

Washington State Register

September 17, 2003

OLYMPIA, WASHINGTON

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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 September 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.

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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].

2003-2004

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 -					
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
03 - 20	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 15, 03	Nov 4, 03	Dec 2, 03
03 - 21	Sep 24, 03	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 25, 03	Dec 23, 03
03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
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
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
04 - 02	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 10, 04	Mar 9, 04
04 - 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 24, 04	Mar 23, 04
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04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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;

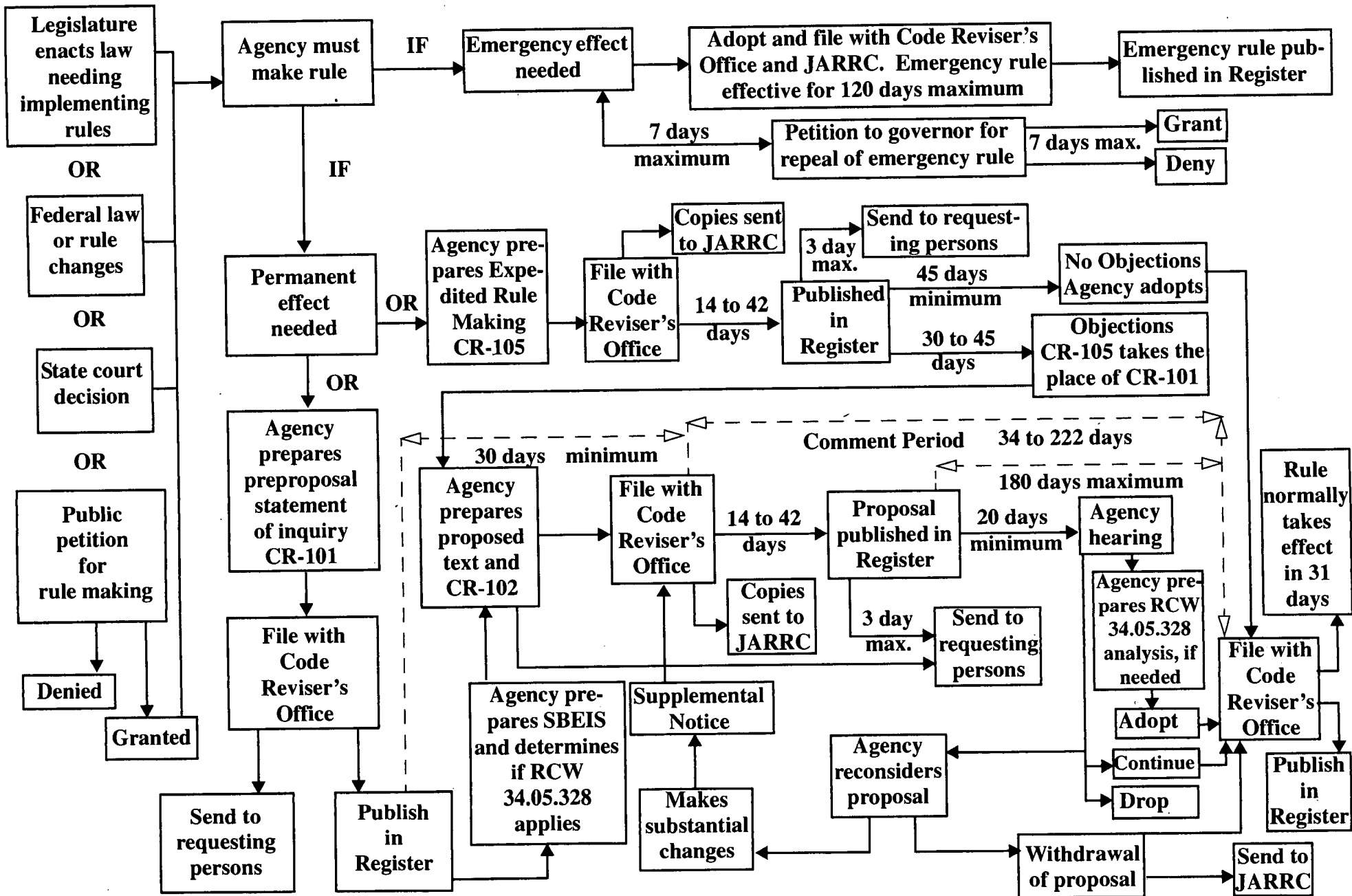
There is less than minor economic impact on business;

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 03-18-008

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 21, 2003, 1:26 p.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will adopt recreational fishing rules for the 2004-2005 season. These rules will provide fishing opportunity, while protecting weak and endangered stocks.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 16. Expected proposal filing October 17.

August 21, 2003
Evan Jacoby
Rules Coordinator

WSR 03-18-009

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 21, 2003, 2:56 p.m.]

Subject of Possible Rule Making: Digital surveillance in card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To require licensure of businesses and their employees which install or integrate digital surveillance for card rooms.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Robert Berg, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on September 11 and 12, 2003; at the Double Tree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spo-

kane, WA 99201, (509) 744-2310, on October 9 and 10, 2003; and at the DoubleTree Guest Suites Southcenter, 16500 Southcenter Parkway, Seattle, WA 98199, (206) 575-8220, on November 13 and 14, 2003.

August 20, 2003

Susan Arland

Rules Coordinator

WSR 03-18-012

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 22, 2003, 9:15 a.m.]

Subject of Possible Rule Making: Chapter 415-108 WAC, Public employees' retirement system (PERS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), chapter 41.40 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) is engaging in its second four-year round of regulatory reform, in accordance with the governor's executive order. The outcome of the review will be changes and updates to many DRS rules to ensure that they are up to date and written in "Plain English" (as much as possible). As part of this process, DRS plans to update many of its PERS rules.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy 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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

August 21, 2003

Merry A. Kogut

Rules Coordinator

WSR 03-18-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 22, 2003, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 415-112 WAC, Teachers' retirement system (PERS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), chapter 41.32 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) is engaging in its second four-year round of regulatory reform, in accordance with the governor's executive order. The outcome of the review will be changes and updates to many DRS rules to ensure that they are up to date and written in "Plain English" (as much as possible). As part of this process, DRS plans to update many of its TRS rules.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy 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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

August 21, 2003
Merry A. Kogut
Rules Coordinator

WSR 03-18-026
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 25, 2003, 3:58 p.m.]

Subject of Possible Rule Making: Adopting new chapter 388-827 WAC, State supplementary payment program, Division of Developmental Disabilities. These new rules implement the intent of ESSB 6387, directing the Division of Developmental Disabilities (DDD) to begin making payments for certain DDD services using the state supplementary payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.30 [71A.12.030], 71A.10.020, chapter 371, Laws of 2002 (2001-2003 Supplemental Budget - ESSB 6387).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The DDD has been directed by the 2002 Washington state legislature to begin paying an income supplement, called state supplementary payment (SSP). Implementation of this directive requires the adoption of new rules, chapter 388-827 WAC, Division of Developmental Disabilities, state supplementary payment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State agencies include the DSHS Aging and Disability Services Administration, Medical Assistance Administration and Economic Services Administration. Federal Public Law 92-603 and the Social Security Act publish regulations for states that must provide an SSP program. The federal Social Security Administration oversees state compliance with federal/state supplementation rules.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment and a public hearing will be held before the rules are adopted as permanent. 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 Steve Brink, Department of Social and Health Services, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-7716, fax (360) 902-8482, e-mail brinksc@dshs.wa.gov.

August 21, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-18-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 25, 2003, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 388-825 WAC, Division of Developmental Disabilities services rules; chapter 388-850 WAC, County plan for developmental disabilities, Division of Developmental Disabilities (DDD); and related sections. The department is amending rules and adopting new rules to implement the intent of ESSB 6387, directing the DDD to begin making payments to DDD employment/day program services directly to the DDD recipients of these services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.30 [71A.12.030], 71A.10.020, chapter 371, Laws of 2002 (2001-2003 Supplemental Budget - ESSB 6387).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Division of Developmental Disabilities was directed by the 2002 Washington state legislature to begin paying an income supplement, called state supplementary payment (SSP) to certain individuals who receive services from DDD. On July 18, 2003, the Social Security Administration notified the department that payment for employment/day program services under current rules are vendor payments and could not be funded by the SSP. Implementation of this directive requires the adoption of amended and new rules, in chapters 388-825 and 388-850 WAC and related sections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State agencies include the DSHS Aging and Disability Services Administration, Medical Assistance Administration and Economic Services Administration. Federal Public Law 92-603 and the Social Security Act publish regulations for states that must provide an SSP program. The federal Social Security Administration oversees state compliance with federal/state supplementation rules.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment and a public hearing will be held before the rules are adopted as permanent. 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 Steve Brink, Department of Social and Health Services, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-7716, fax (360) 902-8482, e-mail brinksc@dshs.wa.gov.

August 21, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-18-032

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 26, 2003, 10:47 a.m.]

Subject of Possible Rule Making: Volunteer cooperative rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules have multiple project funding application dates, with attendant monitoring and response dates. Simplification will reduce staff time and provide statewide consistency. Carry-over on recoverable expenses will provide additional funding opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 16. Expected proposal filing October 17.

August 26, 2003

Evan Jacoby

Rules Coordinator

WSR 03-18-036

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 26, 2003, 10:49 a.m.]

Subject of Possible Rule Making: Aquatic nuisance species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff has been working with representatives of the pet store industry and members of the Asian community to identify species in trade that should not be allowed into Washington or that could be allowed under certain conditions. Our list of prohibited and regulated species should be amended to protect our state waters from the importation and potential introduction of new aquatic invasive species. New lakes have been infested with aquatic invasive species and our list of infested waters should be updated to reflect the new introductions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Department of Ecology has a program for aquatic invasive plant management. They have assisted WDFW staff in developing revisions to our list of infested waters. The Washington Department of Agriculture (WDOA) has authorities that regulate pet stores. WDFW staff have reviewed our proposed list of prohibited species with WDOA staff to ensure a coordinated approach.

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 Scott Smith, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2724, fax (360) 902-2845, e-mail smithsss@dfw.wa.gov. This rule is being developed in cooperation with members of the ANS committee. A meeting of the committee will be held in October to discuss the proposed rule.

Agency Contact: Lew Atkins, Assistant Director, Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651. Contact by October 16, 2003. Expected proposal filing October 17, 2003.

August 26, 2003

Evan Jacoby

Rules Coordinator

WSR 03-18-040
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed August 27, 2003, 11:11 a.m.]

Subject of Possible Rule Making: Marbled murrelet rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Forest Practices Board's authority to adopt forest practices rules is granted under RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board's rules for the protection of marbled murrelets, a species listed as threatened under the federal Endangered Species Act and Washington state law, rely upon accurate determination of their presence and nesting locations. These determinations are accomplished in part by implementing the standards for effective surveying established by the Pacific Seabird Group (PSG) protocol. The forest practices rules currently require the use of the March 1, 1997, PSG protocol; however that protocol was updated. The rules need to be changed to require the updated (January 6, 2003) protocol. The rules may also need to be changed regarding the relationship between the definition of an occupied marbled murrelet site and murrelets circling above a timber stand.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Fish and Wildlife staff have recommended adoption of the updated protocol to support effective protection and compliance with the Endangered Species Act.

The Washington Department of Fish and Wildlife is coordinating with the Washington State Department of Natural Resources and forestry stakeholders (private landowner organizations and consultants, tribes, and the Washington Association of Counties) in rule development.

Process for Developing New Rule: The Department of Fish and Wildlife and the Department of Natural Resources will develop rule language with input from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forestpractices-board@wadnr.gov.

August 21, 2003
Pat McElroy
Chair

WSR 03-18-047
PREPROPOSAL STATEMENT OF INQUIRY
WHEAT COMMISSION

[Filed August 28, 2003, 1:59 p.m.]

Subject of Possible Rule Making: The purpose of this rule making is to amend and repeal sections within the rules

of the Wheat Commission, WAC 16-528-105 through 16-528-230. Proposed amendments and repeals will address:

1. Amend WAC 16-528-110 to address scheduling of the commission's monthly meetings.
2. Amend WAC 16-528-150 to address the number of signatures needed on warrants drawn on commission accounts.
3. Repeal WAC 16-528-220 Exemption from assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.66.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 16-528-110 and 16-528-150 and repealing of WAC 16-528-220 are needed to update commission practices.

Process for Developing New Rule: The draft rule amendments have been developed as a result of a collaborative effort between the Washington Wheat Commission and the Washington State Department of Agriculture. Once the draft amendments are finalized, notices will be published and mailed to all producers and handlers within the affected area who may be directly affected by these amendments. Interested parties can submit comments during the public comment period and can also 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 Tom Mick, CEO, Washington Wheat Commission, West 907 Riverside Avenue, Spokane, WA 99201, phone (509) 456-2481, fax (509) 456-2812, e-mail tmick@wwcspokane.com. See above for participation opportunities.

August 27, 2003
Thomas Mick
CEO

WSR 03-18-047A
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 28, 2003, 2:46 p.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A limited participation fishery on the Columbia River will provide fishing and sampling opportunity, while reducing potential impacts that could be caused by overharvest with full fleet participation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This fishery will be coordinated with Oregon through the Columbia River compact.

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 pub-

lication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 16. Expected proposal filing October 17.

August 28, 2003
Evan Jacoby
Rules Coordinator

WSR 03-18-049

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

[Filed August 28, 2003, 4:35 p.m.]

Subject of Possible Rule Making: WAC 180-51-061
Minimum requirements for high school graduation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-050

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

[Filed August 28, 2003, 4:36 p.m.]

Subject of Possible Rule Making: WAC 180-82-105
Assignment of classroom teachers within districts.

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-051

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

[Filed August 28, 2003, 4:37 p.m.]

Subject of Possible Rule Making: WAC 180-78A-100
Existing approved programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 and 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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-052

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

[Filed August 28, 2003, 4:37 p.m.]

Subject of Possible Rule Making: WAC 180-78A-270
Approval standard—Knowledge and skills.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 and 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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-053

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

[Filed August 28, 2003, 4:38 p.m.]

Subject of Possible Rule Making: WAC 180-20-101 Minimum qualifications of bus drivers and 180-20-111 Authorization required—Duration—Issuing procedures—Temporary authorizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-054

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

[Filed August 28, 2003, 4:38 p.m.]

Subject of Possible Rule Making: WAC 180-78A-264 Approval standard—Program design.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (1) through (4).

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-055

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

[Filed August 28, 2003, 4:39 p.m.]

Subject of Possible Rule Making: WAC 180-16-220 Supplemental basic education program approval requirements, 180-16-225 Waiver—Substantial lack of classroom space—Grounds and procedure, and 180-16-227 Implementation timeline for WAC 180-16-220(2).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4), 28A.305.140, 28A.305-130(6).

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-056

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

[Filed August 28, 2003, 4:39 p.m.]

Subject of Possible Rule Making: WAC 180-18-050 Local restructuring plan requirements to obtain waiver, 180-18-055 Alternative high school graduation requirements, and 180-18-080 Alternative to WAC 180-18-055.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.630 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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-057

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

[Filed August 28, 2003, 4:40 p.m.]

Subject of Possible Rule Making: WAC 180-51-050 High school credit—Definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-058

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

[Filed August 28, 2003, 4:41 p.m.]

Subject of Possible Rule Making: WAC 180-55-005, 180-55-015, 180-55-020, 180-55-034, and 180-55-150.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4), 28A.305.140, 28A.305.-130(6).

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.

August 28, 2003
Larry Davis
Executive Director

WSR 03-18-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 2, 2003, 9:15 a.m.]

Subject of Possible Rule Making: Retrospective rating: Labor and Industries (L&I) is considering making changes to several existing rules applicable to the retrospective rating

program codified in chapter 296-17 WAC, including adding a new provision that would allow L&I to accept copies of records produced from paperless record management systems. A new rule is also being considered that explains the process that L&I will follow when distributing a retro refund directly to the members of a defunct retrospective rating group when the sponsoring organization ceases business operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Employers and organizations that participate in the retrospective rating program have asked L&I to further clarify certain existing retrospective rating program rules. The subject rules are needed to administer the retrospective rating program authorized by RCW 51.18.-010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state and/or federal agencies that regulate this subject.

Process for Developing New Rule: L&I will work directly with the business community that participates in retrospective rating to develop any change and/or new rule. Draft ideas were shared with the business community at the retro advisory committee meeting on April 9, 2003, and endorsed by that committee. L&I will further refine the ideas and present them again at the next retro advisory committee meeting on September 28, 2003, to be held in the auditorium of the L&I Office Building in Tumwater, Washington. The meeting is scheduled to start at 1 p.m. Formal rule changes will be developed after the input is received at that meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties interested in the development of the rules can view the draft ideas at the retro website <http://www.lni.wa.gov/retro/> or they can contact Mark Matthies at (360) 902-4838 to receive a printed copy.

Interested parties can participate in the rule development process by attending the retro advisory committee meeting above, or by sending written comments to Retrospective Rating Program, P.O. Box 44180, Olympia, WA 98504-4180, fax (360) 902-4258, e-mail retro@LNI.wa.gov.

September 2, 2003
Paul Trause
Director

WSR 03-18-094
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 2, 2003, 1:04 p.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language that will provide a hearing process on proposed category changes and to make other minor technical corrections.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

August 25, 2003
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 03-18-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 2, 2003, 3:47 p.m.]

Subject of Possible Rule Making: Game management units and boundary descriptions; special hunting season permits; private lands wildlife management area raffle hunts; auction and raffle hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 16, 2003, rule proposal filing expected to be October 17, 2003.

September 2, 2003
Evan Jacoby
Rules Coordinator

WSR 03-18-097**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed September 2, 2003, 3:49 p.m.]

Subject of Possible Rule Making: Watchable wildlife rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 317, Laws of 2003, established the watchable wildlife decal program. Rules are necessary to implement this program.

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 Jim Lux, Business Services Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2444. Contact by October 16. Expected proposal filing October 17.

September 2, 2003
Evan Jacoby
Rules Coordinator

WSR 03-18-098**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 2, 2003, 5:09 p.m.]

Subject of Possible Rule Making: WAC 388-450-0015 What types of income are not used when figuring out my benefits?, the Division of Employment and Assistance Programs is making this change needed according to requirements under federal law 38 U.S.C. Chapter 18 and regulations 38 C.F.R. Part 3 requiring the temporary assistance to needy families (TANF) program not to count veterans administration benefits paid to families with children of Vietnam veterans who have a birth defect(s) when determining the family's TANF eligibility and amount of benefit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.055 and 74.04.057; 38 U.S.C. Chapter 18; 38 C.F.R. Part 3.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: See Subject of Possible Rule Making above.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Veterans Affairs.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

September 2, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-18-099**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Financial Services Administration)

[Filed September 2, 2003, 5:11 p.m.]

Subject of Possible Rule Making: Amending WAC 388-720-0020 Cost reimbursement schedule. This WAC is used to determine the amounts owed by parent's, and other responsible party's, for the cost of support, treatment, and confinement of juveniles in custody.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.220 Costs of support, treatment, and confinement, order, contempt of court.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revised rules are needed to clarify the term "ability to pay" as used in RCW 13.40.220. Without this WAC change, the department will not have a rule that clearly defines "ability to pay." After the rule becomes effective, agency staff will use the new language to help determine a responsible party's cost for the support, treatment, and confinement of a juvenile in custody.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no federal or other state agencies that regulate this subject.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Stoner, Department of Social and Health Services, Financial Services Administration, 4450 10th Avenue S.E., Lacey, WA 98503, voice (360) 664-5499, fax (360) 664-5701, TTY 1-800-833-6388.

August 28, 2003

Brian H. Lindgren
Manager

WSR 03-18-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed September 2, 2003, 5:12 p.m.]

Subject of Possible Rule Making: WAC 388-450-0170 TANF/SFA earned income incentive and deduction, the Division of Employment and Assistance Programs is making changes to this rule necessary because the dependent care maximum deductions were listed under the wrong age group in error. The deduction for children two years of age and under is more than the deduction for children over two years of age. This rule-making action is to correct this error.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule needs to be revised to correct an error.

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 should contact the staff person identified below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

August 28, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-18-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed September 2, 2003, 5:13 p.m.]

Subject of Possible Rule Making: The DSHS Division of Employment and Assistance Programs will amend WAC 388-478-0055 How much do I get from my supplemental security income (SSI) and state supplemental payments (SSP)?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change updates SSP

payments to include the aged and blind as groups of SSI recipients who will receive a SSP.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

August 26, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-18-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed September 2, 2003, 5:15 p.m.]

Subject of Possible Rule Making: Medical nutrition program. MAA is establishing in rule the medical nutrition program.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish in rule the limitations, restrictions, and requirements of MAA's medical nutrition program.

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

Process for Developing New Rule: 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 Kathy Sayre, Rules Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov.

August 26, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-18-115**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed September 3, 2003, 8:33 a.m.]

Subject of Possible Rule Making: Tobacco use in university buildings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528 and 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provision of a healthy environment within university academic and administrative buildings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Consistent with Governor's Executive Order 88-06 setting policy on smoking in state facilities.

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 Judy B. Miller, President's Office, 400 East University Way, Ellensburg, WA 98926-7501, (509) 963-2156, fax (509) 963-3206.

August 29, 2003
Jerilyn S. McIntyre
President

WSR 03-18-116**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. A-031232—Filed September 3, 2003, 10:18 a.m.]

Subject of Possible Rule Making: This rule-making inquiry would review rules relating to minimum regulatory fees for class 1 utilities and transportation industries, except motor freight carriers, to consider whether to amend those rules to increase the minimum regulatory fee, not to exceed the estimated cost of collecting the fee, and to consider rules that would waive collection of the minimum fee. In addition, this rule making would consider developing a rule that would address regulatory fees for railroads since no rule exists for that industry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, 81.04.160, and chapter 296, Laws of 2003.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 296, Laws of 2003, amends RCW 80.24.010, 81.24.010, 81.24.020, 81.24.030, and 81.77.080 by deleting language that set statutory minimum fees for some industries and adding language that allows the commission to set by rule minimum fees that do not exceed the cost of collecting the fees, or to waive minimum fees entirely. This rule making would consider increasing the minimum regulatory fees for class 1 utilities and transportation industries, except motor freight carriers, consistent with the amended statutes. Existing minimum fees of \$1.00 to \$5.00 are outdated and insufficient to cover the cost of collecting and tracking the annual regulatory fees.

