388-532-530	NEW-P	03-12-067
388-295-7020	NEW-P	03-09-005	388-478-0085	AMD-E	03-08-065	388-532-540	NEW-P	03-12-067
388-295-7030	NEW-P	03-09-005	388-478-0085	PREP	03-08-081	388-532-550	NEW-P	03-12-067
388-295-7040	NEW-P	03-09-005	388-478-0085	PREP-W	03-10-051	388-533	PREP	03-08-086
388-295-7050	NEW-P	03-09-005	388-484-0005	AMD	03-06-046	388-533	PREP	03-11-085
388-295-7060	NEW-P	03-09-005	388-492	PREP	03-07-087	388-534	PREP	03-08-086
388-295-7070	NEW-P	03-09-005	388-500	PREP	03-08-086	388-535	PREP	03-08-086
388-295-7080	NEW-P	03-09-005	388-501	PREP	03-08-086	388-535	PREP	03-12-054
388-310-0800	AMD-E	03-04-066	388-502	PREP	03-08-086	388-535A	PREP	03-08-086
388-310-0800	PREP	03-11-087	388-502-0010	PREP	03-03-017	388-537	PREP	03-08-086
388-310-0800	AMD-E	03-12-025	388-502-0010	AMD-E	03-03-027	388-538	PREP	03-08-086
388-400-0040	AMD	03-05-028	388-502-0010	AMD-P	03-10-091	388-538	PREP	03-10-086
388-400-0045	AMD	03-05-028	388-502-0010	AMD-E	03-10-092	388-539	PREP	03-08-086
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388-408-0034	PREP	03-06-056	388-505	PREP	03-08-086	388-542	PREP	03-08-086
388-408-0035	PREP	03-06-056	388-505-0110	PREP	03-12-054	388-543	PREP	03-08-086
388-408-0040	PREP	03-06-056	388-505-0210	PREP	03-06-055	388-543-1100	AMD-X	03-05-054
388-408-0045	PREP	03-06-056	388-505-0210	AMD-P	03-10-048	388-543-1100	AMD	03-12-005
388-408-0050	PREP	03-06-056	388-506	PREP	03-08-086	388-543-1225	NEW	03-05-051
388-410-0030	PREP	03-07-040	388-510	PREP	03-08-086	388-544	PREP	03-08-086
388-424-0005	PREP	03-03-007	388-510-1005	REP-X	03-10-093	388-544	PREP	03-12-054
388-424-0010	PREP	03-03-007	388-511	PREP	03-08-086	388-545	PREP	03-08-086
388-424-0015	PREP	03-03-007	388-512	PREP	03-08-086	388-546	PREP	03-04-087
388-424-0020	AMD	03-05-029	388-513	PREP	03-08-086	388-546	PREP	03-08-023
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388-436-0002	PREP	03-11-089	388-513-1350	PREP	03-08-082	388-550	PREP	03-10-050
388-436-0002	AMD-E	03-12-027	388-513-1364	NEW	03-06-048	388-550-1300	PREP	03-10-050
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388-438-0110	PREP	03-10-088	388-513-1380	AMD-E	03-08-064	388-550-1500	PREP	03-10-050
388-444-0035	AMD	03-05-031	388-513-1380	PREP	03-08-082	388-550-2501	AMD	03-06-047
388-448-0130	AMD-P	03-08-079	388-515	PREP	03-08-086	388-550-2511	AMD	03-06-047
388-448-0140	AMD-P	03-08-079	388-515-1530	REP	03-08-067	388-550-2521	AMD	03-06-047