Because no equivalent rule exists for railroads, this rule making would consider developing a minimum regulatory fee rule for rail.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will conduct a workshop if there is stakeholder interest or disagreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

Interested persons may file written comments on the CR-101 by **September 24, 2003**. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rule making, please see below.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than September 24, 2003.

Electronic copies: The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (A-031232)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/031232>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. A-031232 to ensure that you are placed on the appropriate service list. Questions may be addressed to Barbara Weigel, (360) 664-1157 or e-mail at <bweigel@wutc.wa.gov>.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. A-031232, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. A-031232, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet website at <http://www.wutc.wa.gov/031232>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

September 3, 2003
Carole J. Washburn
Secretary

WSR 03-18-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed September 3, 2003, 10:33 a.m.]

Subject of Possible Rule Making: Chapter 246-872 WAC, Automated drug distribution devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board's rule that regulates mechanical devices in a hospital setting is significantly outdated. The rule was written in 1965 and is in need of updating. Since 1965, more advanced systems, known as automated drug dispensing devices, have been developed. In order to promote and protect public health, new rules need to be developed to regulate the new automated drug dispensing devices.

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 Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, Lisa.Salmi@doh.wa.gov, (360) 236-4828, or fax (360) 586-4359. Information on public meetings can be obtained from Lisa Salmi, Board of Pharmacy.

August 5, 2003
D. H. Williams
Executive Director

WSR 03-18-118

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 3, 2003, 10:36 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to adopt, amend, and repeal sections within the rules of the Washington State Hop Commodity Board, WAC 16-532-101 through 16-532-120. Proposed additions and amendments will address:

- 1. Establish provisions for producer reporting.
- 2. Remove the approved two-letter abbreviation list for hop varieties in WAC 16-532-120.
- 3. Update rule language.
- 4. Repeal of WAC 16-532-101.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.65 and 34.05 RCW, specifically RCW 15.65.047 and 15.65.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Clarifying provisions for producer reporting are being added to aid producers in understanding the necessary reporting procedures.

2. The list of the approved two-letter abbreviations for hop varieties is being removed from the rule and will be approved annually by the board.

3. Rule language updates will improve readability and clarity.

4. Original promulgation rule no longer needed.

Process for Developing New Rule: The draft rule amendments have been developed as a result of a collaborative effort between the Washington State Hop Commission and the department. Once the draft amendments are finalized, notices will be published and mailed to all producers and handlers within the affected area who may be directly affected by these rule changes. Interested parties can submit comments during the public comment period and can also 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 Lynn Briscoe, Commodity Commission Coordinator, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-2043, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov; or Ann George, Administrator, Washington Hop Commission, 301 West Prospect Place, Moxee, WA 98936, phone (509) 453-4749, fax (509) 457-8561, e-mail ann@wahops.org. See above for participation opportunities.

September 3, 2003
Lynn M. Briscoe
Commodity Commission Coordinator

WSR 03-18-119
PREPROPOSAL STATEMENT OF INQUIRY
HOP COMMODITY BOARD

[Filed September 3, 2003, 10:37 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to add definitions and amend the board's pro-

motional hosting rules in chapter 16-532 WAC. Proposed additions and amendments will include:

1. Adding "promotional hosting" and "hosting" definitions.
2. Updating and moving the promotional hosting rules from the marketing order to the board's rules section of the chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.65 and 34.05 RCW, specifically RCW 15.65.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Promotional hosting rules should be included within the rule of Washington State Hop Commodity Board pursuant to RCW 15.65.305. A new section is being added to define "promotional hosting" and "hosting." The current promotional hosting rule is being updated and added as a rule of the Hop Commodity Board. WAC 16-532-065 will be repealed.

Process for Developing New Rule: The draft rule amendments have been developed as a result of a collaborative effort between the Washington State Hop Commission and the Washington State Department of Agriculture. Once the draft amendments are finalized, notices will be published and mailed to all producers and handlers within the affected area who may be directly affected by these rule changes. Interested parties can submit comments during the public comment period and can also 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 Ann George, Administrator, Washington Hop Commission, 301 West Prospect Place, P.O. Box 1207, Moxee, WA 98936, phone (509) 453-4749, fax (509) 457-8561, e-mail ann@wahops.org. See above for participation opportunities.

September 2, 2003

Ann E. George
Administrator

Washington Hop Commission

WSR 03-18-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 3, 2003, 10:38 a.m.]

Subject of Possible Rule Making: WAC 458-20-18801 ~~Prescription drugs, prosthetic and orthotic devices, ostomie items, and medically prescribed oxygen~~ Drugs prescribed for human use, medically prescribed oxygen, prosthetic devices, and durable medical equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-18801 (Rule 18801) provides guidelines for determining if the sale or use of a medical substance or item (drugs prescribed for human use, medically prescribed oxygen, prosthetics devices, and durable medical equipment) is subject to retail sales or use

tax. In 2003, the legislature adopted the medical definitions set forth in the national streamlined sales and use tax agreement. These changes become effective July 1, 2004. The department anticipate revising Rule 18801 to provide guidance regarding the new definitions and the tax implications of the legislation.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. The department anticipates that a preliminary discussion draft of a possible new or revised rule(s) will be available on September 12, 2003. Written comments on and/or requests for copies of the draft may be directed to Cindy Evans, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6134, e-mail CindyEV@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 8, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

September 3, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

WSR 03-18-121

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY (Basic Health)

[Order 03-05—Filed September 3, 2003, 11:31 a.m.]

Subject of Possible Rule Making: Revising rules regarding disenrollment of basic health enrollees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050, 70.47.060 (4) and (9), 70.47.089, 70.47.090, and section 213(5), chapter 25, Laws of 2003.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions for clarity and to update rules regarding disenrollment and reenrollment after disenrollment. The intent is to clarify these rules and ensure that they are applied appropriately.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject or process.

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be

posted on the agency website <http://www.wa.gov/hca/laws.htm>, or you may contact Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, fax (360) 412-4276, e-mail Rrey107@hca.wa.gov.

September 3, 2003
Melodie Bankers
Rules Coordinator

WSR 03-18-122

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY (Basic Health)

[Order 03-06—Filed September 3, 2003, 11:32 a.m.]

Subject of Possible Rule Making: Revising rules regarding recoupment of subsidy overpayment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050, 70.47.060(9), and section 213(5), chapter 25, Laws of 2003.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to add detail previously omitted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject or process.

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency website <http://www.wa.gov/hca/laws.htm>, or you may contact Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, fax (360) 412-4276, e-mail Rrey107@hca.wa.gov.

September 3, 2003
Melodie Bankers
Rules Coordinator

WSR 03-18-123

PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed September 3, 2003, 11:44 a.m.]

Subject of Possible Rule Making: The Washington State Parks and Recreation Commission will conduct a review of the provisions of chapter 352-12 WAC, Moorage and use of marine and inland water facilities, including the provisions regulating the use of facilities, the methods for collection of fees and the issuance of permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.055, and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The review of chapter 352-12 WAC is in response to the implementation of new and

revised fees and permits as well as the need to revise any current rules in this chapter related to their collections. The review will also provide for general housekeeping and minor changes in text. The review is intended to identify opportunities to adopt clear, usable and equitable rules for accessible public use and for the preservation and financial stability of Washington's state park system for the benefit of all citizens of the state.

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. To obtain additional information or to comment on the commission rules being reviewed, contact Pamela McConkey, Manager, Visitor Services, Washington State Parks, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-5875, e-mail Pam.McConkey@parks.wa.gov.

September 3, 2003

Jim French

Chief of Policy

Research and Program

WSR 03-18-001
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed August 20, 2003, 1:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-139.

Title of Rule: Nuisance wildlife control rules.

Purpose: Amend nuisance wildlife control operator rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Nuisance wildlife control is done by permitting, not agreements.

Reasons Supporting Proposal: Update to current procedure.

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: Nuisance wildlife control is done by operators authorized by the department. The authorization has evolved from the original concept of agreements to a highly structured permit system. This rule will formalize the issuance and revocation, provide an appeal mechanism, and set a definitive length for each permit.

Proposal Changes the Following Existing Rules: Amend nuisance wildlife control operator rules.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Nuisance wildlife control operators are required to report control activity as a permit condition. This rule proposal makes no changes to that requirement.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No compliance costs.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? There is no cost of compliance.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. Cost per one hundred dollars of sales.
- No cost of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: This rule is the result of a permit mechanism developed through interaction with industry.

8. A List of Industries That Will Be Required to Comply with the Rule: Nuisance wildlife control operators.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Fort Warden State Park, Port Townsend, Washington, on December 5-6, 2003, begins at 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 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 November 28, 2003.

Date of Intended Adoption: December 5, 2003.

August 20, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 255, filed 10/19/84)

WAC 232-12-086 Director or his designee is empowered to (~~enter agreements~~) issue nuisance wildlife control operator permits to control nuisance or problem wildlife. When the director or his designee determines that nuisance or problem wildlife can be controlled by persons, political subdivisions of this state, or the United States, the director or his designee may (~~enter into agreements~~) issue nuisance wildlife control operator permits for control of said nuisance or problem wildlife.

(~~Agreements entered into~~) Nuisance wildlife control operator permits shall be subject to the following criteria:

(1) The control activity shall not adversely affect the department's obligation to preserve, protect and perpetuate the states wildlife.

(2) The (~~agreement~~) nuisance wildlife control operator permit application shall include but is not limited to:

(a) The procedure for reporting control activity to the department.

(b) Species of animals approved for control.

(c) Location of control activity covered by the agreement.

(d) Methods of control activity allowed (by species).

(e) Disposition of animals controlled or captured.

(3) The person or agency doing the control work shall have the equipment, knowledge and ability to control those species listed in the agreement.

(4) (~~Agreements~~) Nuisance wildlife control operator permits may be revoked(~~, modified~~) or (~~suspended~~) future permits denied by the director or issuing authority (~~as pro-~~

vided in WAC 232-12-197)) when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit violates a trapping or other wildlife law.

(5) ((Term of the agreement shall not exceed)) If the permit is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(6) Nuisance wildlife control permits are valid for three years. ((The agreement may be extended three years at a time with written approval of both parties.))

(7) It is unlawful to trap nuisance wildlife on the property of another without a nuisance wildlife control permit.

(a) Violation of this subsection using a body-gripping trap is punishable under RCW 77.15.194, Unlawful traps.

(b) Violation of this subsection using a trap other than a body-gripping trap is punishable under RCW 77.15.190, Unlawful trapping—Penalty.

WSR 03-18-002

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed August 20, 2003, 3:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-123.

Title of Rule: Student progress toward degrees and certificates.

Purpose: Develop policies and procedures related to student progress toward degrees and certificates.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Section 603, chapter 371, Laws of 2002.

Summary: See Purpose above.

Reasons Supporting Proposal: During the 2003 legislative session the legislature passed a bill that requires community and technical colleges to adopt policies and procedures to expedite students' progress toward their program goals.

Name of Agency Personnel Responsible for Drafting: Tom Woodnutt, 319 7th Avenue S.E., Olympia, WA 98504, (360) 704-4306; Implementation and Enforcement: Sandy Wall, 319 7th Avenue S.E., Olympia, WA 98504, (360) 704-4312.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 2003 legislature passed a bill requiring community and technical colleges to adopt policies and procedures to expedite students' progress toward their program goals. Policies and procedures should address students who accumulate more than 125% of the number of credits required to complete an associate degree or certificate; students who have a pattern of dropping more than 25% of their course load; and students who remain on academic probation for more than one quarter. Colleges will report to the state board on the policies and procedures that they approve.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225, on October 23, 2003, at 10 a.m.

Assistance for Persons with Disabilities: Contact Del-Rae Oderman by October 16, 2003, fax (360) 586-6440.

Submit Written Comments to: Sandy Wall, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-6440, by October 16, 2003.

Date of Intended Adoption: October 23, 2003.

August 18, 2003

DelRae Oderman

Executive Assistant

Agency Rules Coordinator

NEW SECTION

WAC 131-12-080 Student progress toward degrees and certificates. In the 2003 legislative session the legislature passed a bill that requires community and technical colleges to adopt policies and procedures to expedite students' progress toward their program goals. The intent of the legislation is to encourage students enrolled in degree or certificate programs to complete their programs with limited additional credits. The policies and procedures should address:

(1) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete an associate degree or certificate;

(2) Students who have a pattern of dropping more than twenty-five percent of their course load; and

(3) Students who remain on academic probation for more than one quarter.

Colleges will report to the state board for community and technical colleges the policies and procedures that they approve.

PROPOSED

WSR 03-18-022
PROPOSED RULES
OFFICE OF THE
SECRETARY OF STATE

[Filed August 25, 2003, 1:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-11-062.

Title of Rule: Signatures that do not match on absentee ballots.

Purpose: Establish uniform procedures and practices.

Statutory Authority for Adoption: RCW 29.04.080.

Summary: Directs the auditor to either contact the voter directly or send the voter a [voters] registration form to update their signature or complete a name change.

Reasons Supporting Proposal: Establish uniform procedures and practices.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, Office of the Secretary of State, (360) 902-4169; Implementation and Enforcement: Dave Elliott, Office of the Secretary of State, (360) 902-4169.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Directs the auditor to either contact the voter directly or send the voter a [voters] registration form to update their signature or complete a name change.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii) establishes that this section does not apply to rules relating only to internal government operations.

Hearing Location: Office of the Secretary of State, 520 Union Avenue S.E., Olympia, WA, on October 14, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Huennekens by October 13, 2003, TDD (800) 422-8683.

Submit Written Comments to: Bill Huennekens, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, fax (360) 586-5629, by October 13, 2003.

Date of Intended Adoption: December 1, 2003.

August 25, 2003

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-240-245 Procedure for signatures that don't match. If the signature on the return envelope of an absentee ballot is not the same as the signature of the voter on the registration file pursuant to RCW 29.36.310 and WAC 434-240-240, the auditor shall either:

(1) Send the voter a voter registration form and a notice asking for the voter to update their signature for the voter registration file by filling out a new registration form and forwarding it to the auditor; or

(2) Contact the voter directly and inform them that the signature on their return envelope does not match and that the voter may update their signature by filling out a new voter registration form.

If the signature is not the same because the name is different, the auditor shall send the voter a voter registration form and notice directing the voter to complete the form, including the appropriate steps to change their name on the voter registration files or complete a name change pursuant to RCW 29.10.051.

WSR 03-18-046
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 28, 2003, 10:53 a.m.]

Supplemental Notice to WSR 03-15-032.

Preproposal statement of inquiry was filed as WSR 02-07-103.

Title of Rule: Chapter 296-307 WAC, Cholinesterase monitoring.

Purpose: One additional public hearing will be held in Okanogan, Washington, on September 3, 2003, to receive testimony on cholinesterase monitoring.

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: One additional public hearing will be held in Okanogan, Washington on September 3, 2003, to receive testimony on cholinesterase monitoring.

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, *Rios v. Dep't of Labor and Indus.*, 145 Wn.2d 483, 39 P.3d 961 (2002) directed the agency to initiate rule making.

Explanation of Rule, its Purpose, and Anticipated Effects: This is a supplemental rule filing to add an additional public hearing in Okanogan, Washington.

Proposal does not change existing rules.

RCW 34.05.328 does not apply to this rule adoption. This is a supplemental rule filing to add an additional public hearing in Okanogan, Washington.

Hearing Location: Grainger Administration Building, 123 5th Avenue North, Okanogan, WA 98840, on September 3, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 1, 2003, (360) 902-5484 or yous235@lni.wa.gov.

Submit Written Comments to: Cindy Ireland, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, fax (360) 902-5529, by September 12, 2003.

Date of Intended Adoption: November 1, 2003.
August 28, 2003
Paul Trause
Director

WSR 03-18-059
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-016 [03-10-076].

Title of Rule: WAC 180-77-014 Requirements for limited certification.

Purpose: The amendment to this rule will align the language with the language in WAC 180-77-068 related to individuals seeking a probationary certificate to serve as a coordinator of work-based learning.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District Board Room, 20420 68th Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 8, 2003, TDD (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 8, 2003.

Date of Intended Adoption: October 24, 2003.

August 27, 2003

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-77-014 Requirements for limited certification. (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined

for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial career and technical education certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial career and technical education certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The candidate shall have developed a professional growth plan in cooperation with the career and technical education administrator. The plan must be approved by the local school district career and technical education program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional career and technical education educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the career and technical education instructor to develop competencies in the following:

(iv) Career and technical education methods; and

(v) General and specific safety.

If the candidate does not have access to the required course work within the first ninety working days, the local school district career and technical education advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the career and technical education instructor to meet the requirements for the initial career and technical education certificate.

(vii) Provided, That candidates for probationary certificates as a coordinator of work-based learning shall (~~have completed a course in~~) successfully demonstrate competencies related to coordination techniques as verified by a state board of education approved program and (~~either: (A) Possess~~) hold a valid ((initial or continuing)) probationary career and technical education teacher certificate(~~(or (B) Have completed five hundred hours of occupational experience within the past six years))~~).

(2) Conditional career and technical education certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for career and technical education certification in the state of Washington, the one-year conditional career and technical education certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional career and technical education certificate may be issued only under unique and special circumstances where no regularly certificated career and technical education instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the career and technical education program to be certified; or

(ii) Persons who meet the occupational experience requirements for career and technical education certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local career and technical education administrator and school district superintendent or designee. The local career and technical education administrator or superintendent will verify that the following criteria have been met when requesting the conditional career and technical education certificate:

(i) No person with career and technical education certification in the field is available as verified by the local career and technical education administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified career and technical education program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The career and technical education administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute career and technical education certificates. Substitute career and technical education certificates may be issued to candidates who meet the requirements in WAC 180-79A-231 (2) or (4).

WSR 03-18-060

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-020.

Title of Rule: WAC 180-78A-505 Overview—Teacher certification program and 180-78A-535 Approval standard—Program design.

Purpose: To allow a teacher candidate to 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.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: Allow teacher candidates to provide a letter to their employing school district to be admitted to the professional certificate program prior to the completion of provisional status. Technical changes also included.

Reasons Supporting Proposal: Provides additional flexibility.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To allow a teacher candidate to 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. In addition change "private school" to "state board of education approved private school."

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District, 20420 8th [68th] Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 9, 2003, TTY (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 9, 2003.

Date of Intended Adoption: October 24, 2003.

August 26, 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 ((;)) a state board-approved private school or state agency providing educational services for students((; prior to admission to a

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~~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 evidence 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.

AMENDATORY SECTION (Amending WSR 03-04-024, filed 1/27/03, effective 2/27/03)

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) Teacher.

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent

with ~~((an)) a state board of education-approved private school or state agency providing educational services for students or the candidate provides to the program a letter from the candidate's employing district, state board of education-approved 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:~~ Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the 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" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable

knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) Principal/program administrator.

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or

above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

**WSR 03-18-061
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed August 28, 2003, 4:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-074.

Title of Rule: Chapter 180-46 WAC, Library media centers.

Purpose: To repeal WAC 180-46-010, 180-46-015, 180-46-020, 180-46-025, 180-46-030, 180-46-035, 180-46-040, 180-46-045, 180-46-050, 180-46-055, and 180-46-065.

Statutory Authority for Adoption: RCW 28A.320.240.

Summary: Repeals sections of chapter 180-46 WAC that are not necessary.

Reasons Supporting Proposal: Cleanup unnecessary language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this chapter is to implement RCW 28A.320.240 through the adoption of rules establishing minimum standards for the operation of school library media centers.

Proposal Changes the Following Existing Rules: Repeals sections of chapter 180-46 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District, 20420 8th [68th] Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 9, 2003, TTY (360) 664-3631 or (360) 725-6027.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 9, 2003.

Date of Intended Adoption: October 24, 2003.
August 26, 2003

Larry Davis
Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-46-005 Purpose.
- WAC 180-46-010 Library media centers.
- WAC 180-46-015 Library media collections.
- WAC 180-46-020 Library media programs.
- WAC 180-46-025 Services.
- WAC 180-46-030 Equipment and materials.
- WAC 180-46-035 Production.
- WAC 180-46-040 Facilities.
- WAC 180-46-045 Staff.
- WAC 180-46-050 Access.
- WAC 180-46-055 Other sources.
- WAC 180-46-065 Program evaluation.

mation collected in other reports t [to] the State Board of Education and the state superintendent's office from school districts.

Proposal Changes the Following Existing Rules:
Repeals the rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District, 20420 8th [68th] Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 9, 2003, TTY (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 9, 2003.

Date of Intended Adoption: October 24, 2003.
August 26, 2003

Larry Davis
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 180-82-115 Superintendent of public instruction annual report to state board of education.

WSR 03-18-062

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-084.

Title of Rule: WAC 180-82-115 Superintendent of Public Instruction annual report to State Board of Education.

Purpose: To repeal WAC 180-82-115.

Statutory Authority for Adoption: RCW 28A.305.130, 28A.410.010, 28A.150.220.

Summary: The information required in the annual report is duplicative of information collected in other reports t [to] the State Board of Education and the state superintendent's office from school districts.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The repeal of WAC 180-82-115 is because the information required in the annual report is duplicative of infor-

WSR 03-18-063

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-12-037.

Title of Rule: 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.

Purpose: To amend language to comply [with] SB 5437, an act relating to appeals to the State Board of Education of decisions made by the regional committees on school district organization. It is necessary to make related adjustments to the affected state board policies to bring them in to alignment with the statutory changes.

Statutory Authority for Adoption: Chapter 28A.315 RCW.

Summary: Comply with new statute passed during the 2003 legislative session.

Reasons Supporting Proposal: Law compliance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

PROPOSED

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule addresses school district proposed transfer of territory. The amendments indicate that a decision of a regional committee can be appealed to the State Board of Education and the state board can act on a proposed transfer of territory only when there is an appeal to the board of a decision by a regional committee.

Proposal Changes the Following Existing Rules: A decision by a regional committee can be appealed to the State Board of Education; and the state board can act on a proposed territory only when there is an appeal to the board of a decision by a regional committee.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District, 20420 68th Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 9, 2003, TTY (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 9, 2003.

Date of Intended Adoption: October 24, 2003.

August 25, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-00701 Regional committee decision making criteria. (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

(a) ~~((Annual school performance reports))~~ Student educational opportunities (see RCW 28A.315.205 (4)(a) for full text);

(b) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205 (4)(c) for full text);

(d) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(f) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e)).

(2) Under RCW 28A.315.195(2) the boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

(3) Under RCW 28A.315.205 (4)(a), every element of the annual school performance report shall be considered and no one element shall be given undue weight in comparison to any other element.

(4) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-215 Superintendent of public instruction staff review of regional committee proposals—When. Pursuant to RCW 28A.315.205(5), when a decision of a regional committee ~~((to approve a proposed transfer of territory))~~ is appealed to the state board of education, staff of the office of superintendent of public instruction, prior to the appeal hearing, shall be responsible for:

(1) Collecting from the applicable educational service district superintendent the written record of the approved transfer proposal and providing a copy of the written record to the state board of education;

(2) Reviewing the written record and, at the superintendent's discretion, providing to the state board the staff's judgment as to whether the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-220 Action by state board of education—When. Pursuant to RCW 28A.315.205(5), the state board of education shall act on a proposed transfer of territory only when there is an appeal to the board of a decision of a regional committee ~~((to approve a proposed transfer of territory))~~.

WSR 03-18-067

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 29, 2003, 8:47 a.m.]

Continuance of WSR 03-16-013.

Preproposal statement of inquiry was filed as WSR 03-09-022.

Title of Rule: WAC 180-82-105 Assignment of classroom teacher within districts.

Purpose: The purpose of the amendments to this rule is to establish a list of endorsement related assignments and to allow a school district to assign a teacher to an endorsement related area when no teacher with an endorsement in the assignment area is available.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District Board Room, 20420 68th Avenue West, Lynnwood, WA 98036-7400, on October 23, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 8, 2003, TDD (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 8, 2003.

Date of Intended Adoption: October 24, 2003.

August 27, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-038, filed 8/26/02, effective 9/26/02)

WAC 180-82-105 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates (~~who have completed provisional status with a school district under RCW 28A.405-220~~) may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-82-202.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11)(a) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teacher's endorsement and courses or classes which the board of directors of the district, using the endorsement-related assignment table published by the state board of education as a nonbinding guideline, determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(b) The endorsement-related assignment table published by the state board of education may not be changed without prior state board of education approval. Endorsement-related assigned classroom teachers must be evaluated annually specific to the assignment and achieve a satisfactory rating to continue in the assignment.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

WSR 03-18-069
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed August 29, 2003, 10:00 a.m.]

Original Notice.

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

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To amend the Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: Chapter 88.16 RCW.

Summary: The proposed rule reflects a new tonnage charge for vessels calling at the new bulk loading facility starting up at Port of Grays Harbor Terminal 2.

Reasons Supporting Proposal: In an effort to make the pilotage services more equitable for this class of vessel calling on the district, a pilotage service charge that is a flat rate rather than based on registered tonnage and draft is proposed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904.

Name of Proponent: Port of Grays Harbor, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed would amend the annual tariff by adding a pilotage service charge that is a flat rate rather than based on registered tonnage and draft, for the larger class of vessel that will be calling at the new bulk loading facility starting up at Port of Grays Harbor Terminal 2.

Proposal Changes the Following Existing Rules: The proposed rule amends the existing rule by adding a flat rate service charge for vessels calling at the new bulk loading facility starting up at Port of Grays Harbor Terminal 2.

The board may adopt a rule that varies from the proposed rule upon consideration of oral and written comments from any interested party or member of the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington State Board of Pilotage Commissioners concludes that implementation of this new rule does not impose a more than minor cost on businesses in the shipping industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on October 9, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by October 6, 2003, (206) 515-3904.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3906, by October 2, 2003.

Date of Intended Adoption: October 9, 2003.

August 28, 2003

Peggy Larson
Administrator

PROPOSED

AMENDATORY SECTION (Amending WSR 03-14-042, filed 6/24/03, effective 8/1/03)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective ((0001 hours August 1, 2003,)) through 2400 hours July 31, 2004.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement both inbound to the Grays Harbor pilotage district, and outbound from the district. The draft charges shall be \$80.99 per meter (or \$24.64 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

In lieu of the draft and tonnage fees listed above, each vessel that calls, and loads or discharges cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$5,000 for each vessel movement both inbound to the district, and outbound from the district.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
Delays per hour \$154.49
Cancellation charge (pilot only) \$258.22
Cancellation charge (boat or helicopter only) \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations \$172.00

Travel allowance:

Transportation fee per assignment	\$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred	
	\$903.82

Bridge transit:

Charge for each bridge transited	\$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	\$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 03-18-073
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 29, 2003, 2:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Purpose: To consider amendments to the Washington State Energy Code, chapter 51-11 WAC.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

Summary: The proposed rules amend the Washington State Energy Code. Proposals include a clarification of building commissioning requirements, updating economizer requirements, inclusion of aluminum frame windows in the default tables and updating the metal U-factor default table. (See below for itemized list of proposed changes.)

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 48350, Olympia, WA 98504-8350, (360) 725-2964; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed rule is to amend the Washington State Energy Code, including increasing the energy efficiency for buildings and structures, updating default tables, and clarifying building commissioning requirements for nonresidential buildings. The proposed amendments will provide greater simplicity, improved energy efficiency, and consistency with other state and national codes, than the existing requirements.

Proposal Changes the Following Existing Rules:

GENERAL

1. **Default U-Factors for Metal Assemblies (Table 10-5A):** This proposal would revise Table 10-5A to correspond with ASHRAE/IESNA Standard 90.1-2001, Section A3.3 and Table A-10. This provides a wider range of realistic options.

2. **Default U-Factors for Windows (Table 10-6):** This proposal adds prescriptive options for aluminum frames and revises sloped glazing values to correspond with revisions to Tables 13-1 and 13-2 to assist with prescriptive compliance.

3. **Default U-Factors for Doors (Table 10-7):** This proposal expands Table 10-7 to provide a wider range of options.

RESIDENTIAL

4. **Existing Buildings (Section 101.3.2.5):** A provision is proposed to allow residential alterations to use a prescriptive method of increasing glazing area rather than submitting calculations.

5. **Slab on Grade Insulation (Section 502.1.4.8):** This proposal provides a clarification that the slab insulation shall extend down 24 inches or to the top of the footing, whichever is less.

6. **Wall Assemblies (Section 602.2):** One additional wall assembly is proposed to meet R-21, and four new assemblies are proposed to meet R-21 int.

7. **Chapter 9:** The proposed amendment provides additional prescriptive options for meeting the heating systems sizing requirements using winter design temperatures as well as zones.

8. **Chapter 7:** The standards listed in Chapter 7 have been updated and reordered to eliminate duplication. This has necessitated some further editorial changes throughout the code to update references.

NONRESIDENTIAL

9. **Semi-Heated Space (Chapter 2, Section 1310):** The proposal revises the definitions of Heated Space and Semi-Heated Space to provide some consistency with the requirements in Oregon. Semi-heated spaces are exempted from the envelope provisions for wall insulation.

10. **Automatic Lighting Controls (Section 1132.3 and 1513.6):** This proposal adds automatic shut-off control requirements to unnecessary electric lighting energy consumption during the daytime to both new construction and altered spaces.

11. **Solar Heat Gain Coefficient (Sections 1312 and 1323.3):** This proposal would add alternate compliance options for SHGC.

12. **Slab Penetrations (Section 1322):** This proposal amends the exception allowing slab edge penetrations to remain uninsulated.

PROPOSED

13. Component Performance Option (Section 1330): This proposal eliminates the use of the 1989 version of EnvStd.

14. Building Envelope Requirements (Tables 13-1 and 13-2): This proposal upgrades fenestration requirements to reflect current practices and upgrades the wall assembly to reduce thermal bridging.

15. Water Cooled Systems (Section 1411.1, Tables 14-1K, 14-1L, and 14-1M): This proposal adopts the ASHRAE 90.1 NPLC efficiency tables for water cooled centrifugal chillers and sets a new compliance method.

16. Setback and Shut-off Controls (Section 1412.4): This proposal adds requirements for retention of programming and manual override, and allow exception for occupancy sensors and manual timers per ASHRAE Standard 90.1-2001.

17. Economizers (Sections 1413.3, 1423, 1433): The proposed amendments provide alternatives, clarifications, and consistency with national standards.

18. Duct Sealing (Section 1414.1): The proposed amendment provides consistency with the duct sealing changes adopted for the residential requirements.

19. Building Commissioning (Section 1416): The proposal rewrites the building commissioning requirements with better organizing and describing acceptable commissioning criteria.

20. Heat Recovery (Section 1436): The proposed amendments add provisions for steam condensate recovery for energy and water conservation, and update the requirements to current ASHRAE standards.

21. Electric Motor Efficiency (Section 1437): This proposal would require high-efficiency or electronically-commutated motors for small fan motors in series.

22. Service Water Heating (Section 1440): These proposals would require that service water heating equipment and commercial clothes washers meeting minimum efficiency requirements.

23. Prescriptive Lighting Requirements (Section 1521 and Table 15-1): These proposals revise the lighting power allowance based on current lighting practice and provide support for electronic dimming ballasts with photocell control for daylighting and lumen maintenance.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments have been reviewed by the Energy Code Technical Advisory Group and some were identified as having a cost impact on businesses required to comply with the rule. These costs were felt to be low to moderate increases in first cost on businesses required to comply. However, the increases do not represent a disproportionate cost to small business and if any additional first cost of construction is passed on to consumers, it will be completely offset by the consumer's energy savings. They are also offset by other cost-saving proposals.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/

Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0101 Section 101. Scope and general requirements.

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.

2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.

3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for residential occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating and lighting systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and 602, but shall comply with all other requirements for building mechanical systems, and service water heating.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a nonrenewable energy source, provided that the nonrenewable energy use for space conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.1.4: The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or struc-

ture comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The non-conforming addition and upgraded, existing occupancy shall have an energy budget or Target UA which is less than or equal to the unimproved existing building (minus any elements which are no longer part of the building envelope once the addition is added), with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use:

Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.

101.3.2.4 Alterations and Repairs: All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.2.5 Building Envelope: The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 ((~~6-6~~)) and 6-2. For Group R-3 and R-4 Occupancy alteration where the glazing area is being increased, the glazing U-factor shall comply with Prescriptive Option IV for Climate Zone 1 and Prescriptive Option V for Climate Zone 2.

EXCEPTIONS: 1. Untested storm windows may be installed over existing glazing for an assumed U-factor of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing shall comply with the appropriate reference case in Table 6-1 through Table ((~~6-6~~)) 6-2.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while,

for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if

- a. The roof is uninsulated or insulation is removed to the level of the sheathing, or
- b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

101.3.2.6 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

101.3.2.7 Service Water Heating: Those parts of systems which are altered or replaced shall comply with section 504.

101.3.2.8 Lighting: Alterations shall comply with section 1132.3.

EXCEPTION: Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.

101.3.3 Mixed Occupancy: When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.4 Amendments by Local Government: Except as provided in RCW 19.27A.020(7), this Code shall be the maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991.

AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-0105 Inspections and enforcement.

105.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official.

105.2 Approvals Required: No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

105.2.1 Required Inspections: The building official, upon notification, shall make the following inspection in addition to those inspections required in section ~~((108-5))~~ 109.3 of the Washington State ~~((Uniform))~~ Building Code:

1. Wall insulation inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

105.3 Reinspection: The building official may require a structure to be reinspected.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0108 Conflicts with other codes. In addition to the requirements of this Code, all occupancies shall conform to the provisions included in the State Building Code (chapter 19.27 RCW) ~~((and Uniform Building Code and Standards Adoption and Amendment rules (chapter 51-30 WAC)))~~. In case of conflicts among codes enumerated in RCW 19.27.031 (1), (2), (3), and (4) and this Code, the first named code shall govern over the following. Provided, in the case of conflict between the duct insulation requirements of this Code and the duct sealing and insulation requirements of ~~((Table 6-D))~~ Section 604 of the State Mechanical Code (chapter ~~((51-32))~~ 51-52 WAC), the duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Wherever in this Code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0201 Scope. The following definitions shall apply to chapters 1 through 20.

201.1 Application of Terms: For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

Addition: See the Washington State Building Code.

Advanced framed ceiling: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

Advanced framed walls: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

AFUE. Annual fuel utilization efficiency: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

Air conditioning, comfort: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

ARI: Air-Conditioning and Refrigeration Institute.

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials

Automatic: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See *Manual*.)

Below grade walls: Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

Boiler capacity: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

Building envelope: For Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1. For other than Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

Building, existing: See the Washington State Building Code.

Building official: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

Building project: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

Conditioned floor area: (See Gross conditioned floor area.)

Conditioned space: A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.

Cooled space: An enclosed space within a building that is cooled by a cooling system whose sensible capacity

a. exceeds 5 Btu/(h • ft²), or

b. is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.

COP - Coefficient of performance: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

Daylighted zone:

a. Under overhead glazing: the area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling

height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: the area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

Daylight sensing control (DS): A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

Deadband: The temperature range in which no heating or cooling is used.

Design cooling conditions: The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Design heating conditions: The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Door: All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

Door area: Total area of door measured using the rough opening and including the door and frame.

Dwelling unit: See the Washington State Building Code.

EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

Economizer, air: A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

Economizer, water: A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

Efficiency, HVAC system: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

Emissivity: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

Energy: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See *New energy*.)

Energy, recovered: (See *Recovered energy*.)

Exterior envelope: (See *Building envelope*.)

Facade area: Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-Factor: The perimeter heat loss factor expressed in Btu/hr • ft • °F.

F-Value: (See F-Factor.)

Garden window: A multisided glazing product that projects beyond the plane of the wall.

Glazed wall system: A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

Gross conditioned floor area: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

Gross exterior wall area: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. (See Below grade wall.)

Gross floor area: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Gross roof/ceiling area: A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented

airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

Guest room: See the Washington State Building Code.

Heat: The form of energy that is transferred by virtue of a temperature difference.

Heat storage capacity: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

Heated space (Fully heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or

b. ((8)) 15 Btu/(h • ft²) of heated floor area or greater in Climate Zone 1 and ((12)) 2.0 Btu/(h • ft²) of heated floor area or greater in Climate Zone 2.

Heated space (Semi-heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

a. whose output capacity is 3 Btu/(h • ft²) of heated floor area or greater in Climate Zone 1 and 5 Btu/(h • ft²) of heated floor area or greater in Climate Zone 2; and

b. is not a Heated Space (Fully Heated).

HSPF. Heating season performance factor: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

Humidistat: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC system components: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See HVAC system equipment.)

HVAC system efficiency: (See Efficiency, HVAC system.)

HVAC system equipment: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the

manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

Indirectly conditioned space: An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space**, **Cooled Space** and **Unconditioned Space**.)

Infiltration: The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

Insulation baffle: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

Insulation position:

a. **Exterior Insulation Position:** a wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** a wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** a wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

International Building Code (IBC): (See Washington State Building Code.)

International Mechanical Code (IMC): (See Washington State Building Code.)

IPLV—Integrated part-load value: A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

Manual: Capable of being operated by personal intervention. (See **Automatic**.)

Microcell: A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equip-

ment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

NFPA: National Fire Protection Association.

NFRC: National Fenestration Rating Council.

Net heat output: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

Net heat removal: The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

New energy: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

Nominal R-value: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

Nonrenewable energy sources: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

Nonresidential: All buildings and spaces in the (~~Uniform~~) International Building Code (~~(IBC)~~) (IBC) occupancies other than Group R.

Occupancy: See the Washington State Building Code.

Occupancy sensor: A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

Opaque envelope areas: All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

Open blown: Loose fill insulation pneumatically installed in an unconfined attic space.

Outdoor air (outside air): Air taken from the outdoors and, therefore, not previously circulated through a building.

Overhead glazing: A glazing surface that has a slope of less than 60° from the horizontal plane.

Packaged terminal air conditioner: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard ((RS-10)) RS-5.)

Permeance (perm): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour · ft² · inches of HG). Permeance may be measured using ASTM ((E-96-72)) E-96-00 or other approved dry cup method as specified in ((RS-27)) RS-1.

Personal wireless service facility: A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

Pool cover: A vapor-retardant cover which lies on or at the surface of the pool.

Power: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in custom-

ary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

Process energy: Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

Radiant slab floor: A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

Readily accessible: See the Washington State Mechanical Code.

Recooling: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

Recovered energy: Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

Reheat: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

Renewable energy sources: Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Reset: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

Roof/ceiling assembly: (See Gross roof/ceiling area.)

SEER - Seasonal Energy Efficiency Ratio: The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

Semi-heated space: Sub-category of **Heated Space**. (See **Heated Space**.)

Sequence: A consecutive series of operations.

Service systems: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

Service water heating: Supply of hot water for domestic or commercial purposes other than comfort heating.

Shaded: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

Shading coefficient: The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter ((28)) 30 of Standard ((RS-27)) RS-1, listed in Chapter 7 of this Code.

Shall: Denotes a mandatory code requirement.

Single family: One and two family residential dwelling units with no more than two units in a single building.

Skylight: (See Overhead glazing.)

Slab-below-grade: Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

Slab-on-grade, exterior: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

Small business: Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

Solar heat gain coefficient (SHGC): The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

Split system: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

Standard framing: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

Substantial contact: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

System: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

Tapering: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

Thermal by-pass: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

Thermal conductance (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr·ft²·°F).

Thermal resistance (R): The reciprocal of thermal conductance ($\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$).

Thermal transmittance (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($\text{Btu}/\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$).

Thermal transmittance, overall (U_o): The overall (average) heat transmission of a gross area of the exterior building envelope ($\text{Btu}/\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$). The U_o -factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

Thermostat: An automatic control device actuated by temperature and designed to be responsive to temperature.

Total on-site energy input: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

Transmission coefficient: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

Transverse joint: The primary connection between air distribution system fittings.

U-factor: (See thermal transmittance.)

U-Value: (See U-factor.)

~~(Uniform Building Code (UBC): (See Washington State Building Code.)~~

~~Uniform Mechanical Code (UMC): (See Washington State Mechanical Code.))~~

Uniform Plumbing Code (UPC): (See Washington State Plumbing Code.)

Unitary cooling and heating equipment: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Unitary heat pump: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Vapor retarder: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

Vaulted ceilings: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

Ventilation: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

Ventilation air: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

Vertical glazing: A glazing surface that has a slope of 60° or greater from the horizontal plane.

Walls (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

Washington State Building Code: The ~~((building code as modified by the))~~ Washington State Building Code is comprised of the International Building Code; the International Mechanical Code; the International Fire Code; the Uniform Plumbing Code; the state regulations for barrier-free facilities, as designated in RCW 19.27.031; the State Energy Code; and any other codes so designated by the Washington state legislature as adopted and amended by the State Building Code Council.

~~((Washington State Mechanical Code: The mechanical code as modified by the Washington State Building Code Council.~~

~~Washington State Plumbing Code: The plumbing code as modified by the Washington State Building Code Council.))~~

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0402 Systems analysis.

402.1 Special Requirements for All Group R Occupancy:

402.1.1 Energy Budgets: Proposed buildings designed in accordance with this section shall be designed to use no more energy from nonrenewable sources for space heating, and domestic hot water heating than a standard building whose enclosure elements and energy consuming systems are designed in accordance with section 502.2 of this Code for the appropriate climate zone, and heating system type. Energy derived from renewable sources may be excluded from the total annual energy consumption attributed to the alternative building.

402.1.2 Calculation of Energy Consumption: The application for a building permit shall include documentation which demonstrates, using a calculation procedure as listed in Chapter 8, or an approved alternate, that the proposed building's annual space heating energy use does not exceed the annual space heating and water heating energy use of a standard building conforming to Chapter 5 of this Code for the

appropriate climate zone. The total calculated annual energy consumption shall be shown in units of ((~~kWh/ft²-year or Btu/ft²-year~~) kWh/ft²-yr or Btu/ft²-yr of conditioned area.

402.1.3 Input Values: The following standardized input values shall be used in calculating annual space heating budgets:

PARAMETER	VALUE
Thermostat set point, heating	65° F
Thermostat set point, cooling	78° F
Thermostat night set back	65° F
Thermostat night set back period	0 hours
Internal gain	
R-3 and R-4 units	3000 Btu/hr
R-1 and R-2 units	1500 Btu/hr
Domestic Hot Water Heater Setpoint	120° F
Domestic Hot Water Consumption	20 gallons/person/day.
Minimum heat storage	Calculated using standard engineering practice for the actual building or as approved.
Site weather data	Typical meteorological year (TMY) or ersatz TMY data for the closest appropriate TMY site or other sites as approved.
Heating equipment efficiency	
Electric resistance heat	1.00
Heat Pumps	6.80 HSPF.
Other Fuels	0.78 AFUE.

The standard building shall be modeled with glazing area distributed equally among the four cardinal directions. Parameter values that may be varied by the building designer to model energy saving options include, but are not limited to, the following:

1. Overall thermal transmittance, U_e, of building envelope or individual building components;
2. Heat storage capacity of building;
3. Glazing orientation; area; and solar heat coefficients;
4. Heating system efficiency.

402.1.4 Solar Shading and Access: Building designs using passive solar features with eight percent or more south facing equivalent glazing to qualify shall provide to the building official a sun chart or other approved documentation depicting actual site shading for use in calculating compliance under this section. The building shall contain at least forty-five Btu/°F for each square foot of south facing glass.

402.1.5 Infiltration: Infiltration levels used shall be set at 0.35 air changes per hour for thermal calculation purposes only.

402.1.6 Heat Pumps: The heating season performance factor (HSPF) for heat pumps shall be calculated using procedures consistent with section 5.2 of the U.S. Department of Energy Test Procedure for Central Air Conditioners, including heat pumps published in the December 27, 1979 Federal Register Vol. 44, No. 24.10 CFR 430. Climate data as specified above, the proposed buildings overall thermal performance value (Btu/°F) and the standardized input assumptions specified above shall be used to model the heat pumps HSPF.