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388-450-0045	AMD	03-03-071	388-515-1540	NEW-E	03-05-098	388-550-2541	AMD	03-06-047
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388-550-5150	AMD-P	03-06-111	388-805-350	AMD-P	03-12-066	388-818-0220	NEW	03-05-100
388-550-5200	AMD-P	03-06-111	388-805-400	AMD-P	03-12-066	388-818-0230	NEW	03-05-100
388-550-5400	AMD-P	03-06-111	388-805-410	AMD-P	03-12-066	388-818-0240	NEW	03-05-100
388-550-5450	PREP	03-04-087	388-805-500	AMD-P	03-12-066	388-818-0250	NEW	03-05-100
388-550-5600	AMD-P	03-06-111	388-805-520	AMD-P	03-12-066	388-818-0260	NEW	03-05-100
388-550-6000	PREP	03-04-087	388-805-530	AMD-P	03-12-066	388-818-0270	NEW	03-05-100
388-550-6000	PREP	03-10-050	388-805-540	AMD-P	03-12-066	388-818-0280	NEW	03-05-100
388-550-6800	NEW-P	03-06-111	388-805-550	AMD-P	03-12-066	388-818-0290	NEW	03-05-100
388-550-6900	NEW-P	03-06-111	388-805-600	AMD-P	03-12-066	388-818-030	REP	03-05-100
388-551	PREP	03-08-086	388-805-610	AMD-P	03-12-066	388-818-0300	NEW	03-05-100
388-552	PREP	03-08-086	388-805-625	NEW-P	03-12-066	388-818-0310	NEW	03-05-100
388-555	PREP	03-08-086	388-805-700	AMD-P	03-12-066	388-818-0320	NEW	03-05-100
388-556	PREP	03-08-086	388-805-710	AMD-E	03-06-059	388-818-0330	NEW	03-05-100
388-557-5000	NEW-P	03-09-119	388-805-710	AMD-P	03-12-066	388-818-0340	NEW	03-05-100
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388-557-5100	NEW-P	03-09-119	388-805-720	AMD-E	03-06-059	388-818-0360	NEW	03-05-100
388-557-5150	NEW-P	03-09-119	388-805-720	AMD-P	03-12-066	388-818-0370	NEW	03-05-100
388-557-5200	NEW-P	03-09-119	388-805-730	AMD-E	03-06-059	388-818-0380	NEW	03-05-100
388-557-5250	NEW-P	03-09-119	388-805-730	AMD-P	03-12-066	388-818-0390	NEW	03-05-100
388-557-5300	NEW-P	03-09-119	388-805-740	AMD-E	03-06-059	388-818-040	REP	03-05-100
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388-561-0100	AMD-P	03-09-117	388-805-750	AMD-P	03-12-066	388-818-060	REP	03-05-100
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388-730-0060	AMD	03-03-070	388-805-810	AMD-P	03-12-066	388-818-080	REP	03-05-100
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388-805-035	NEW-P	03-12-066	388-818-001	REP	03-05-100	388-825-020	AMD-E	03-10-027
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388-805-100	AMD-P	03-12-066	388-818-0050	NEW	03-05-100	388-825-180	AMD-E	03-10-027