402.2 Energy Analysis: Compliance with this chapter will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

EXCEPTIONS: Chapters 5, and 6 of this Code establish criteria for different energy-consuming and enclosure elements of the building which, will eliminate the requirement for an annual systems energy analysis while meeting the intent of this Code.

A building designed in accordance with this chapter will be deemed as complying with this Code if the calculated annual energy consumption is not greater than a similar building (defined as a "standard design") whose enclosure elements and energy-consuming systems are designed in accordance with Chapter 5.

For an alternate building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule.

402.3 Design: The standard design, conforming to the criteria of Chapter 5 and the proposed alternative design shall be designed on a common basis as specified herein:

The comparison shall be expressed as kBtu or kWh input per square foot of conditioned floor area per year at the building site.

402.4 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed alternative building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in section 402.5.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon eight thousand seven hundred sixty hours of operation of the building and its service systems.

402.5 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Environmental requirements as required in Chapter 3.

PROPOSED

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air, moisture and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity, part load profile.

f. Building loads—Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

EXCEPTION: Group R Occupancy shall comply with calculation procedures in Chapter 8, or an approved alternate.

402.6 Documentation: Proposed alternative designs, submitted as requests for exception to the standard design criteria, shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 of this Code.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this Section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters ~~((21-29))~~ 23-30 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.

2. Standard ~~((RS-25))~~ RS-1, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.

3. The zone method as provided in Chapter ~~((24))~~ 25 of Standard RS-1, listed in Chapter 7.

4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections ~~((2602 and/or 707))~~ 2603 and/or 719 of the ~~((Uniform))~~ International Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with ~~((UBC Standard 8-1))~~ ASTM E84-01.

EXCEPTIONS: 1. Foam plastic insulation shall comply with section ~~((2602 of the Uniform))~~ 2603 of the International Building Code.

2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.

3. Cellulose insulation shall comply with section ((797-of the Uniform)) 719 of the International Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the ((Uniform)) International Building Code section ((1505-3)) 1203.2 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. See ((Uniform)) International Mechanical Code section ((607)) 602.3 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the ((frostline)) top of the footing, whichever is less. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS: 1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:

- a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and
- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in Table 6-1 or 6-2 options except the unlimited glazing area options ((Option III in Table 6-1 and Option IV)) Options IV and V in Table 6-1 and Options V and VI in Table 6-2:

- a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e = 0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and

- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

EXCEPTIONS: 1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.

2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

502.1.5.2 Standard Procedure for Determination of Door U-factors: All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

EXCEPTIONS: 1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.

2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in the U-factor calculation requirements, however glazing area shall be included in glazing area calculations.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

EXCEPTION: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. **Electric Resistance:** Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. **Other:** All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems.

(See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 and R-2 Occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable house-wrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct sealing. For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-42 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.
2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is
 - a. 40,000 Btu/h or less is exempt from the sizing limit,
 - b. larger than 40,000 Btu/h may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than ninety (90%) percent.
3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the 1987 National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling

shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shutoff:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on tem-

perature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Ducts.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the 1985 Edition of the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return duct transverse joints, and enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), or mastic-plus-embedded-fabric systems installed in accordance with the manufacturer's installation instructions.

EXCEPTIONS: 1. Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.

2. UL 181A listed tapes used with listed rigid fibrous glass ducts may be used as the primary sealant, when installed in accordance with the listing.
3. UL 181B listed tapes used with listed flexible air ducts may be used as the primary sealant, when installed in accordance with the listing.
4. Where enclosed stud bays or joist cavities/spaces are used to transport air sealing may be accomplished using drywall, drywall tape plus joint compound.
5. Tapes installed in accordance with the manufacturer's installation instructions, providing detailed information specific to application on ducts, including approved duct materials and required duct surface cleaning.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

PROPOSED

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter ((51-46)) 51-56 WAC).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0504 Service water heating.

504.1 Scope: The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers:

504.2.1 Performance Efficiency: All Storage water heaters shall meet the requirements of the 1987 National Appliance Energy Conservation Act and be so labeled. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
<50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
>70 gallon storage	0.55	0.70

504.2.2 Insulation: Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft² of external tank surface area. The design ambient temperature shall be no higher than sixty-five degrees F.

504.2.3 Combination Service Water Heating/Space Heating Boilers: Service water heating equipment shall not be dependent on year round operation of space heating boilers.

- EXCEPTIONS: 1. Systems with service/space heating boilers having a standby loss Btu/h less than:
 $(13.3 \text{ pmd} + 400)/n$
determined by the fixture count method where:
pmd = probably maximum demand in gallons/hour as determined in accordance with Chapter ((37)) 48 of Standard RS-11.
n = fraction of year when outdoor daily mean temperature exceeds 64.9° F.

The standby loss is to be determined for a test period of twenty-four-hour duration while maintaining a boiler water temperature of ninety degrees F above an ambient of sixty degrees F and a five foot stack on appliance.

2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls: Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to one hundred twenty degrees F or forty-nine degrees C.

504.4 Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools:

504.5.1: All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to sixty-five degrees F.

504.5.2 Pool Covers: Heated swimming pools shall be equipped with a pool cover, approved by the building official.

504.6 Pump Operation: Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation: Piping shall be thermally insulated in accordance with section 503.11.

504.8 Conservation of Hot Water:

504.8.1 Showers and Lavatories: Showers and lavatories used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads or aerators to limit the total water flow rate as set forth in chapter ((51-26)) 51-56 WAC, as measured with both hot and cold faucets turned on to their maximum flow.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0505 Lighting.

505.1 **Lighting Controls:** Hotel and motel guest rooms and guest suites shall have a master control device at the main room entry that controls all permanently installed luminaires and switched receptacles.

505.2 **Lighting Power:** Lighting shall comply with the Prescriptive Lighting Option in Section 1520 or the Lighting Power Allowance Option in Section 1530.

- EXCEPTIONS: 1. Group R-3 and R-4 Occupancy and the dwelling unit portions of Group R-1 and R-2 Occupancy.
2. Lighting exempted by Section 1512.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0601 Scope.

601.1 General: This chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this chapter are applicable to all Group R Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

For wood frame assemblies, the building envelope requirements of this chapter may be met by installing one of the prescriptive packages in Table 6-1 or 6-2. Installed components shall meet the requirements of section 602. Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members. Other than wood frame assemblies with continuous insulation uninterrupted by framing shall also be allowed to comply with nominal R-values.

For metal frame assemblies, compliance shall be demonstrated in accordance with Chapter 4 or Chapter 5 based on the assemblies in Chapter 10. Compliance with nominal R-values is not allowed, unless the full nominal R-value of the insulation is installed either inside or outside of the framing and is uninterrupted by framing.

EXCEPTION: Group R-1 and R-2 Occupancy buildings may use a maximum area weighted average U-factor for components not exceeding those prescribed in Paths III and V in Table 6-1 or Paths IV and VI in Table 6-2.

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0602 Building envelope requirements for Group R Occupancy.

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Table 6-1 or 6-2 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Table 6-1 or 6-2 as applicable. ~~((The following))~~ Walls 1 through 4 should be considered to meet R-21 without additional documentation:

1. 2 x 6 framed and insulated with R-21 fiberglass batts.
2. 2 x 4 framed and insulated with R-15 fiberglass batts plus R-4.0 foam sheathing.
3. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-5.0 foam sheathing.
4. 2 x 4 framed and insulated with R-15 fiberglass batts, plus up to 25% of the wall area insulated with R-2.5 foam sheathing, the remainder of the wall area insulated with R-5.0 foam sheathing.

Walls 5 through 8 should be considered to meet R-21 int. without additional documentation:

5. 2 x 6 framed and insulated with R-21 fiberglass batts plus R-10 foam insulated headers.

6. 2 x 4 framed and insulated with R-15 fiberglass batts plus R-5.0 foam sheathing.

7. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-6.0 foam sheathing.

8. 2 x 4 framed and insulated with R-15 fiberglass batts, plus up to 25% of the wall area insulated with R-3.0 foam sheathing, the remainder of the wall area insulated with R-6.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in Table 6-1 or 6-2 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Table 6-1 or 6-2 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Table 6-1 or 6-2.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

- EXCEPTIONS:
1. Doors whose area and U-factor are included in the calculations for compliance with the requirements for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in Table 6-1 or 6-2.
 2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed per unit for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in Table 6-1 or 6-2.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Table 6-1 or 6-2. This area shall also include any glazing in doors.

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in Table 6-1 or 6-2. U-fac-

for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

If the U-factors for all vertical and overhead glazing products are below the appropriate U-factor specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-factors shall be included in the plans submitted with a building permit application.

EXCEPTION: Single glazing for ornamental, security, or architectural purposes and double glazed garden windows with a wood or vinyl frame shall be exempt from the U-factor calculations but shall have its area tripled and shall be included in the percentage of the total glazing area as allowed for in Table 6-1 or 6-2. The maximum area (before tripling) allowed for the total of all single glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

PROPOSED

AMENDATORY SECTION (Amending WSR 02-24-076, filed 12/4/02, effective 5/1/03)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	12%	0.35	0.58	0.20	R-38	R-30	R-15	R-15	R-10	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
III.	25% Group R-1 and R-2 Occupancy only	0.40	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = 0.060	R-15	R-10	R-30/ U = 0.029	R-10
IV.	Unlimited Group R-3 and R-4 Occupancy only	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
V.	Unlimited Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21/ U = 0.060	R-15	R-10	R-30/ U = 0.029	R-10

* Reference Case

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.40	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-12	R-30	R-10
III.	17%	0.37	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-12	R-30	R-10
IV.	25% Group R-1 and R-2 Occupancy only	0.35	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int ⁷ / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10 /F = 0.54
V.	Unlimited Group R-3 and R-4 Occupancy only	0.35	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
VI.	Unlimited Group R-1 and R-2 Occupancy only	0.32	0.58	0.20	R-38/ U = 0.031	R-30/ U = 0.034	R-21 int ⁷ / U = 0.054	R-15	R-12	R-30/ U = 0.029	R-10 /F = 0.54

* Reference Case

0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option

(or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.

2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.

3. Requirement applicable only to single rafter or joist vaulted ceilings.

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4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of ~~((R-5))~~ R-10 insulation.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U = 0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0701 Scope. The following standards shall apply to Chapters 1 through 20. The standards and portions thereof, which are referred to in various parts of this Code shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

REFERENCE STANDARD	TITLE AND SOURCE
RS-1	((Same as RS-27-)) <u>2001 ASHRAE Fundamentals Handbook.</u>
RS-2	((through)) <u>Super Good Cents Technical Reference C Builder's Field Guide.</u>
RS-3	(Reserved.)
RS-4	ASHRAE Standard 55-92 Thermal Environmental Conditions for Human Occupancy.
RS-5	((through RS-8 (Reserved-))) <u>1998 ASHRAE Refrigeration Handbook.</u>
<u>RS-6</u>	<u>SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.</u>
<u>RS-7</u>	<u>SMACNA, HVAC Duct Construction Standards, Metal and Flexible, 2nd Edition, 1995.</u>
<u>RS-8</u>	<u>SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.</u>
RS-9	((ASHRAE/IES Standard 90.1-1989, Efficient Design of New)) <u>ASHRAE/IESNA Standard 90.1-2001, Energy Standard for Buildings Except ((New)) Low-Rise Residential Buildings.</u>

REFERENCE STANDARD NO.	TITLE AND SOURCE
RS-10	((Standard for Packaged Terminal Air Conditioners and Heat Pumps, ARI Standard-310/380-93-)) <u>2000 ASHRAE Systems and Equipment Handbook.</u>
RS-11	1999 ASHRAE HVAC Systems and Applications Handbook.
RS-12	through ((RS-14)) <u>RS-28 (Reserved.)</u>
((RS-15))	1996 ASHRAE System and Equipment Handbook.
RS-16	SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.
RS-17	Same as RS-18.
RS-18	SMACNA, HVAC Duct Construction Standards Metal and Flexible, 2nd Edition, 1995.
RS-19	SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.
RS-20	1998 ASHRAE Refrigeration Handbook.
RS-21	Same as Standard RS-10.
RS-22	through RS-24 (Reserved-)
RS-25	Same as RS-27.
RS-26	Super Good Cents Technical Reference (Builder's Field Guide).
RS-27	1997 ASHRAE Fundamentals Handbook.
RS-28	(Reserved-))
RS-29	Nonresidential Building Design by Systems Analysis.
RS-30	Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
RS-31	National Fenestration Rating Council (NFRC) Standard 100- ((1997)) <u>2001.</u>

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036
 Phone ((☎)212((☎))-642-4900 fax ((☎)212((☎))-398-0023,
 Internet www.ansi.org

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 N. Fairfax Dr., Suite 425, Arlington, VA 22203
 Phone ((☎)703((☎))-524-8800 fax ((☎)703((☎))-528-3816,
 Internet www.ari.org

ASHRAE refers to the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329
 Phone ((☎)404((☎))-636-8400 fax ((☎)404((☎))-321-5478,
 Internet www.ashrae.org

ASTM refers to the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
 Phone ((610)832-9585) fax ((610)832-9555, Internet www.astm.org

CTI refers to the Cooling Tower Institute, 530 Wells Fargo Drive, Suite 218, Houston, TX 77090
 Phone ((281)583-4087) fax ((281)537-1721, Internet www.cti.org

(IESNA) IESNA refers to the Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, NY 10005-4001
 Phone ((212)248-5000) fax ((212)248-5017, Internet www.iesna.org

NFRC refers to the National Fenestration Rating Council, Incorporated, ~~((1300 Spring Street))~~ 8484 Georgia Avenue, Suite ((590)) 320, Silver Spring, Maryland 20910
 Phone ~~((301)589-NFRC))~~ 301-589-1776 fax ((301)588-0854, Internet www.nfrc.org

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, P.O. Box 221230, Chantilly, VA 20153-1230
 Phone ((703)803-2980) fax ((703)803-3732, Internet www.smacna.org

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0900 Section 0900—Prescriptive heating system sizing. When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:

((Climate Zone 1 20 Btu/h-ft²
 Climate Zone 2 25 Btu/h-ft²))

Climate Zone 1

Winter Design Temperature (°F)	Btu/h/sf
>22	20
22-17	23
16-11	25
<11	27

Climate Zone 2

Winter Design Temperature (°F)	Btu/h/sf
>10	25
9-1	27
<1	29

Winter design temperatures are to be determined in accordance with Section 302.1.

Winter Design Temperatures (°F) for Washington State (Values from ASHRAE's "Recommended Outdoor Design Temperatures in Washington State" (second edition, 1986) may also be used)

<u>Aberdeen</u>	<u>25</u>
<u>Anacortes</u>	<u>24</u>
<u>Bellingham</u>	<u>19</u>
<u>Benton City</u>	<u>11</u>
<u>Blaine</u>	<u>17</u>
<u>Bremerton</u>	<u>29</u>
<u>Burlington</u>	<u>19</u>
<u>Chehalis</u>	<u>21</u>
<u>Chelan</u>	<u>10</u>
<u>Clallam Bay</u>	<u>28</u>
<u>Clarkston</u>	<u>10</u>
<u>Colville AP</u>	<u>-2</u>
<u>Concrete</u>	<u>19</u>
<u>Coulee Dam</u>	<u>9</u>
<u>Ellensburg</u>	<u>2</u>
<u>Enumclaw</u>	<u>26</u>
<u>Ephrata AP</u>	<u>7</u>
<u>Everett Paine</u>	<u>21</u>
<u>Forks IE</u>	<u>23</u>
<u>Goldendale</u>	<u>7</u>
<u>Hoquiam AP</u>	<u>26</u>
<u>Kelso AP</u>	<u>24</u>
<u>Kennewick</u>	<u>13</u>
<u>Lacrosse</u>	<u>-3</u>
<u>La Grande</u>	<u>23</u>
<u>Leavenworth</u>	<u>-3</u>
<u>Long Beach</u>	<u>25</u>
<u>Longview</u>	<u>24</u>
<u>Lynden</u>	<u>18</u>
<u>Lynnwood</u>	<u>24</u>
<u>Metaline Falls</u>	<u>-1</u>
<u>Methow</u>	<u>1</u>
<u>Newhalem</u>	<u>19</u>
<u>Newport</u>	<u>-5</u>
<u>Olga 2 SE</u>	<u>24</u>
<u>Olympia AP</u>	<u>17</u>
<u>Omak 2 NW</u>	<u>3</u>
<u>Othello</u>	<u>9</u>
<u>Packwood</u>	<u>16</u>
<u>Pasco</u>	<u>13</u>
<u>Port Angeles</u>	<u>28</u>
<u>Port Orchard</u>	<u>29</u>
<u>Port Townsend</u>	<u>25</u>
<u>Prosser</u>	<u>12</u>

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<u>Pullman Exp. Sta.</u>	<u>1</u>
<u>Raymond</u>	<u>28</u>
<u>Republic</u>	<u>-9</u>
<u>Richland</u>	<u>11</u>
<u>Ritzville</u>	<u>6</u>
<u>Seattle: SeaTac</u>	<u>24</u>
<u>Sequim</u>	<u>23</u>
<u>Shelton</u>	<u>23</u>
<u>Snohomish</u>	<u>21</u>
<u>Snoqualmie Pass</u>	<u>6</u>
<u>Spokane AP</u>	<u>4</u>
<u>Stampede Pass</u>	<u>7</u>
<u>Startup 1 E</u>	<u>20</u>
<u>Stevens Pass</u>	<u>6</u>
<u>Sumner</u>	<u>19</u>
<u>Sunnyside</u>	<u>12</u>
<u>Tacoma CO</u>	<u>29</u>
<u>Toledo AP</u>	<u>17</u>
<u>Toppenish</u>	<u>11</u>
<u>Vancouver</u>	<u>22</u>
<u>Vashon Island</u>	<u>28</u>
<u>Walla Walla</u>	<u>6</u>
<u>Wapato</u>	<u>10</u>
<u>Waterville</u>	<u>1</u>
<u>Wenatchee CO</u>	<u>10</u>
<u>Whidbey Island</u>	<u>11</u>
<u>Wilbur</u>	<u>4</u>
<u>Willapa Harbor</u>	<u>26</u>
<u>Winthrop 1 WSW</u>	<u>-12</u>
<u>Yakima AP</u>	<u>11</u>

Example: A 2000 ft² house in Zone 2, ~~((heated with gas))~~ in a location with a winter design temperature of 8°F,

would not have to submit a design heat load if the proposed furnace is ~~((50,000))~~ 54,000 Btu or less.

$$2000 \times ((25)) \underline{27} = ((50,000)) \underline{54,000}$$

Disclaimer: All heating systems shall be designed and installed in accordance with ~~((Uniform))~~ International Building Code Section ((310.11)) 1204.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1001 Section 1001 General.

1001.1 Scope: The following defaults shall apply to Chapters 1 through 20. This chapter includes tables of seasonal average heat-loss coefficients for specified nominal insulation. The heat-loss coefficients may also be used for heating system sizing.

1001.2 Description: These coefficients were developed primarily from data and procedures from Standard ~~((RS-27))~~ RS-1, and taken specifically from Standard ~~((RS-26))~~ RS-2, listed in Chapter 7.

Coefficients not contained in this chapter may be computed using the procedures listed in these references if the assumptions in the following sections and Standard ~~((RS-26))~~ RS-2, listed in Chapter 7, are used, along with data from the sources referenced above.

1001.3 Air Films: Default R-values used for air films shall be as follows:

R-Value	Condition
0.17	All exterior surfaces
0.61	Interior horizontal surfaces, heat flow up
0.92	Interior horizontal surfaces, heat flow down
0.68	Interior vertical surfaces

1001.4 Compression of Insulation: Insulation which is compressed shall be rated in accordance with Table 10-A or reduction in value may be calculated in accordance with the procedures in Standard ~~((RS-27))~~ RS-1, listed in Chapter 7.

TABLE 10-A
R-Value of Fiberglass Batts Compressed within Various Depth Cavities

R-Value		Insulation R-Value at Standard Thickness										
		38	30	22	21	19	15	13	11	8	5	3
Standard Thickness		12"	9-1/2"	6-3/4"	5-1/2"	6-1/4"	3-1/2"	3-5/8"	3-1/2"	2-1/2"	1-1/2"	3/4"
Nominal Lumber Sizes, Inches	Actual Depth of Cavity, Inches	Insulation R-Values when Installed in a Confined Cavity										
2 x 12	11-1/4	37	—	—	—	—	—	—	—	—	—	—
2 x 10	9-1/4	32	30	—	—	—	—	—	—	—	—	—
2 x 8	7-1/4	27	26	—	—	—	—	—	—	—	—	—
2 x 6	5-1/2	—	21	20	21	18	—	—	—	—	—	—
2 x 4	3-1/2	—	—	14	—	13	15	13	11	—	—	—
2 x 3	2-1/2	—	—	—	—	—	—	9.8	—	—	—	—
2 x 2	1-1/2	—	—	—	—	—	—	6.3	6.0	5.7	5.0	—
2 x 1	3/4	—	—	—	—	—	—	—	—	—	3.2	3.0

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1004 Section 1004: Floors over unconditioned space.

1004.1 General: Tables 10-3, 10-4 and 10-4a list heat-loss coefficients for floors over unconditioned spaces in units of Btu/h•ft²•°F.

They are derived from procedures listed in ((RS-27)) RS-1, listed in Chapter 7, assuming an average outdoor temperature of 45°F, an average indoor temperature of 65°F, and a crawlspace area of 1350 ft² and 100 ft of perimeter. The crawlspace is assumed to be 2.5 feet high, with 24 inches below grade and 6 inches above grade.

1004.2 Crawlspace Description: Four configurations are considered: Vented crawlspace, unvented crawlspace, heated plenum crawlspace and exposed floor.

Vented crawlspaces: Assumed to have 3.0 air-changes per hour, with at least 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated.

Floors over unheated areas, such as garages, may only use those values which have R-0 perimeter insulation.

Unvented crawlspaces: Assumed to have 1.5 air changes per hour, with less than 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated. Floors over unheated basements may only use those values which have R-0 perimeter insulation.

Heated-plenum crawlspaces: Assumed to have 0.25 air-changes per hour, with no foundation vents. Heated supply air from central furnace is blown into a crawlspace and allowed to enter the living space unducted via holes cut into the floor.

Enclosed floors: Assumes no buffer space, and a covering of one-half inch of T1-11 on the exterior of the cavity exposed to the outside air or rigid insulation below a concrete floor, such as over parking garages.

1004.3 Construction Description: Floors are assumed to be either joisted floors framed on sixteen inch centers, or post and beam on four by eight foot squares. Insulation is assumed to be installed under the subflooring between the joists or beams with no space between the insulation and the subfloor. Insulation is assumed to be uncompressed. Exposed floors also include concrete with continuous rigid insulation assumed.

Perimeter insulation is assumed to extend from the top of the rim joist to the crawlspace floor and then inward along the ground (on top of the ground cover) for at least twenty-four inches.

Floor coverings are assumed to be light carpet with rubber pad.

**TABLE 10-3
DEFAULT U-FACTORS FOR FLOORS OVER
VENTED CRAWLSPACE OR
UNHEATED BASEMENT**

Nominal R-value		U-factor	
Floor	Perimeter	Post & Beam	Joists
0	0	0.112	0.134
	11	0.100	0.116
	19	0.098	0.114
	30	0.093	0.107
11	0	0.052	0.056
	11	0.048	0.052
19	0	0.038	0.041
	11	0.036	0.038
22	0	0.034	0.037
	11	0.033	0.035
25	0	0.032	0.034
	11	0.031	0.033
30	0	0.028	0.029
	11	0.027	0.028
38	0	0.024	0.025
	11	0.024	0.024

**TABLE 10-4
DEFAULT U-FACTORS FOR FLOORS OVER
HEATED PLENUM CRAWLSPACES**

Nominal R-value Perimeter	U-factor
11	0.085
19	0.075
30	0.069

**TABLE 10-4A
EXPOSED FLOOR**

Nominal R-value	U-factor		
	Concrete	Wood Joist	Metal Joist
R-11	0.077	0.088	0.14
R-15	0.059	0.076	0.12
R-19	0.048	0.062	0.11
R-21	0.043	0.057	0.11
R-25	0.037	0.051	0.10
R-30	0.031	0.040	0.09
R-38	0.025	0.034	0.08

Note: Crawlspaces used as heated plenums have approximately 30% higher heat-loss rate than unvented crawlspaces with the same assumed ACH. Default U-values in Table 10-4 reflect this higher rate of heat loss.

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AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1005 Section 1005: Above-grade walls.

Section 1005.1 General: Table 10-5, 10-5A and 10-5B list heat-loss coefficients for the opaque portion of above-grade wood stud frame walls, metal stud frame walls and concrete masonry walls (Btu/h•ft²•°F) respectively. They are derived from procedures listed in ((RS-27)) RS-1, listed in Chapter 7. For intermediate floor slabs which penetrate the insulated wall, use the concrete wall U-factors in Table 10-5B.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with one-half inch gypsum wallboard, and on the outside with either beveled wood siding over one-half inch plywood sheathing or with five-eighths inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

1005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/ exterior wall intersections use two studs in the exterior wall.

Framing weighting factors:	Studs and plates	.19
	Insulated cavity	.77
	Headers	.04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double 2X material with R-10 insulation between the header and

exterior sheathing. Interior partition wall/ exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.18
	Insulated cavity	.78
	Headers	.04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/ exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.13
	Insulated cavity	.83
	Headers	.04

1005.3 Component Description: Default coefficients for four types of walls are listed: single-stud walls, metal stud walls, strap walls, and double-stud walls.

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Metal Stud Wall: Assumes metal studs spaced on 16 or 24 inch centers with insulation installed to fill wall cavities. Continuous rigid board insulation is applied without creating uninsulated voids in the wall assembly.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, nonstructural wall. Insulation is placed in both wall cavities and in the space between the 2 walls. Stud spacing is assumed to be on 24 inch centers for both walls.

**TABLE 10-5
DEFAULT U-FACTORS FOR ABOVE-GRADE WALLS**

2 x 4 Single Wood Stud: R-11 Batt

R-value of Foam Board	Siding Material/Framing Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.088	0.084	0.094	0.090
1	0.080	0.077	0.085	0.082
2	0.074	0.071	0.078	0.075
3	0.069	0.066	0.072	0.070
4	0.064	0.062	0.067	0.065
5	0.060	0.058	0.063	0.061
6	0.056	0.055	0.059	0.057

NOTE:

Nominal Batt R-value:
R-11 at 3.5 inch thickness

Installed Batt R-value:
R-11 in 3.5 inch cavity

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2 x 4 Single Wood Stud: R-11 Batt

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
7	0.053	0.052	0.055	0.054
8	0.051	0.049	0.052	0.051
9	0.048	0.047	0.050	0.049
10	0.046	0.045	0.047	0.046
11	0.044	0.043	0.045	0.044
12	0.042	0.041	0.043	0.042

2 x 4 Single Wood Stud: R-13 Batt

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.082	0.078	0.088	0.083
1	0.075	0.072	0.080	0.076
2	0.069	0.066	0.073	0.070
3	0.065	0.062	0.068	0.065
4	0.060	0.058	0.063	0.061
5	0.057	0.055	0.059	0.057
6	0.053	0.052	0.056	0.054
7	0.051	0.049	0.052	0.051
8	0.048	0.047	0.050	0.048
9	0.046	0.045	0.047	0.046
10	0.044	0.043	0.045	0.044
11	0.042	0.041	0.043	0.042
12	0.040	0.039	0.041	0.040

NOTE:

Nominal Batt R-value:
R-13 at 3.63 inch thickness

Installed Batt R-value:
R-12.7 in 3.5 inch cavity

2 x 4 Single Wood Stud: R-15 Batt

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.076	0.071	0.081	0.075
1	0.069	0.065	0.073	0.069
2	0.064	0.061	0.068	0.069
3	0.060	0.057	0.063	0.059
4	0.056	0.053	0.059	0.056
5	0.053	0.051	0.055	0.052
6	0.050	0.048	0.052	0.050
7	0.047	0.046	0.049	0.047
8	0.045	0.044	0.047	0.045
9	0.043	0.042	0.044	0.043
10	0.041	0.040	0.042	0.041
11	0.039	0.038	0.041	0.039
12	0.038	0.037	0.039	0.038

NOTE:

Nominal Batt R-value:
R-15 at 3.5 inch thickness

Installed Batt R-value:
R-15 in 3.5 inch cavity

PROPOSED

2 x 6 Single Wood Stud: R-19 Batt

PROPOSED

NOTE:

Nominal Batt R-value:
R-19 at 6 inch thickness

Installed Batt R-value:
R-18 in 5.5 inch cavity

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.062	0.058	0.055	0.065	0.061	0.058
1	0.058	0.055	0.052	0.060	0.057	0.055
2	0.054	0.052	0.050	0.056	0.054	0.051
3	0.051	0.049	0.047	0.053	0.051	0.049
4	0.048	0.046	0.045	0.050	0.048	0.046
5	0.046	0.044	0.043	0.048	0.046	0.044
6	0.044	0.042	0.041	0.045	0.044	0.042
7	0.042	0.040	0.039	0.043	0.042	0.040
8	0.040	0.039	0.038	0.041	0.040	0.039
9	0.038	0.037	0.035	0.039	0.038	0.037
10	0.037	0.036	0.035	0.038	0.037	0.036
11	0.036	0.035	0.034	0.036	0.035	0.035
12	0.034	0.033	0.033	0.035	0.034	0.033

2 x 6 Single Wood Stud: R-21 Batt

NOTE:

Nominal Batt R-value:
R-21 at 5.5 inch thickness

Installed Batt R-value:
R-21 in 5.5 inch cavity

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.057	0.054	0.051	0.060	0.056	0.053
1	0.054	0.051	0.048	0.056	0.053	0.050
2	0.050	0.048	0.045	0.052	0.050	0.047
3	0.048	0.045	0.043	0.049	0.047	0.045
4	0.045	0.043	0.041	0.047	0.045	0.043
5	0.043	0.041	0.040	0.044	0.042	0.041
6	0.041	0.039	0.038	0.042	0.041	0.039
7	0.039	0.038	0.036	0.040	0.039	0.037
8	0.038	0.036	0.035	0.039	0.037	0.036
9	0.036	0.035	0.034	0.037	0.036	0.035
10	0.035	0.034	0.033	0.036	0.035	0.033
11	0.033	0.033	0.032	0.034	0.033	0.032
12	0.032	0.031	0.031	0.033	0.032	0.031

2 x 6 Single Wood Stud: R-22 Batt

NOTE:

Nominal Batt R-value:
R-22 at 6.75 inch thickness

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.059	0.055	0.052	0.062	0.058	0.054
1	0.055	0.052	0.049	0.057	0.054	0.051
2	0.052	0.049	0.047	0.054	0.051	0.048
3	0.049	0.046	0.044	0.050	0.048	0.046

2 x 6 Single Wood Stud: R-22 Batt

Installed Batt R-value:
R-20 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
4	0.046	0.044	0.042	0.048	0.046	0.044
5	0.044	0.042	0.041	0.045	0.043	0.042
6	0.042	0.040	0.039	0.043	0.042	0.040
7	0.040	0.039	0.037	0.041	0.040	0.038
8	0.038	0.037	0.036	0.039	0.038	0.037
9	0.037	0.036	0.035	0.038	0.037	0.035
10	0.035	0.034	0.033	0.036	0.035	0.034
11	0.034	0.033	0.032	0.035	0.034	0.033
12	0.033	0.032	0.031	0.034	0.033	0.032

2 x 6 Single Wood Stud: Two R-11 Batts

NOTE:
Nominal Batt R-value:
R-22 at 7 inch thickness

Installed Batt R-value:
R-18.9 in 5.5 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.060	0.057	0.054	0.063	0.059	0.056
1	0.056	0.053	0.051	0.059	0.056	0.053
2	0.053	0.050	0.048	0.055	0.052	0.050
3	0.050	0.048	0.046	0.052	0.049	0.047
4	0.047	0.045	0.044	0.049	0.047	0.045
5	0.045	0.043	0.042	0.046	0.045	0.043
6	0.043	0.041	0.040	0.044	0.043	0.041
7	0.041	0.040	0.038	0.042	0.041	0.039
8	0.039	0.038	0.037	0.040	0.039	0.038
9	0.038	0.037	0.036	0.039	0.038	0.036
10	0.036	0.035	0.034	0.037	0.036	0.035
11	0.035	0.034	0.033	0.036	0.035	0.034
12	0.034	0.033	0.032	0.034	0.034	0.033

2 x 8 Single Stud: R-25 Batt

NOTE:
Nominal Batt R-value:
R-25 at 8 inch thickness

Installed Batt R-value:
R-23.6 in 7.25 inch cavity

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.051	0.047	0.045	0.053	0.049	0.046
1	0.048	0.045	0.043	0.049	0.046	0.044
2	0.045	0.043	0.041	0.047	0.044	0.042
3	0.043	0.041	0.039	0.044	0.042	0.040
4	0.041	0.039	0.037	0.042	0.040	0.038
5	0.039	0.037	0.036	0.040	0.038	0.037
6	0.037	0.036	0.035	0.038	0.037	0.036
7	0.036	0.035	0.033	0.037	0.035	0.034

PROPOSED

2 x 8 Single Stud: R-25 Batt

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
8	0.035	0.033	0.032	0.035	0.034	0.033
9	0.033	0.032	0.031	0.034	0.033	0.032
10	0.032	0.031	0.030	0.033	0.032	0.031
11	0.031	0.030	0.029	0.032	0.031	0.030
12	0.030	0.029	0.028	0.031	0.030	0.029

2 x 6: Strap Wall

	Siding Material/Frame Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
R-19 + R-11 Batts	0.036	0.035	0.038	0.036
R-19 + R-8 Batts	0.041	0.039	0.042	0.040

2 x 6 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-19	_____	R-11	0.040	0.037	0.041	0.038
R-19	_____	R-19	0.034	0.031	0.035	0.032
R-19	R-8	R-11	0.029	0.028	0.031	0.029
R-19	R-11	R-11	0.027	0.026	0.028	0.027
R-19	R-11	R-19	0.024	0.023	0.025	0.023
R-19	R-19	R-19	0.021	0.020	0.021	0.020

2 x 4 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-11	_____	R-11	0.050	0.046	0.052	0.048
R-19	_____	R-11	0.039	0.037	0.043	0.039
R-11	R-8	R-11	0.037	0.035	0.036	0.036
R-11	R-11	R-11	0.032	0.031	0.033	0.032
R-13	R-13	R-13	0.029	0.028	0.029	0.028
R-11	R-19	R-11	0.026	0.026	0.027	0.026

PROPOSED

Log Walls

Average Log Diameter, Inches	U-factor
6	0.148
8	0.111
10	0.089
12	0.074
14	0.063
16	0.056

NOTE:

R-value of wood:
R-1.25 per inch thickness

Average wall thickness
90% average log diameter

Stress Skin Panel

Panel Thickness, Inches	U-factor
3 1/2	0.071
5 1/2	0.048
7 1/4	0.037
9 1/4	0.030
11 1/4	0.025

NOTE:

R-value of expanded polystyrene: R-3.85 per inch

Framing: 6%
Spline: 8%

No thermal bridging between interior and exterior splines

Metal Stud Walls: The nominal R-values in Table 10-5A may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

PROPOSED

TABLE 10-5A
Default U-factors for Overall Assembly Metal Stud Walls, Effective R-values for Metal Framing and Cavity Only, and Default Metal Building U-factors

OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS

	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
16" e.e.	R-0 (none)	U-0.14	U-0.13	U-0.12	U-0.10	U-0.097	U-0.091
	R-1	U-0.12	U-0.12	U-0.11	U-0.094	U-0.089	U-0.083
	R-2	U-0.11	U-0.10	U-0.099	U-0.086	U-0.081	U-0.077
	R-3	U-0.10	U-0.095	U-0.090	U-0.079	U-0.075	U-0.071
	R-4	U-0.091	U-0.087	U-0.082	U-0.073	U-0.070	U-0.067
	R-5	U-0.083	U-0.080	U-0.076	U-0.068	U-0.065	U-0.062
	R-6	U-0.077	U-0.074	U-0.071	U-0.064	U-0.061	U-0.059
	R-7	U-0.071	U-0.069	U-0.066	U-0.060	U-0.058	U-0.055
	R-8	U-0.067	U-0.064	U-0.062	U-0.057	U-0.055	U-0.053
	R-9	U-0.062	U-0.060	U-0.058	U-0.054	U-0.052	U-0.050
	R-10	U-0.059	U-0.057	U-0.055	U-0.051	U-0.049	U-0.048
24" e.e.	R-0 (none)	U-0.13	U-0.12	U-0.11	U-0.091	U-0.085	U-0.079
	R-1	U-0.11	U-0.10	U-0.098	U-0.084	U-0.078	U-0.073
	R-2	U-0.10	U-0.091	U-0.089	U-0.077	U-0.073	U-0.068
	R-3	U-0.092	U-0.083	U-0.082	U-0.072	U-0.068	U-0.064
	R-4	U-0.084	U-0.077	U-0.076	U-0.067	U-0.063	U-0.060
	R-5	U-0.078	U-0.071	U-0.070	U-0.063	U-0.060	U-0.057
	R-6	U-0.072	U-0.067	U-0.066	U-0.059	U-0.056	U-0.054
	R-7	U-0.067	U-0.063	U-0.062	U-0.056	U-0.053	U-0.051
	R-8	U-0.063	U-0.059	U-0.058	U-0.053	U-0.051	U-0.048
	R-9	U-0.059	U-0.056	U-0.055	U-0.050	U-0.048	U-0.046
	R-10	U-0.056	U-0.053	U-0.052	U-0.048	U-0.046	U-0.044))

PROPOSED

Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-0	R-11	R-13	R-15	R-19	R-21
16" o.c.	R-0 (none)	<u>U-0.352</u>	<u>U-0.132</u>	<u>U-0.124</u>	<u>U-0.118</u>	<u>U-0.109</u>	<u>U-0.106</u>
	R-1	<u>U-0.260</u>	<u>U-0.117</u>	<u>U-0.111</u>	<u>U-0.106</u>	<u>U-0.099</u>	<u>U-0.096</u>
	R-2	<u>U-0.207</u>	<u>U-0.105</u>	<u>U-0.100</u>	<u>U-0.096</u>	<u>U-0.090</u>	<u>U-0.087</u>
	R-3	<u>U-0.171</u>	<u>U-0.095</u>	<u>U-0.091</u>	<u>U-0.087</u>	<u>U-0.082</u>	<u>U-0.080</u>
	R-4	<u>U-0.146</u>	<u>U-0.087</u>	<u>U-0.083</u>	<u>U-0.080</u>	<u>U-0.076</u>	<u>U-0.074</u>
	R-5	<u>U-0.128</u>	<u>U-0.080</u>	<u>U-0.077</u>	<u>U-0.074</u>	<u>U-0.071</u>	<u>U-0.069</u>
	R-6	<u>U-0.113</u>	<u>U-0.074</u>	<u>U-0.071</u>	<u>U-0.069</u>	<u>U-0.066</u>	<u>U-0.065</u>
	R-7	<u>U-0.102</u>	<u>U-0.069</u>	<u>U-0.066</u>	<u>U-0.065</u>	<u>U-0.062</u>	<u>U-0.061</u>
	R-8	<u>U-0.092</u>	<u>U-0.064</u>	<u>U-0.062</u>	<u>U-0.061</u>	<u>U-0.058</u>	<u>U-0.057</u>
	R-9	<u>U-0.084</u>	<u>U-0.060</u>	<u>U-0.059</u>	<u>U-0.057</u>	<u>U-0.055</u>	<u>U-0.054</u>
	R-10	<u>U-0.078</u>	<u>U-0.057</u>	<u>U-0.055</u>	<u>U-0.054</u>	<u>U-0.052</u>	<u>U-0.051</u>

24" o.c.	R-0 (none)	<u>U-0.338</u>	<u>U-0.116</u>	<u>U-0.108</u>	<u>U-0.102</u>	<u>U-0.094</u>	<u>U-0.090</u>
	R-1	<u>U-0.253</u>	<u>U-0.104</u>	<u>U-0.098</u>	<u>U-0.092</u>	<u>U-0.086</u>	<u>U-0.083</u>
	R-2	<u>U-0.202</u>	<u>U-0.094</u>	<u>U-0.089</u>	<u>U-0.084</u>	<u>U-0.079</u>	<u>U-0.077</u>
	R-3	<u>U-0.168</u>	<u>U-0.086</u>	<u>U-0.082</u>	<u>U-0.078</u>	<u>U-0.073</u>	<u>U-0.071</u>
	R-4	<u>U-0.144</u>	<u>U-0.079</u>	<u>U-0.075</u>	<u>U-0.072</u>	<u>U-0.068</u>	<u>U-0.066</u>
	R-5	<u>U-0.126</u>	<u>U-0.073</u>	<u>U-0.070</u>	<u>U-0.067</u>	<u>U-0.064</u>	<u>U-0.062</u>
	R-6	<u>U-0.112</u>	<u>U-0.068</u>	<u>U-0.066</u>	<u>U-0.063</u>	<u>U-0.060</u>	<u>U-0.059</u>
	R-7	<u>U-0.100</u>	<u>U-0.064</u>	<u>U-0.062</u>	<u>U-0.059</u>	<u>U-0.057</u>	<u>U-0.055</u>
	R-8	<u>U-0.091</u>	<u>U-0.060</u>	<u>U-0.058</u>	<u>U-0.056</u>	<u>U-0.054</u>	<u>U-0.052</u>
	R-9	<u>U-0.084</u>	<u>U-0.057</u>	<u>U-0.055</u>	<u>U-0.053</u>	<u>U-0.051</u>	<u>U-0.050</u>
	R-10	<u>U-0.077</u>	<u>U-0.054</u>	<u>U-0.052</u>	<u>U-0.050</u>	<u>U-0.048</u>	<u>U-0.048</u>

EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY

	Cavity		Nominal R-Value	Insulation	
	Nominal Depth, Inches	Actual Depth, Inches		Effective R-Value	
				16" O.C.	24" O.C.
Air Cavity	any	any	R-0.91 (air)	0.79	0.91
Wall	4	3-1/2	R-11	5.5	6.6
	4	3-1/2	R-13	6.0	7.2
	4	3-1/2	R-15	6.4	7.8
	6	5-1/2	R-19	7.1	8.6
	6	5-1/2	R-21	7.4	9.0
	8	7-1/4	R-25	7.8	9.6
Roof	Insulation is uncompressed		R-11	5.5	6.1
			R-19	7.0	9.1
			R-30	9.3	11.4

DEFAULT METAL BUILDING U-FACTORS

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Metal covering sheets fastened to the frame, holding insulation in place.	0.133	0.127	0.114	0.091	na	na
Faced fiber glass batt insulation suspended between structural frame. Metal covering sheets fastened directly to frame.	0.131	0.123	0.107	0.079	0.065	0.057

PROPOSED

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.102	0.096	0.084	0.065	na	na
Faced fiber glass batt insulation suspended between structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.099	0.093	0.080	0.059	0.048	0.041

Concrete Masonry Walls: The nominal R-values in Table 10-5B may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

**TABLE 10-5B
Default U-Factors for Concrete and Masonry Walls**

8" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.09	0.09	0.12

12" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.08	0.09	0.12

8" CLAY BRICK				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15

PROPOSED

8" CLAY BRICK				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09

6" CONCRETE POURED OR PRECAST				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

Notes for Default Table 10-5B

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface.
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in Standard ((RS-27)) RS-1.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

The category for aluminum frame with a thermal break is as defined in footnote 7 to Table 10-6A.

WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

TABLE 10-6

Other than Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING, OVERHEAD GLAZING AND OPAQUE DOORS

Vertical Glazing	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.45	1.45	1.45
Double	0.90	0.85	0.75
1/2 Inch Air, Fixed	0.75	0.70	0.60
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60	0.55	0.50
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.55	0.50	0.45
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50	0.45	0.40

((Overhead Glazing	U-Factor	
	Any-Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e(0.40) or Argon	1.40	0.95
Low-e(0.40) + Argon	1.30	0.85
Low-e(0.20) Air	1.30	0.90
Low-e(0.20) + Argon	1.25	0.80
Triple	1.25	0.80))

Overhead Glazing: Sloped Glazing (Including Frame)	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
Single	1.74	1.74	1.74
Double	1.08	1.02	0.90
1/2 Inch Air, Fixed	0.90	0.84	0.72
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.72	0.66	0.60
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.66	0.60	0.54

Overhead Glazing: Sloped Glazing (Including Frame)			
	U-Factor		
	Any Frame	Aluminum W/Thermal Break	Vinyl/Wood Frame
1/2 Inch Air, Low-e ^(0.10) , Fixed	0.66	0.60	0.54
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.60	0.54	0.48

This default table is applicable to sloped glazing only. (Sloped glazing is a multiple-lite glazed system (similar to a curtain wall) that is mounted at a slope greater than 15° from the vertical plane.) Other overhead glazing shall use the defaults in Table 10-6E.

Opaque Doors	
	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type.
- Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

PROPOSED

TABLE 10-6A
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING

Description ^{1,2,3,4}		Frame Type ^{5,6}			
		Aluminum	Aluminum Thermal Break ⁷	Wood/Vinyl	
Windows	Single	1.20	1.20	1.20	
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear + Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e + Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear + Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e + Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear + Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e + Argon	0.63	0.47	0.37
Garden Windows	Single	2.60	n.a.	2.31	
	Double	Clear	1.81	n.a.	1.61
		Clear + Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e + Argon	1.64	n.a.	1.47

- 1 <1/2" = a minimum dead air space of less than 0.5 inches between the panes of glass.
≥ 1/2" = a minimum dead air space of 0.5 inches or greater between the panes of glass.
Where no gap width is listed, the minimum gap width is 1/4".
- 2 Any low-e (emissivity) coating (0.1, 0.2 or 0.4).
- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, argon/SF6 mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:

- a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
- b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
- c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

TABLE 10-6B¹

Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION ^{2,3,4,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/ REINFORCED VINYL ¹⁰
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	0.39	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	0.35	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	0.35	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2" + argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2" + argon	0.55	0.41	0.32	0.35

PROPOSED

TABLE 10-6B¹
Group R Occupancy: SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING

DESCRIPTION ^{2,3,4,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/ REINFORCED VINYL ¹⁰
Triple, Low-e2 1/2" + argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2" + argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for nonaluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4" = a minimum dead air space of 0.25 inches between the panes of glass.
 3/8" = a minimum dead air space of 0.375 inches between the panes of glass.
 1/2" = a minimum dead air space of 0.5 inches between the panes of glass.
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch = 1/2 inch U-factors, 7/16 inch = 3/8 inch U-factors, 5/16 inch = 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
 Low-e2 (emissivity) shall be 0.2 or less.
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 Reserved.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/F°;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

TABLE 10-6C
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
SWINGING DOORS (Rough opening - 38 in. x 82 in.)					
<i>Slab Doors</i>					
Wood slab in wood frame ^a	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing	Use Table 10-6A				

PROPOSED

PROPOSED

Door Type	No Glazing	Single Glazing	Double Glazing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e = 0.10, 1/2 in. Argon
More than 50% glazing	Use Table 10-6A				
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing	Use Table 10-6A				
Foam insulated steel slab with metal edge in steel frame ^b	0.37				
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing	Use Table 10-6A				
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors	Use Table 10-6A				
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
REVOLVING DOORS (Rough opening - 82 in. x 84 in.)					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)					
Uninsulated steel (nominal U = 1.15) ^c	1.15	-	-	-	-
Insulated steel (nominal U = 0.11) ^c	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) ^c	0.13	-	-	-	-
a. Thermally broken sill (add 0.03 for nonthermally broken sill) b. Nonthermally broken sill c. Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.					

TABLE 10-6D
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
See Table 10-6C

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
Single Glazing glass	U-1.58	U-1.51	U-1.40	U-1.18

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

PROPOSED

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
acrylic/polycarb	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing				
air	U-1.05	U-0.89	U-0.84	U-0.67
argon	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, e = 0.20				
air	U-0.96	U-0.80	U-0.75	U-0.59
argon	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, e = 0.10				
air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, e = 0.05				
air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing				
air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, e = 0.20				
air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, e = 0.20 on 2 surfaces				
air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, e = 0.10 on 2 surfaces				
air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, e = 0.10 on 2 surfaces				
air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1007 Section 1007 Ceilings.

1007.1 General: Table 10-7 lists heat-loss coefficients for the opaque portion of exterior ceilings below vented attics, vaulted ceilings, and roof decks in units of Btu/h•ft²•°F of ceiling.

They are derived from procedures listed in Standard ((RS-27)) RS-1, listed in Chapter 7. Ceiling U-factors are

modified for the buffering effect of the attic, assuming an indoor temperature of 65° F and an outdoor temperature of 45°F.

Metal Framed Ceilings: The nominal R-values in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY may be used for purposes of calculating metal framed ceiling section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter ((24)) 25 of Standard ((RS-27)) RS-1.

PROPOSED

1007.2 Component Description: The four types of ceilings are characterized as follows:

Ceilings Below a Vented Attic: Attic insulation is assumed to be blown-in, loose-fill fiberglass with a K-value of 2.6 hr•ft²•°F/Btu per inch. Full bag count for specified R-value is assumed in all cases. Ceiling dimensions for flat ceiling calculations are forty-five by thirty feet, with a gabled roof having a 4/12 pitch. The attic is assumed to vent naturally at the rate of three air changes per hour through soffit and ridge vents. A void fraction of 0.002 is assumed for all attics with insulation baffles. Standard-framed, un baffled attics assume a void fraction of 0.008.

Attic framing is either standard or advanced. Standard framing assumes tapering of insulation depth around the perimeter with resultant decrease in thermal resistance. An increased R-value is assumed in the center of the ceiling due to the effect of piling leftover insulation. Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. Advanced framing does not change from the default value.

U-factors for flat ceilings below vented attics with standard framing may be modified with the following table:

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
4/12	.036	.031
5/12	.035	.030
6/12	.034	.029
7/12	.034	.029
8/12	.034	.028

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
9/12	.034	.028
10/12	.033	.028
11/12	.033	.027
12/12	.033	.027

Vented scissiors truss attics assume a ceiling pitch of 2/12 with a roof pitch of either 4/12 or 5/12. Unbaffled standard framed scissiors truss attics are assumed to have a void fraction of 0.016.

Vaulted Ceilings: Insulation is assumed to be fiberglass batts installed in roof joist cavities. In the vented case, at least 1.5-inches between the top of the batts and the underside of the roof sheathing is left open for ventilation in each cavity. A ventilation rate of 3.0 air changes per hour is assumed. In the unvented or dense pack case, the ceiling cavity is assumed to be fully packed with insulation, leaving no space for ventilation.

Roof Decks: Rigid insulation is applied to the top of roof decking with no space left for ventilation. Roofing materials are attached directly on top of the insulation. Framing members are often left exposed on the interior side.

Metal Truss Framing: Overall system tested values for the roof/ceiling U_o for metal framed truss assemblies from approved laboratories shall be used, when such data is acceptable to the building official.

Alternatively, the U_o for roof/ceiling assemblies using metal truss framing may be obtained from Tables 10-7A, 10-7B, 10-7C, 10-7D and 10-7E.

**TABLE 10-7
DEFAULT U-FACTORS FOR CEILINGS**

Ceilings Below Vented Attics

Flat Ceiling	Standard Frame	Advanced Frame
	Baffled	
R-19	0.049	0.047
R-30	0.036	0.032
R-38	0.031	0.026
R-49	0.027	0.020
R-60	0.025	0.017
Scissiors Truss		
R-30 (4/12 roof pitch)	0.043	0.031
R-38 (4/12 roof pitch)	0.040	0.025
R-49 (4/12 roof pitch)	0.038	0.020
R-30 (5/12 roof pitch)	0.039	0.032
R-38 (5/12 roof pitch)	0.035	0.026
R-49 (5/12 roof pitch)	0.032	0.020
Vaulted Ceilings		
	16" O.C.	24" O.C.
Vented		
R-19 2x10 joist	0.049	0.048

PROPOSED

	Standard Frame	Advanced Frame
Vented		
R-19 2x10 joist	0.049	0.048
R-30 2x12 joist	0.034	0.033
R-38 2x14 joist	0.027	0.027
Unvented		
R-30 2x10 joist	0.034	0.033
R-38 2x12 joist	0.029	0.027
R-21 + R-21 2x12 joist	0.026	0.025
Roof Deck		
4x Beams, 48" O.C.		
R-12.5 2" Rigid insulation	0.064	
R-21.9 3.5" Rigid insulation	0.040	
R-37.5 6" Rigid insulation	0.025	
R-50 8" Rigid insulation	0.019	

**DEFAULT U-FACTORS FOR ROOFS WITH INSULATION
ENTIRELY ABOVE DECK
(Other than 4x Wood Beams)**

Rated R-Value of Insulation Alone	Overall U-Factor for Entire Assembly
R-0	U-1.282
R-1	U-0.562
R-2	U-0.360
R-3	U-0.265
R-4	U-0.209
R-5	U-0.173
R-6	U-0.147
R-7	U-0.129
R-8	U-0.114
R-9	U-0.102
R-10	U-0.093
R-11	U-0.085
R-12	U-0.078
R-13	U-0.073
R-14	U-0.068
R-15	U-0.063

R-16	U-0.060
R-17	U-0.056
R-18	U-0.053
R-19	U-0.051
R-20	U-0.048
R-21	U-0.046
R-22	U-0.044
R-23	U-0.042
R-24	U-0.040
R-25	U-0.039
R-26	U-0.037
R-27	U-0.036
R-28	U-0.035
R-29	U-0.034
R-30	U-0.032
R-35	U-0.028
R-40	U-0.025
R-45	U-0.020
R-50	U-0.020
R-55	U-0.018

**Table 10-7A
Steel Truss¹ Framed Ceiling U_o**

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.1075	0.0991	0.0928	0.0878	0.0839	0.0807	0.0780	0.0757	0.0737	0.0720	0.0706	0.0693	0.0681
30	0.0907	0.0823	0.0760	0.0710	0.0671	0.0638	0.0612	0.0589	0.0569	0.0552	0.0538	0.0525	0.0513
38	0.0844	0.0759	0.0696	0.0647	0.0607	0.0575	0.0548	0.0525	0.0506	0.0489	0.0474	0.0461	0.0449
49	0.0789	0.0704	0.0641	0.0592	0.0552	0.0520	0.0493	0.0470	0.0451	0.0434	0.0419	0.0406	0.0395

**Table 10-7B
Steel Truss¹ Framed Ceiling U_o with R-3 Sheathing²**

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0809	0.0763	0.0728	0.0701	0.0679	0.0661	0.0647	0.0634	0.0623	0.0614	0.0606	0.0599	0.0592
30	0.0641	0.0595	0.0560	0.0533	0.0511	0.0493	0.0478	0.0466	0.0455	0.0446	0.0438	0.0431	0.0424
38	0.0577	0.0531	0.0496	0.0469	0.0447	0.0430	0.0415	0.0402	0.0392	0.0382	0.0374	0.0367	0.0361
49	0.0523	0.0476	0.0441	0.0414	0.0393	0.0375	0.0360	0.0348	0.0337	0.0328	0.0319	0.0312	0.0306

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Table 10-7C Steel Truss ¹ Framed Ceiling U _O with R-5 Sheathing ²													
Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0732	0.0697	0.0670	0.0649	0.0633	0.0619	0.0608	0.0598	0.0590	0.0583	0.0577	0.0571	0.0567
30	0.0564	0.0529	0.0502	0.0481	0.0465	0.0451	0.0440	0.0430	0.0422	0.0415	0.0409	0.0403	0.0399
38	0.0501	0.0465	0.0438	0.0418	0.0401	0.0388	0.0376	0.0367	0.0359	0.0351	0.0345	0.0340	0.0335
49	0.0446	0.0410	0.0384	0.0363	0.0346	0.0333	0.0322	0.0312	0.0304	0.0297	0.0291	0.0285	0.0280

Table 10-7D Steel Truss ¹ Framed Ceiling U _O with R-10 Sheathing ²													
Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0626	0.0606	0.0590	0.0578	0.0569	0.0561	0.0555	0.0549	0.0545	0.0541	0.0537	0.0534	0.0531
30	0.0458	0.0437	0.0422	0.0410	0.0401	0.0393	0.0387	0.0381	0.0377	0.0373	0.0369	0.0366	0.0363
38	0.0394	0.0374	0.0359	0.0347	0.0337	0.0330	0.0323	0.0318	0.0313	0.0309	0.0305	0.0302	0.0299
49	0.0339	0.0319	0.0304	0.0292	0.0283	0.0275	0.0268	0.0263	0.0258	0.0254	0.0251	0.0247	0.0245

Table 10-7E Steel Truss ¹ Framed Ceiling U _O with R-15 Sheathing ²													
Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0561	0.0550	0.0541	0.0535	0.0530	0.0526	0.0522	0.0519	0.0517	0.0515	0.0513	0.0511	0.0509
30	0.0393	0.0382	0.0373	0.0367	0.0362	0.0358	0.0354	0.0351	0.0349	0.0347	0.0345	0.0343	0.0341
38	0.0329	0.0318	0.0310	0.0303	0.0298	0.0294	0.0291	0.0288	0.0285	0.0283	0.0281	0.0279	0.0278
49	0.0274	0.0263	0.0255	0.0249	0.0244	0.0239	0.0236	0.0233	0.0230	0.0228	0.0226	0.0225	0.0223

1 - Assembly values based on 24 inch on center truss spacing; 11 Truss member connections penetrating insulation (4 at the eaves, 7 in the interior space); 1/2 inch drywall ceiling; all truss members are 2x4 "C" channels with a solid web.
2 - Ceiling sheathing installed between bottom chord and drywall.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1009 Section 1009 Mass.

1009.1 General: Tables 10-9 and 10-10 list default mass values for concrete masonry construction. Calculations are based on standard ASHRAE values for heat-storage capacity as listed in Standard ((RS-27)) RS-1, Chapter ((24)) 25.

Thermal capacity of furniture is ignored, as is heat storage beyond the first four inches of mass thickness. All mass is assumed to be in direct contact with the conditioned space. Concrete separated from the heated volume by other materials must multiply the listed concrete mass value by the result of the following formula:

$$\ln(R\text{-value}) \times (-.221) + 0.5$$

Where:

Ln = Natural log

R-value = R-value of material covering concrete

Note: All default values for covered concrete slabs have been adjusted according to this procedure.

1009.2 Mass Description: Mass is divided into two types: Structural and additional.

Structural Mass: Includes heat-storage capacity of all standard building components of a typical residential structure, including floors, ceilings, and interior and exterior walls in Btu/ft²•°F of floor area. It also assumes exterior wall, interior wall and ceiling surface area approximately equals three times the floor area.

Additional Mass: Includes any additional building material not part of the normal structure, which is added specifically to increase the building's thermal-storage capability. This category includes masonry fireplaces, water or trombe walls, and extra layers of sheetrock. Coefficients are in Btu/ft²•°F of surface area of material exposed to conditioned space. The coefficient for water is Btu/°F•gallon.

1009.3 Component Description: Light frame assumes one inch thick wood flooring with five-eighths inch sheetrock on ceilings and interior walls, and walls consisting of either five-eighths inch sheetrock or solid logs. Slab assumes a four-inch concrete slab on or below grade, with five-eighths inch sheetrock on exterior and interior walls and ceiling, and with separate values for interior or exterior wall insulation. Adjustments for slab covering is based on R-value of material. Additional mass values are based on the density multiplied by the specific heat of the material adjusted for listed thickness.

**TABLE 10-9
HEAT CAPACITY**

	Partial Grout	Solid Grout
8" CMU	9.65	15.0
12" CMU	14.5	23.6
8" Brick	10.9	16.4
6" Concrete	NA	14.4

**TABLE 10-10
DEFAULT MASS VALUES**

Structural Mass M-value	Btu/ft²·°F floor area
Light Frame:	
Joisted/post & beam floor, sheetrock walls and ceilings	3.0
Joisted/post & beam floor, log walls, sheetrock ceilings	4.0
Slab With Interior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	10.0
Slab, hardwood floor covering, sheetrock walls and ceilings	7.0
Slab, carpet and pad, sheetrock walls and ceilings	5.0
Slab With Exterior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	12.0
Slab, hardwood floor covering, sheetrock walls and ceilings	9.0
Slab, carpet and pad, sheetrock walls and ceilings	7.0
Additional Mass M-Value:	
	Btu/ft²·°F surface area
Gypsum wallboard, 1/2 inch thickness	0.54
Gypsum wallboard, 5/8 inch thickness	0.68
Hardwood floor	1.40
Concrete/Brick, 4 inch-thickness	10.30
Concrete/Brick, 6 inch-thickness	15.40
	Btu/°F·gallon
Water, 1 gallon	8.0

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AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1132 Alterations and repairs. Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

- EXCEPTIONS:**
- Storm windows installed over existing glazing.
 - Glass replaced in existing sash and frame provided that glazing is of equal or lower U-factor.
 - For solar heat gain coefficient compliance, glazing with a solar heat gain coefficient equal to or lower than that of the other existing glazing.
 - Existing roof/ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum

- nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
- Existing walls and floors without framing cavities, provided that any new cavities added to existing walls and floors comply with Exception 4.
 - Existing roofs where the roof membrane is being replaced and
 - The roof sheathing or roof insulation is not exposed; or
 - If there is existing roof insulation below the deck. In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

1132.3 Lighting and Motors: Where the use in a space changes from one use in Table 15-1 to another use in Table 15-1, the installed lighting wattage shall comply with Section 1521 or 1531.

Other tenant improvements, alterations or repairs where 60 percent or more of the fixtures ((in a use)) in a space enclosed by walls or ceiling-height partitions (as defined in Table 15-1) within a tenant space or in an entire floor (((whichever is smaller))) are new shall comply with Sections

1531 and 1532. Where less than 60 percent of the fixtures in a space enclosed by walls or ceiling-height partitions are new, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are new, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13 Section 1311.2.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections 1513.1 through 1513.5 and, as applicable, 1513.7. In addition, office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Sections 1513.6 and 1513.7. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls (~~shall comply with~~) also comply with the other requirements in Sections 1513.6 and 1513.7.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections 1513.1 through 1513.2, 1513.4, and 1513.6 through 1513.7.

Those motors which are altered or replaced shall comply with Section 1511.

AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-1143 Inspections.

1143.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. No work shall be done on any part of the building or structure beyond the point indicated in each inspection without first obtaining the approval of the building official.

1143.2 Required Inspections: The building official, upon notification, shall make the inspection required in this Section, in addition to or as part of those inspections required in Section ~~((108.5 of the Uniform))~~ 109.3 of the International Building Code. Inspections may be conducted by special inspection pursuant to Section ~~((1701 of the Uniform))~~ 1704 of the International Building Code. Where applicable, inspections shall include at least:

1143.2.1 Envelope

a. Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

b. Glazing Inspection: To be made after glazing materials are installed in the building.

c. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

d. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

1143.2.2 Mechanical

a. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this Code are installed and prior to the concealment of such equipment or controls.

b. Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

1143.2.3 Lighting and Motors

a. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this Code, but before concealment of the lighting equipment.

b. Motor Inspections: To be made after installation of all equipment covered by this Code, but before concealment.

1143.3 Reinspection: The building official may require a structure to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1150 Conflicts with other codes. In case of conflicts among Codes enumerated in RCW 19.27.031 (1), (2), (3) and (4) and this Code, the first named Code shall govern. The duct insulation requirements in this Code or a local jurisdiction's energy code, whichever is more stringent, supersede the requirements in the ~~((Uniform))~~ Mechanical Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1310 General requirements. The building envelope shall comply with Sections 1311 through 1314.

~~((1310.1 Conditioned Spaces:))~~ The building envelope for conditioned spaces shall also comply with one of the following paths:

a. Prescriptive Building Envelope Option Sections 1320 through 1323.

b. Component Performance Building Envelope Option Sections 1330 through 1334.

c. Systems Analysis. See Section 1141.4.

~~((1310.2 Semi-Heated Spaces: All spaces shall be considered conditioned spaces, and shall comply with the requirements in Section 1310.1 unless they meet the following criteria for semi-heated spaces. The installed heating equipment output,~~

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in Climate Zone 1, shall be 3 Btu/(h·ft²) or greater but not greater than 8 Btu/(h·ft²) and in Climate Zone 2, shall be 5 Btu/(h·ft²) or greater but not greater than 12 Btu/(h·ft²). Heating shall be controlled by a thermostat mounted not lower than the heating unit and capable of preventing heating above 44 degrees space temperature. For semi-heated spaces, the only prescriptive, component performance, or systems analysis building envelope requirement shall be that:

Climate Zone 1

- a. ~~U = 0.10 maximum for the roof assembly, or~~
- b. ~~continuous R-9 insulation installed entirely outside of the roof structure, or~~
- c. ~~R-11 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-19 insulation installed inside or within a metal roof structure.~~

Climate Zone 2

- a. ~~U = 0.07 maximum for the roof assembly, or~~
- b. ~~continuous R-14 insulation installed entirely outside of the roof structure, or~~
- c. ~~R-19 insulation installed inside or within a wood roof structure, or~~
- d. ~~R-25 insulation installed inside or within a metal roof structure.)~~

EXCEPTION: Wall insulation for those walls that separate semi-heated spaces (see definition in Section 201.1) from the exterior provided that the space is heated solely by a heating system controlled by a thermostat with a maximum setpoint capacity of 45°F, mounted no lower than the heating unit.

Figure 13A

Building Envelope Compliance Options

Section Number	Subject	Prescriptive Option	Component Performance Option	Systems Analysis Option
1310	General Requirements	X	X	X
1311	Insulation	X	X	X
1312	Glazing and Doors	X	X	X
1313	Moisture Control	X	X	X
1314	Air Leakage	X	X	X
1320	Prescriptive Building Envelope Option	X		
1321	General	X		
1322	Opaque Envelope	X		
1323	Glazing	X		
1330	Component Performance Building Envelope Option		X	
1331	General		X	
1332	Component U-Factors		X	
1333	UA Calculations		X	
1334	Solar Heat Gain Coefficient Rate Calculations		X	
RS-29	Systems Analysis			X

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1312 Glazing and doors.