388-805-120	AMD-P	03-12-066	388-818-0060	NEW	03-05-100	388-825-205	AMD-E	03-03-115
388-805-130	AMD-P	03-12-066	388-818-0070	NEW	03-05-100	388-825-205	AMD-E	03-10-027
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388-805-305	AMD-P	03-12-066	388-818-0180	NEW	03-05-100	388-825-515	NEW-E	03-10-027
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388-825-535	NEW-E	03-10-027	388-865-0265	PREP	03-08-077	388-865-0540	PREP	03-07-041
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388-825-540	NEW-E	03-10-027	388-865-0275	PREP	03-08-077	388-865-0546	PREP	03-07-041
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388-825-545	NEW-E	03-10-027	388-865-0282	PREP	03-08-077	388-865-0555	PREP	03-07-041
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388-825-555	NEW-E	03-10-027	388-865-0310	PREP	03-08-077	388-880-005	AMD-E	03-12-003
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388-825-560	NEW-E	03-10-027	388-865-0320	PREP	03-08-077	388-880-010	AMD-E	03-12-003
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388-825-575	NEW-E	03-10-027	388-865-0355	PREP	03-08-077	388-880-035	NEW-E	03-12-003
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388-865-0110	PREP	03-08-077	388-865-0462	PREP	03-08-077	391-25-011	AMD	03-03-064
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388-865-0203	PREP	03-08-077	388-865-0474	PREP	03-08-077	391-25-037	NEW	03-03-064
388-865-0205	PREP	03-08-077	388-865-0476	PREP	03-08-077	391-25-051	NEW	03-03-064
388-865-0210	PREP	03-08-077	388-865-0478	PREP	03-08-077	391-25-076	NEW	03-03-064
388-865-0215	PREP	03-08-077	388-865-0480	PREP	03-08-077	391-25-096	NEW	03-03-064
388-865-0220	PREP	03-08-077	388-865-0482	PREP	03-08-077	391-25-136	NEW	03-03-064
388-865-0221	PREP	03-08-077	388-865-0484	PREP	03-08-077	391-25-137	NEW	03-03-064
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391-25-396	NEW	03-03-064	415-02	PREP	03-04-017	434-262-020	AMD-P	03-10-055
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391-25-426	PREP	03-03-066	415-02-350	NEW	03-06-044	434-670-030	NEW	03-06-069
391-25-426	NEW-P	03-07-093	415-02-370	NEW-E	03-10-007	434-670-040	NEW	03-06-069
391-25-426	NEW-E	03-11-028	415-02-370	NEW-P	03-11-043	434-670-050	NEW	03-06-069
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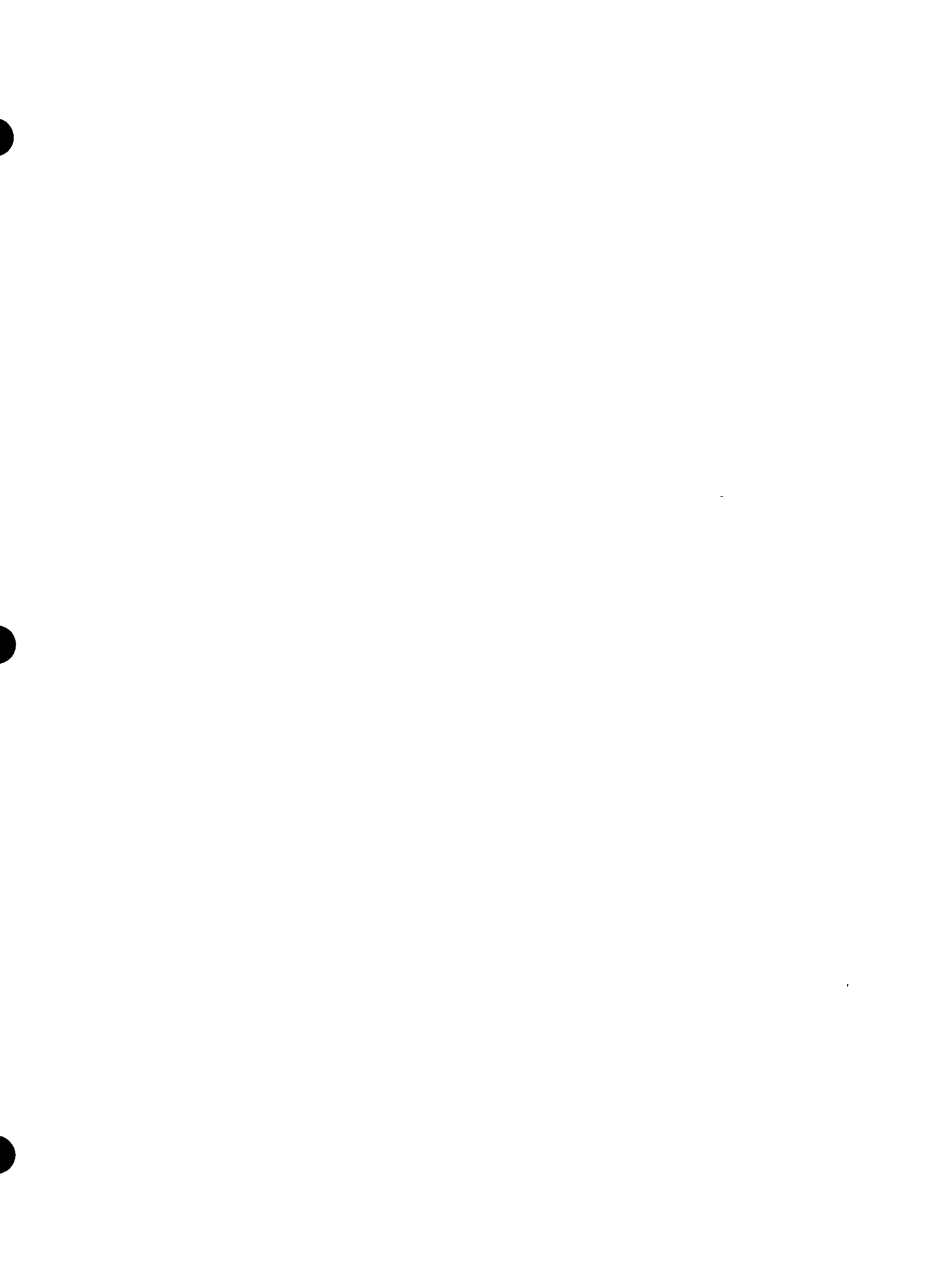
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