1312.1 Standard Procedure for Determination of Glazing and Door U-Factors: U-Factors for glazing and doors shall be determined, certified and labeled in accordance with Standard RS-31 by a certified independent agency licensed by the National Fenestration Rating Council (NFRC). Compliance shall be based on the Residential or the Nonresidential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Unlabeled glazing and doors shall be assigned the default U-factor in Table 10-6.

1312.2 Solar Heat Gain Coefficient ((and Shading Coefficient)): Solar Heat Gain Coefficient (SHGC), shall be determined, certified and labelled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC.

EXCEPTION: Shading coefficients (SC) or Solar Heat Gain Coefficient for the center of glass shall be an acceptable alternate for compliance with solar heat gain coefficient requirements. Shading coefficients for the center of glass for glazing shall be taken from Chapter ((29 of RS-27)) 30 of RS-1 or from the manufacturer's test data. SHGC for the center of glass for glazing shall be taken from the spectral data file determined in accordance with NFRC 300.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1313 Moisture control.

1313.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as required by this section.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

1313.2 Roof/Ceiling Assemblies: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve inches shall be provided with a vapor retarder. (For enclosed attics and enclosed rafter spaces see Section ((1505-3)) 1203.2 of the Washington State Building Code.) Roof/ceiling assemblies without a vented airspace, allowed only where neither the roof deck nor the roof structure are made of wood, shall provide a continuous vapor retarder with taped seams.

EXCEPTION: Vapor retarders need not be provided where all of the insulation is installed between the roof membrane and the structural roof deck.

1313.3 Walls: Walls separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.4 Floors: Floors separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.5 Crawl Spaces: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of three and one-half inches.

glazing area, U-factor calculation and SHGC as allowed in the Tables 13-1 or 13-2. The maximum area allowed for the total of all single glazing is one percent of the gross exterior wall floor area.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1322 Opaque envelope. Roof/ceilings, opaque exterior walls, opaque doors, floors over unconditioned space, below grade walls, slab on grade floors, and radiant floors enclosing conditioned spaces shall be insulated according to Section 1311 and Tables 13-1 or 13-2. Compliance with nominal R-values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only. Nominal R-values shall not include the thermal transmittance of other building materials or air films.

For metal frame assemblies used in spaces with electric resistance space heat, compliance shall be demonstrated with the component U-factor for the overall assembly based on the assemblies in Chapter 10.

- EXCEPTIONS:**
1. Opaque smoke vents are not required to meet insulation requirements.
 2. ~~((The perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the wall insulation is increased by R-2 above))~~ For prescriptive compliance only,
 - a. For glazing areas that are 30% and less of the gross wall area, the insulation of the perimeter edge of an above grade floor slab which penetrates the exterior wall may be reduced to R-5 provided the glazing U-factor is reduced by U-0.05 below that required in Tables 13-1 and 13-2.
 - b. For glazing areas that exceed 30% of the gross wall area, the perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the glazing U-factor is reduced by U-0.10 below that required in Tables 13-1 and 13-2.

1323.1 Area: The percentage of total glazing (vertical and overhead) area relative to the gross exterior wall area shall not be greater than the appropriate value from Tables 13-1 or 13-2 for the vertical glazing U-factor, overhead glazing U-factor and solar heat gain coefficient selected.

1323.2 U-Factor: The area-weighted average U-factor of vertical glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. The area-weighted average U-factor of overhead glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. U-factors for glazing shall be determined in accordance with Section 1312.

1323.3 Solar Heat Gain Coefficient: The area-weighted average solar heat gain coefficient of all glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and U-factor.

- EXCEPTIONS:**
1. Glazing separating conditioned space from semi-heated space or unconditioned space.
 2. Vertical glazing which is oriented within 45° of north shall be allowed to have a maximum solar heat gain coefficient SHGC-0.10 above that required in Tables 13-1 and 13-2.
 3. For demonstrating compliance for vertical glazing only, the SHGC in the proposed building shall be allowed to be reduced by using the multipliers in the table below for each glazing product shaded by permanent projections that will last as long as the building itself.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1323 Glazing. Glazing shall comply with Section 1312 and Tables 13-1 or 13-2. All glazing shall be, at a minimum, double glazing.

- EXCEPTIONS:**
1. Vertical glazing located on the display side of the street level story of a retail occupancy provided the glazing
 - a. is double-glazed with a minimum 1/2 inch airspace and with a low-e coating having a maximum emittance of e-0.40 or has an area weighted U-factor of 0.60 or less. (When this exception is used, there are no SHGC requirements) and,
 - b. does not exceed 75 percent of the gross exterior wall area of the display side of the street level story. However, if the display side of the street level story exceeds 20 feet in height, then this exception may only be used for the first 20 feet of that story.

When this exception is utilized, separate calculations shall be performed for these sections of the building envelope and these values shall not be averaged with any others for compliance purposes. The 75 percent area may be exceeded on the street level, if the additional glass area is provided from allowances from other areas of the building.
 2. Single glazing for ornamental, security, or architectural purposes shall be included in the percentage of the total

Projection Factor	SHGC Multiplier (all orientations except north)	SHGC Multiplier (north-oriented)
0 - 0.10	1.00	1.00
<0.10 - 0.20	0.91	0.95
<0.20 - 0.30	0.82	0.91
<0.30 - 0.40	0.74	0.87
<0.40 - 0.50	0.67	0.84
<0.50 - 0.60	0.61	0.81
<0.60 - 0.70	0.56	0.78
<0.70 - 0.80	0.51	0.76
<0.80 - 0.90	0.47	0.75
<0.90 - 1.00	0.44	0.73

Projection factor (PF) is the ratio of the horizontal depth of the external shading projection (A) divided by the sum of the height of the fenestration and the distance from the top of the fenestration to the bottom of the farthest point of the external shading projection (B), in consistent units. (See Exhibit 1323.3.)

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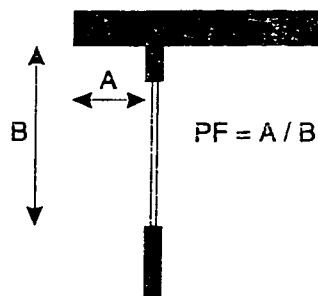


Exhibit 1323.3

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1332 Component U-factors. The U-factors for typical construction assemblies are included in Chapter ((20)) 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter ((20)) 10, values shall be calculated in accordance with Chapters ((19-27 in RS-27)) 23 through 30 in Standard RS-1 listed in Chapter ((17)) 7, using the framing factors listed in Chapter ((20)) 10. For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.
2. Standard ((RS-25)) RS-1, listed in Chapter ((17)) 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter ((22 of RS-27)) 25 of Standard RS-1, listed in Chapter ((17)) 7.
4. Effective framing/cavity R-values as provided in Table ((20-5A)) 10-5A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1334 Solar heat gain coefficient rate calculations. Solar heat gain coefficient shall comply with Section 1323.3. The target SHGCA_t and the proposed SHGCA_p shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:
Target UA_t**

UA_t	=	$U_{rat}A_{rat} + U_{ograt}A_{ograt} + U_{ort}A_{ort} + U_{ogort}A_{ogort} + U_{wt}A_{wt} + U_{vgt}A_{vgt} + U_{dt}A_{dt} + U_{ft}A_{ft} + F_{st}P_{st} + U_{bgwt}A_{bgwt}$
UA_t	=	The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.
Where:		
U_{rat}	=	The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
U_{ograt}	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
U_{ort}	=	The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
U_{ogort}	=	The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.

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AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient rate ($SHGC \cdot A_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient rate ($SHGC \cdot A_t$) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

(EXCEPTION: For buildings or structures utilizing the other space heat type (including heat pumps and VAV) compliance path, for the gross opaque wall, opaque door and glazing (vertical and overhead) area only, compliance may also be shown using the ENVSTD diskette version 2.1 of ASHRAE/IESNA Standard 90.1-1989, or an approved alternative, with the following additional requirements:

1. Only the Exterior Wall Requirements portion of the ENVSTD computer program may be used under this exception.
2. Overhead glazing shall be added to vertical glazing, and shall be input as 1/4 north, 1/4 east, 1/4 south and 1/4 west-facing.
3. Lighting loads shall be determined according to Table 15-1.
4. Equipment loads shall be determined from Table 3-1 of Standard RS-29.))

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- U_{wt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- U_{vgt} = The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{dt} = The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
- U_{ft} = The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
- F_{st} = The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.
- U_{bgwt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- A_{dt} = The proposed opaque door area, A_d .
- A_{ft} = The proposed floor over unconditioned space area, A_f .
- P_{st} = The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, P_s .
- A_{bgwt} = The proposed below grade wall area, A_{bgw} .

and;

if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

- A_{rat} = The proposed roof over attic area, A_{ra} .
- A_{ograt} = The proposed overhead glazing area in roofs over attics, A_{ogrn} .
- A_{ort} = The proposed other roof area, A_{or} .
- A_{ogort} = The proposed overhead glazing area in other roofs, A_{ogor} .
- A_{wt} = The proposed opaque above grade wall area, A_w .
- A_{vgt} = The proposed vertical glazing area, A_{vg} .

or;

if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:

- A_{rat} = The greater of:
the proposed roof over attic area, and
the gross roof over attic area minus A_{ograt} .
- A_{ograt} = The lesser of:
proposed overhead glazing area in roofs over attics, and
the maximum allowed glazing area from Table 13-1 or 13-2.
- A_{ort} = The greater of:
the proposed other roof area, and
the gross other roof area minus A_{ogort} .
- A_{ogort} = The lesser of:
the proposed overhead glazing area in other roofs, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} .
- A_{wt} = The greater of:
proposed opaque above grade wall area, and
the gross exterior above grade wall area minus A_{dt} minus A_{vgt} .
- A_{vgt} = The lesser of:
the proposed vertical glazing area, and
the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} minus A_{ogort} .

EQUATION 13-2
Proposed UA_p

$$UA_p = U_m A_{ra} + U_{or} A_{or} + U_{og} A_{og} + U_w A_w + U_d A_d + U_{vg} A_{vg} + U_f A_f + F_s P_s + U_{bgw} A_{bgw}$$

Where:

- UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- U_m = The thermal transmittance of the roof over attic area.
- A_{ra} = Opaque roof over attic area.

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- U_{or} = The thermal transmittance of the other roof area.
- A_{or} = Opaque other roof area.
- U_{og} = The thermal transmittance for the overhead glazing
- A_{og} = Overhead glazing area.
- U_w = The thermal transmittance of the opaque wall area.
- A_w = Opaque above grade wall area (not including opaque doors).
- U_{vg} = The thermal transmittance of the vertical glazing area.
- A_{vg} = Vertical glazing area.
- U_d = The thermal transmittance value of the opaque door area.
- A_d = Opaque door area.
- U_f = The thermal transmittance of the floor over unconditioned space area.
- A_f = Floor area over unconditioned space.
- F_s = Slab-on-grade or radiant floor component F-factor.
- P_s = Lineal feet of slab-on-grade or radiant floor perimeter.
- U_{bgw} = The thermal transmittance value of the below grade wall area.
- A_{bgw} = Below grade wall area as defined in Tables 13-1 or 13-2.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

EQUATION 13-3
Target SHGCA_t

$$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgt})$$

Where:

$SHGCA_t$ = The target combined specific heat gain of the target glazing area.

$SHGC_t$ = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and

A_{ograt} , A_{ogort} , and A_{vgt} are defined under Equation 13-1.

EQUATION 13-4
Proposed SHGCA_p

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

$SHGCA_t$ = The combined proposed specific heat gain of the proposed glazing area.

$SHGC_{og}$ = The solar heat gain coefficient of the overhead glazing.

A_{og} = The overhead glazing area.

$SHGC_{vg}$ = The solar heat gain coefficient of the vertical glazing.

A_{vg} = The vertical glazing area.

**TABLE 13-1
BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1
MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 1**

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ⁵
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-19 or U = 0.062	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-30 or U = 0.036	R-21 or ((U = 0.050)) U = 0.046	((R-11 or U = 0.14)) (a) Metal framing: R-19 or U = 0.109 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-19 or U = 0.056	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 1**

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%			>15% to 20%			>20% to 30%			>30% to 40%		
	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.65	0.50	1.25	0.45

Maximum Glazing Area as % of Wall	0% to 30%			>30% to 45%		
	Maximum U-Factor		Max-SHGC ⁴	Maximum U-Factor		Max-SHGC ⁴
	VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) walls insulated on the interior shall use opaque wall values,
- b) walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) walls shall be insulated for the first 10 feet below grade. (There shall be no credit for those portions of below grade walls and footings that are more than 10 feet below grade, and ((not)) those portions below 10 feet shall not be included in the gross exterior wall area((, may be left uninsulated))).

When complying by the component performance approach, Section 1331:

- a) walls insulated on the interior shall use the opaque wall values when determining U_{bgwt},
- b) walls insulated on the exterior shall use a target = 0.070 for U_{bgwt},
- c) the calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade((, and not)) shall not be included

in the gross exterior wall area((, need)) and shall not be included when determining A_{bgwt} and A_{bgwl}.

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then ((the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2. Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following:))

a. the U-factor may be increased to U-0.15 maximum, or minimum additional R-5.7 continuous insulation uninterrupted by framing; or
 b. the wall may be ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in. or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of 0.44 Btu/ft² • °F.

Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the glazing requirements listed above.

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((Maximum Glazing Area as % of Wall	0 to 10 %			>10 to 15 %			>15% to 20 %			>20% to 25 %		
	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.65	1.30	0.80	0.60	1.30	0.65))

3. ((Reserved.)) **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F = 0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F=0.78 maximum.

**TABLE 13-2
BUILDING ENVELOPE REQUIREMENTS
FOR CLIMATE ZONE 2**

**MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat**	R-38 or U = 0.031	R-30 or U = 0.034	R-24 or U = 0.044	U = 0.60	R-30 or U = 0.029	R-10 or F = 0.54
2. All others including Heat pumps and VAV	R-38 or U = 0.031	R-25 or ((U=0.040)) U = 0.039	R-19 or U = 0.11 (a) Metal framing: R-13 cavity insul. + R-3.8 continuous insul. or U = 0.084 (b) Wood framing and framing other than metal: R-19 or U = 0.062	U = 0.60	R-21 or U = 0.047	R-10 or F = 0.54

** Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 2**

Glazing

((Maximum Glazing Area as % of Wall	0% to 15%			>15% to 20%			>20% to 25%			>25% to 30%		
	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4	Maximum U-Factor		Max- SHGC4
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.60	0.50	1.25	0.50))

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Maximum Glazing Area as % of Wall	0% to 30%			≥30% to 45%		
	Maximum U-Factor			Maximum U-Factor		
	VG	OG	Max. SHGC ⁴	VG	OG	Max. SHGC ⁴
1. Electric resistance heat	0.40	0.60	0.40	PRESCRIPTIVE PATH NOT ALLOWED		
2. All others including heat pumps and VAV	0.55	0.70	0.45	0.45	0.60	0.40

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) walls insulated on the interior shall use opaque wall values,
- b) walls insulated on the exterior shall use a minimum of R-12 insulation,
- c) walls shall be insulated for the first 10 feet below grade. (There shall be no credit for insulating those portions of below grade walls and footings that are more than 10 feet below grade, and ~~((not))~~ those portions below 10 feet shall not be included in the gross exterior wall area(~~((and not))~~ and shall not be included when determining A_{bgwt} and A_{bgw})).

When complying by the component performance approach, Section 1331:

- a) walls insulated on the interior shall use the opaque wall values when determining U_{bgwt}.

- b) walls insulated on the exterior shall use a target U-factor of U = 0.061 for U_{bgwt},
- c) the calculations shall include the first 10 feet of walls below grade. (Those portions of below grade walls and footings that are more than 10 feet below grade(~~((and not))~~ shall not be included in the gross exterior wall area(~~((and not))~~ and shall not be included when determining A_{bgwt} and A_{bgw})).

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then the U-factor may be increased to ~~((0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 2.)) 0.123 maximum, or minimum additional R-7.6 continuous insulation uninterrupted by framing.~~ Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the ~~((following:)) glazing requirements above.~~

Maximum Glazing Area as % of Wall	0 to 5%		>5 to 7%		>7% to 10%		>10% to 15%					
	Maximum U-Factor		Maximum U-Factor		Maximum U-Factor		Maximum U-Factor					
	VG	OG	VG	OG	VG	OG	VG	OG				
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.60	1.30	0.70	0.50	1.25	0.50	0.40	0.80	0.40))

- 3. ~~((Reserved.))~~ **Roof Types:** A roof over attic is where the roof structure has at least 30 inches clear distance from the top of the bottom chord of a truss or ceiling joist to the underside of the sheathing at the roof ridge, and the ceiling is attached to the ceiling joist or the bottom of the truss or ceiling joist. Anything else is considered all other roofs.
- 4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Chapter 2 for definition of Shading Coefficient).
- 5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F = 0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F = 0.78 maximum.

tion or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings ≥ 225,000 Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75% of the input rating.

EXCEPTION: Water-cooled water-chilling packages that are not designed for operation at ARI standard 550/590 test conditions of 44°F leaving chilled water temperature and 85°F entering condenser water temperature shall have a minimum NPLV rating as shown in Tables 14-1K, 14-1L, and 14-1M. The table values are only applicable over the following full load design ranges:

- Leaving Chiller Water Temp. 40 to 48°F
- Entering Condenser Water Temp. 75 to 85°F
- Condenser Water Temp. Rise 5 to 15°F

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1411 HVAC equipment performance requirements.

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1A through 14-1G. If a nationally recognized certification program exists for a product covered in Tables 14-1A through 14-1G, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program.

Gas-fired and oil-fired forced air furnaces with input ratings ≥ 225,000 Btu/h (65 kW) shall also have an intermittent igni-

Chillers designed to operate outside of these ranges are not covered by this code. Nonstandard Part-Load Value (NPLV) is defined as a single number part-load efficiency figure of merit for chillers references to conditions other than IPLV conditions. Design condenser water flow rate shall not be less than 2.5 gpm/ton.

Cooling towers serving chilled water systems with airside economizer complying with Section 1433 without using the exceptions shall be selected to be able to maintain a return

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condenser water temperature to the tower or 86°F or less at peak design conditions.

EXCEPTION: Cooling towers which are replacing existing equipment can be selected to provide return condenser water temperature to the tower no warmer than the original design temperature.

Hydronic heat pump and other cooling and refrigeration equipment (e.g., icemakers, walk-in coolers) shall not use domestic water only one time before dumping it to waste. No single pass water cooling systems without heat recovery are allowed, except for medical and dental equipment, equipment using less than 1 gpm, and replacement of existing icemakers. However, single pass cooling is allowed during power outages and other emergencies.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

1411.3 Combination Space and Service Water Heating: For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
< 50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
> 70 gallon storage	0.55	0.70

1411.4 Packaged and Split System Electric Heating and Cooling Equipment: Packaged and split system electric equipment providing both heating and cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1412 Controls.

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS: 1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
2. Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling ther-

mostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.

3. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shutoff: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of nonuse or alternate use of the spaces served by the system. The automatic controls shall ~~((have a minimum seven-day clock and be capable of being set for seven different day types per week))~~:

a. Have a minimum seven-day clock and be capable of being set for seven different day types per week;

b. Be capable of retaining programming and time setting during loss of power for a period of at least ten hours; and

c. Include an accessible manual override, or equivalent function (e.g., telephone interface), that allows temporary operation of the system for up to two hours.

EXCEPTIONS: 1. Systems serving areas which require continuous operation at the same temperature setpoint.

2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

3. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.

4. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure.

EXCEPTIONS: 1. Systems serving areas which require continuous operation.

2. Combustion air intakes.

3. Gravity (nonmotorized) dampers are acceptable in buildings less than 3 stories in height.

4. Gravity (nonmotorized) dampers are acceptable in exhaust and relief outlets in the first story and levels below the first story of buildings three or more stories in height.

5. Type I grease hoods exhaust.

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

(a) Motorized dampers: 10 cfm/ft² of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft² of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft² of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occu-

pied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: Boilers.
Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1413 Economizers.

1413.1 Operation: Air economizers shall be capable of automatically modulating outside and return air dampers to provide 100 percent of the design supply air as outside air to reduce or eliminate the need for mechanical cooling. Air economizers shall be used for RS-29 analysis base case for all systems without exceptions in Sections 1413, 1423, or 1433. Water economizers shall be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 45°F dry-bulb/40°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures.

EXCEPTION: Water economizers using air-cooled heat rejection equipment may use a 35°F dry-bulb outside air temperature for this calculation. This exception is limited to a maximum of 20 tons per building.

1413.2 Documentation: Water economizer plans submitted for approval shall include the following information:

1. Maximum outside air conditions for which economizer is sized to provide full cooling.
2. Design cooling load to be provided by economizer at this outside air condition.
3. Heat rejection and terminal equipment performance data including model number, flow rate, capacity, entering and leaving temperature in full economizer cooling mode.

1413.3 Integrated Operation: The HVAC system and its controls shall allow economizer operation when mechanical cooling is required simultaneously. Air and water economizers shall be capable of providing partial cooling even when

additional mechanical cooling is required to meet the remainder of the cooling load.

- EXCEPTIONS: 1. Individual, direct expansion units that have a rated capacity less than 65,000 Btu/h and use nonintegrated economizer controls that preclude simultaneous operation of the economizer and mechanical cooling.
2. Water-cooled water chillers with waterside economizer.

1413.4 Humidification: If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type) that cools return air while humidifying outside air while in economizer. If a water economizer or no economizer is provided, the isothermal type of humidifier may be used (steam injection, gas, electric resistance or infrared generator type that uses new energy to boil moisture to be added).

EXCEPTION: Health care facilities where WAC 246-320-525 allows only steam injection humidifiers in ductwork downstream of final filters.

AMENDATORY SECTION (Amending 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1414 Ducting systems.

1414.1 Sealing: Duct work (~~((which is designed to operate at pressures above 1/2 inch water column static pressure))~~) shall be sealed (~~((in accordance with Standard RS-18. Extent of sealing required is))~~) as follows:

1. Static pressure: ~~((1/2 inch to 2 inches; seal transverse joints.~~
2. ~~Static pressure: 2 inches)~~ Up to 3 inches; seal all transverse joints and longitudinal seams.
- ~~((3-))~~ 2. Static pressure: Above 3 inches; seal all transverse joints, longitudinal seams and duct wall penetrations.

~~((Duct tape and other pressure sensitive tape shall not be used as the primary sealant where ducts are designed to operate at static pressures of 1 inch W.C. or greater.))~~ All low-pressure supply and return air systems, including the unconditioned side of enclosed stud bays or joist cavities/spaces used to transport air, shall be securely fastened and sealed with welds, gaskets, mastic, or mastic-plus-embedded-fabric tape installed in accordance with manufacturer's instructions. Enclosed stud bays or joist cavities/spaces used to transport air shall be sealed using mastic-plus-embedded-fabric tape or, when drywall used to enclose the air system, drywall and mud tape.

- EXCEPTIONS: 1. Fibrous glass duct systems installed in accordance with standard UL 181A and flexible duct systems installed in accordance with standard UL 181B may use tapes listed for those systems.
2. Tapes installed in accordance with manufacturer's installation instructions, providing detailed information specific to application on ducts including approved duct materials and require duct surface cleaning, may be used for static pressures under 1 inch.
3. Spiral lock seams in round and flat oval ductwork do not require sealing; however, other seams shall be sealed. Note that longitudinal seams are joints oriented in the direction of airflow. Transverse joints are connections of two

duct sections oriented perpendicular to airflow. Duct wall penetrations are openings made by any screw fastener, pipe, rod or wire. All other connections are considered transverse joints, including, but not limited to, spin-ins, taps and other branch connections, access door frames and jambs, and duct connections to equipment.

1414.2 Insulation: Ducts and plenums that are constructed and function as part of the building envelope, by separating interior space from exterior space, shall meet all applicable requirements of Chapter 13. These requirements include insulation installation, moisture control, air leakage, and building envelope insulation levels. Unheated equipment rooms with combustion air louvers must be isolated from the conditioned space by insulating interior surfaces to a minimum of R-11 and any exterior envelope surfaces per Chapter 13. Outside air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity shall be insulated to a minimum of R-7 and are not considered building envelope. Other outside air duct runs are considered building envelope until they,

1. Connect to the heating or cooling equipment, or
2. Are isolated from the exterior with an automatic shut-off damper complying with Section 1412.4.1.

Once outside air ducts meet the above listed requirements, any runs within conditioned space shall comply with Table 14-5 requirements.

Other ducts and plenums shall be thermally insulated per Table 14-5.

- EXCEPTIONS:
1. Within the HVAC equipment.
 2. Exhaust air ducts not subject to condensation.
 3. Exposed ductwork within a zone that serves that zone.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1415 Piping systems.

1415.1 Insulation: Piping shall be thermally insulated in accordance with Table 14-6.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter ((51-46)) 51-56 WAC).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1416 Mechanical system commissioning and completion requirements.

~~((1416.1 Drawings: Construction documents shall require that within 90 days after the date of system acceptance, record drawings of the actual installation be provided to the building owner. Record drawings shall include as a minimum the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates.~~

1416.2 Manuals: Construction documents shall require an operating manual and maintenance manual be provided to the building owner. The manual shall be in accordance with

industry-accepted standards and shall include, at a minimum, the following:

~~1. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.~~

~~2. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.~~

~~3. Names and addresses of at least one service agency.~~

~~4. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.~~

~~5. A complete narrative of how each system is intended to operate including suggested set points.~~

1416.3 System Balancing

~~1416.3.1 General: Construction documents shall require that all HVAC systems be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10% of design rates, except variable flow distribution systems need not be balanced upstream of the controlling device (for example, VAV box or control valve). Construction documents shall require a written balance report be provided to the owner.~~

~~1416.3.2 Air System Balancing: Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.~~

~~1416.3.3 Hydronic System Balancing: Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.~~

- EXCEPTIONS:
1. Pumps with pump motors of 10 hp or less.
 2. When throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

1416.4 Systems Commissioning

~~1416.4.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semi-heated spaces, HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.~~

~~1416.4.2 Other Systems: All other HVAC control systems, and other automatically controlled systems for which energy consumption, performance, or mode of operation are regulated by this code, shall be tested to ensure that control devices, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.~~

~~1416.4.2.1 Documentation: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements. Plans and specifications shall require tests mandated by this section be performed and the results recorded. Plans and specifications shall require preparation of preliminary and final reports of test procedures and results as described in Section 1416.4.2.2. Plans and specifications shall identify the following for each test:~~

- ~~1. Equipment and systems to be tested, including the extent of sampling tests;~~
- ~~2. Functions to be tested (for example calibration, economizer control, etc.);~~
- ~~3. Conditions under which the test shall be performed (for example winter design conditions, full outside air, etc.);~~
- ~~4. Measurable criteria for acceptable performance.~~

~~1416.4.2.2 Commissioning Reports~~

~~1416.4.2.2.1 Preliminary Commissioning Report: A preliminary commissioning report of test procedures and results shall be prepared. The preliminary report shall identify:~~

- ~~1. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.~~
- ~~2. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.~~
- ~~3. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.~~

~~1416.4.2.2.2 Final Commissioning Report: A complete report of test procedures and results shall be prepared and filed with the owner.~~

~~1416.4.2.3 Acceptance: Buildings or portions thereof, required by this code to comply with this section, shall not be issued a final certificate of occupancy until such time that the building official determines that the preliminary commissioning report required by this section has been completed.)~~

1416.1 General: Commissioning is a systematic process of verification and documentation that ensures that the selected building systems have been designed, installed, and function properly, efficiently, and can be maintained in accordance with the contract documents in order to satisfy the building owner's design intent and operational requirements. Drawing notes shall require commissioning and completion requirements in accordance with this section. Drawing notes may refer to specifications for further requirements.

1416.1.1 Simple Mechanical Systems: For simple mechanical systems, as defined in Section 1421, and for warehouse and semi-heated spaces, commissioning shall include, as a minimum:

- a. A commissioning plan;
- b. System testing and balancing;
- c. Controls functional performance testing;
- d. A preliminary commissioning report;
- e. O&M and record drawing review documentation as described in Sections 1416.2.5.2 and 1416.2.5.3; and
- f. A final commissioning report.

1416.1.2 All Other Mechanical Systems: For all other mechanical systems, commissioning shall include, as a minimum:

- a. A commissioning plan;
- b. System testing and balancing;
- c. Equipment functional performance testing;
- d. Controls functional performance testing;
- e. A preliminary commissioning report;
- f. Post construction documentation per Section 1416.2.5; and
- g. A final commissioning report.

1416.2 Commissioning Requirements.

1416.2.1 General: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements.

1416.2.2 Commissioning Plan: The plan shall require tests mandated by this section be performed and the results recorded. The plan shall require preparation of preliminary and final reports of test procedures and results as described herein. At a minimum, the plan shall identify the following for each test:

- a. A detailed explanation of the original design intent;
- b. Equipment and systems to be tested, including the extent of tests;
- c. Functions to be tested (e.g., calibration, economizer control, etc.);
- d. Conditions under which the test shall be performed (e.g., winter and summer design conditions, full outside air, etc.); and
- e. Measurable criteria for acceptable performance.

1416.2.3 System Balancing.

1416.2.3.1 General: Construction documents shall require that all HVAC systems be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10% of design rates, except variable flow distribution systems need not be balanced upstream of the controlling device (e.g., VAV box or control valve). Construction documents shall require a written balance report be provided to the owner.

1416.2.3.2 Air System Balancing: Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

1416.2.3.3 Hydronic System Balancing: Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.

EXCEPTIONS: 1. Pumps with pump motors of 10 hp or less.
2. When throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

1416.2.4 Functional Performance Testing.

1416.2.4.1 General: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements.

1416.2.4.2 Equipment/Systems Testing: Functional performance testing shall demonstrate the correct installation and operation of each component, system, and system-to-system intertie relationship in accordance with approved plans and specifications. This demonstration is to prove the operation, function, and maintenance serviceability for each of the commissioned systems. Testing shall include all modes of operation, including:

- a. All modes as described in the sequence of operation;
- b. Redundant or automatic back-up mode;
- c. Performance of alarms; and
- d. Mode of operation upon a loss of power and restored power.

1416.2.4.3 Controls Testing: HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications.

1416.2.5 Postconstruction Commissioning.

1416.2.5.1 General: Construction documents shall require postconstruction commissioning to be provided to the building owner prior to date of final acceptance. Drawing notes may refer to specifications for further commissioning requirements. Postconstruction commissioning shall include, as a minimum, review and approval of operation and maintenance materials, record drawings, and systems operational training.

1416.2.5.2 Operation and Maintenance (O&M) Materials: The O&M materials shall be in accordance with industry accepted standards and shall include, at a minimum, the following:

- a. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
- b. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
- c. Names and addresses of at least one service agency.

d. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital controls systems, in programming comments.

e. A complete written narrative of how each system and piece of equipment is intended to operate including:

- i. A detailed explanation of the original design intent.
- ii. The basis of design (how the design was selected to meet the design intent).
- iii. A detailed explanation of how new equipment is to interface with existing equipment or systems (where applicable).
- iv. Suggested control set points.

Note: Sequence of operation is not acceptable as a narrative for this requirement.

1416.2.5.3 Record Drawings: Record drawings shall include, as a minimum, the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates of the actual installation.

1416.2.5.4 Systems Operational Training: The training of the appropriate maintenance staff for each equipment type and/or system shall include, as a minimum, the following:

- a. System/equipment overview (what it is, what it does and which other systems and/or equipment does it interface with).
- b. Review of the available O&M materials.
- c. Review of the record drawings on the subject system/equipment.
- d. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.

1416.2.6 Commissioning Reports.

1416.2.6.1 General: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements.

1416.2.6.2 Preliminary Commissioning Report: A preliminary report of commissioning test procedures and results shall be completed and provided to the owner. The preliminary commissioning report shall identify:

- a. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.
- b. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.
- c. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.2.6.3 Final Commissioning Report: A complete report of test procedures and results shall be prepared and filed with the owner. The final commissioning report shall identify:

- a. Results of all functional performance tests.
- b. Disposition of all deficiencies found during testing, including details of corrective measures used or proposed.

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c. All functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

1416.3 Acceptance Requirements.

1416.3.1 General: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements.

1416.3.2 Acceptance: Buildings or portions thereof, required by this code to comply with this section, shall not be issued a final certificate of occupancy until such time that the building official determines that the preliminary commissioning report required by this section Section 1416.2.6.2 has been completed.

1416.4 Reserved.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on ((single package unitary fan-)):

a. Cooling units installed outdoors or in a mechanical room adjacent to outdoors having a ((supply capacity of greater than 1,900 cfm or a total)) cooling capacity greater than ((54,000)) 20,000 Btu/h including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear; and

b. Other cooling units with a total cooling capacity greater than 54,000 Btu/h, including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear.

The total capacity of all units without economizers (i.e., those units with a total cooling capacity less than a. and b. above) shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1432 Controls.

1432.1 Setback and Shutoff: Systems that serve zones with different uses, as defined in Table 15-1

1. Shall be served by separate systems, or

2. Shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently.

EXCEPTION: Isolation or separate systems are not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

1432.2 Systems Temperature Reset Controls

1432.2.1 Air Systems for Multiple Zones: Systems supplying heated or cooled air to multiple zones shall include controls which automatically reset supply air temperatures by representative building loads or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-air-to-room-air temperature difference.

EXCEPTION: Where specified humidity levels are required to satisfy process needs, such as computer rooms or museums.

1432.2.2 Hydronic Systems: Systems with a design capacity of ~~((600,000))~~ 300,000 Btu/h or greater supplying heated or mechanically refrigerated water ~~((to comfort conditioning systems))~~ shall include controls which automatically reset supply water temperatures by representative building loads (including return water temperature) or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-to-return water temperature differences.

EXCEPTIONS: 1. Hydronic systems that use variable flow devices complying with Section 1438 to reduce pumping energy.

2. Steam boilers.

3. Systems that provide heating with 100°F or lower supply temperature (e.g., water source heat pump loops).

To limit the heat loss from the heat rejection device (cooling tower), for hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower):

a. If a closed-circuit tower (fluid cooler) is used, either an automatic valve shall be installed to bypass all but a minimal flow of water around the tower (for freeze protection), or low leakage positive closure dampers shall be provided.

b. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.

c. If an open-circuit tower is used in conjunction with a separate heat exchanger to isolate the tower from the heat pump loop, the heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

For hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection (e.g., cooling tower) and having a total pump system power exceeding 10 hp, each hydronic heat pump shall have:

a. A two position two-way (but not three-way) valve; or

b. A variable head pressure two-way (water regulating) control valve or pump.

For the purposes of this section, pump system power is the sum of the nominal power demand (i.e., nameplate horsepower at nominal motor efficiency) of motors of all pumps that are required to operate at design conditions to supply fluid from the heating or cooling source to all heat transfer devices (e.g., coils, heat exchanger) and return it to the source. This converts the system into a variable flow system and, as such, the primary circulation pumps shall comply with the variable flow requirements in Section 1438.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1433 Economizers. Air economizers meeting the requirements of Section 1413 shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

- EXCEPTIONS:** 1. ~~((Single package unitary fan cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h. Other single package unitary fan cooling units with a total cooling capacity less than 54,000 Btu/h. The total capacity of all such systems without economizers shall not exceed 240,000 Btu/h per building, or 10% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building.)) High-efficiency cooling units with EER values more than 10% higher than minimum efficiencies listed in Tables 14-1A, 14-1B and 14-1D, in the appropriate size category, using the same test procedures. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R Occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for RS-29 analysis nor include unitary cooling equipment installed outdoors nor in a mechanical room adjacent to outdoors.~~
2. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.
3. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
4. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
5. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems) so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.
6. Systems complying with all of the following criteria:
- Consist of multiple water source heat pumps connected to a common water loop;
 - Have a minimum of 60% air economizer;
 - Have water source heat pumps with an EER at least 15% higher for cooling and a COP at least 15% higher for heating than that specified in Section 1411;
 - Where provided, have a central boiler or furnace efficiency of:
 - 90% minimum for units up to 199,000 Btu/h; and
 - 85% minimum for units above 199,000 Btu/h input; and
 - Provide heat recovery with a minimum 50% heat recovery effectiveness as defined in Section 1436 to preheat the outside air supply.
7. For Group R Occupancy, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1436 Heat recovery.

1436.1 Fan Systems: Fan systems which have both a capacity of 5,000 cfm or greater and which have a minimum outside air supply of 70 percent or greater of the total air circulation shall have a heat recovery system with at least 50 percent recovery effectiveness. Fifty percent heat recovery effectiveness shall mean an increase in the outside air supply temperature at design heating conditions of one half the difference between the outdoor design air temperature and 65 degrees F. Provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section 1433. Heat recovery energy may be provided from any site-recovered or site-solar source.

- EXCEPTIONS:** 1. Laboratory systems equipped with both variable air volume supply and variable air volume or two-speed exhaust fume hoods.
2. Systems serving spaces heated to less than 60 degrees F.
3. Systems which can be shown to use as much energy with the addition of heat recovery equipment as without it.
4. Systems exhausting toxic, flammable, paint exhaust or corrosive fumes making the installation of heat recovery equipment impractical.
5. Type I commercial kitchen hoods.

1436.2 Condensate Systems: On-site steam heating systems shall have condensate recovery.

1436.3 Heat Recovery for Service Water Heating: Condenser heat recovery systems shall be installed for heating or preheating of service hot water provided all of the following are true:

- The facility operates 24 hours a day.
- The total installed heat rejection capacity of the water-cooled systems exceeds 6,000,000 Btu/h of heat rejection.
- The capacity of service water heating equipment exceeds 1,000,000 Btu/h.

The required heat recovery system shall have the capacity to provide the smaller of:

- 60% of the peak heat rejection load at design conditions; or
- Preheat of the peak service hot water draw to 82°F.

- EXCEPTIONS:** 1. Facilities that employ condenser heat recovery for space heating with a heat recovery design exceeding 30% of the peak water-cooled condenser load at design conditions.
2. Facilities that provide 60% of their service water heating from site solar or site recovered energy or from other sources.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1437 Electric motor efficiency. Design A & B squirrel-cage, T-frame induction permanently wired polyphase motors of 1 hp or more having synchronous speeds of 3,600, 1,800 and 1,200 rpm shall have a nominal full-load motor efficiency no less than the corresponding values for energy efficient motors provided in Table 14-4.

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- EXCEPTIONS:
1. Motors used in systems designed to use more than one speed of a multispeed motor.
 2. Motors used as a component of the equipment meeting the minimum equipment efficiency requirements of Section 1411 and Tables 14-1A through 14-1G provided that the motor input is included when determining the equipment efficiency.
 3. Motors that are an integral part of specialized process equipment.
 4. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

Fan motors less than 1 hp in series terminal units shall:

- a. Be electronically-commutated motors; or
- b. Have a minimum motor efficiency of 65% when rated

in accordance with NEMA Standard MG-1 at full load rating conditions.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1440 Service water heating. Service water heating equipment shall comply with the applicable efficiencies in Tables 14-1A through 14-1M.

Commercial clothes washers shall have a minimum modified energy factor (MEF) of 1.26. The MEF definition and test procedure set forth at 10 CFR, Part 430 (Energy Conservation Program for Consumer Products), as amended, is incorporated into this section by reference. Commercial clothes washers are defined as all clothes washers:

- a. Installed for use on a fee basis, e.g., coin- or card-operated;
- b. Not covered by federal residential clothes washer efficiency standards; and
- c. Having a capacity of 20 lbs. or less.

AMENDATORY SECTION (Amending 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

**Table 14-1A
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Conditioners, Air Cooled	< 65,000 Btu/h ^d	Split System	10.0 SEER	ARI 210/240
		Single Package	9.7 SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.3 EER ^c	ARI 340/360
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.7 EER ^c	
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package	9.5 EER ^c 9.7 IPLV ^c	
≥ 760,000 Btu/h	Split System and Single Package	9.2 EER ^c 9.4 IPLV ^c		
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER ^c	ARI 340/360
	≥ 135,000 Btu/h and ≤ 240,000 Btu/h	Split System and Single Package	11.0 EER ^c	
	> 240,000 Btu/h	Split System and Single Package	11.0 EER ^c 10.3 IPLV ^c	
Condensing Units, Air Cooled	≥ 135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365
Condensing Units, Water or Evaporatively Cooled	≥ 135,000 Btu/h		13.1 EER 13.1 IPLV	

^a Reserved.
^b IPLVs are only applicable to equipment with capacity modulation.
^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.
^d Single-phase air-cooled air-conditioners < 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

Table 14-1B
Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, (Cooling Mode)	< 65,000 Btu/h ^d	Split System	10.0 SEER	ARI 210/240
		Single Package	9.7 SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.1 EER ^c	ARI 340/360
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.3 EER ^c	
	≥ 240,000 Btu/h	Split System and Single Package	9.0 EER ^c 9.2 IPLV ^c	
Water-Source (Cooling Mode)	< 17,000 Btu/h	86°F Entering Water	11.2 EER	ARI/ISO-13256-1
	≥ 17,000 Btu/h and < 65,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
	≥ 65,000 Btu/h and < 135,000 Btu/h	86°F Entering Water	12.0 EER	ARI/ISO-13256-1
Groundwater-Source (Cooling Mode)	< 135,000 Btu/h	59°F Entering Water	16.2 EER	ARI/ISO-13256-1
Ground Source (Cooling Mode)	< 135,000 Btu/h	77°F Entering Water	13.4 EER	ARI/ISO-13256-1
Air Cooled (Heating Mode)	< 65,000 Btu/h ^d (Cooling Capacity)	Split System	6.8 HSPF	ARI 210/240
		Single Package	6.6 HSPF	
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air	3.2 COP	ARI 340/360
		17°F db/15°F wb Outdoor Air	2.2 COP	
≥ 135,000 Btu/h (Cooling Capacity)	47°F db/43°F wb Outdoor Air	3.1 COP	ARI 340/360	
	17°F db/15°F wb Outdoor Air	2.0 COP		
Water-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	68°F Entering Water	4.2 COP	ARI/ISO-13256-1
Groundwater-Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	50°F Entering Water	3.6 COP	ARI/ISO-13256-1
Ground Source (Heating Mode)	< 135,000 Btu/h (Cooling Capacity)	32°F Entering Water	3.1 COP	ARI/ISO-13256-1

^a Reserved.

^b IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.

^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

^d Single-phase air-cooled heat pumps < 65,000 Btu/h are regulated by NAECA. SEER and HSPF values are those set by NAECA.

PROPOSED

**Table 14-1C
Water Chilling Packages, Minimum Efficiency Requirements**

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Cooled, With Condenser, Electrically Operated	All Capacities		2.80 COP 3.05 IPLV	ARI 550/590
Air Cooled, Without Condenser, Electrically Operated	All Capacities		3.10 COP 3.45 IPLV	
Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)	All Capacities		4.20 COP 5.05 IPLV	ARI 550/590
Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)	< 150 Tons		4.45 COP 5.20 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		4.90 COP 5.60 IPLV	
	≥ 300 Tons		5.50 COP 6.15 IPLV	
Water Cooled, Electrically Operated, Centrifugal	< 150 Tons		5.00 COP 5.25 IPLV	ARI 550/590
	≥ 150 Tons and < 300 Tons		5.55 COP 5.90 IPLV	
	≥ 300 Tons		6.10 COP 6.40 IPLV	
Air Cooled Absorption Single Effect	All Capacities		0.60 COP	ARI 560
Water Cooled Absorption Single Effect	All Capacities		0.70 COP	
Absorption Double Effect, Indirect-Fired	All Capacities		1.00 COP 1.05 IPLV	
Absorption Double Effect, Direct-Fired	All Capacities		1.00 COP 1.00 IPLV	

^a Reserved.

^b The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.

**Table 14-1D
Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
PTAC (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.5 - (0.213 x Cap/1000) ^b EER	ARI 310/380
PTAC (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.9 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) New Construction	All Capacities	95°F db Outdoor Air	12.3 - (0.213 x Cap/1000) ^b EER	
PTHP (Cooling Mode) Replacements ^c	All Capacities	95°F db Outdoor Air	10.8 - (0.213 x Cap/1000) ^b EER	

PROPOSED

PROPOSED

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
PTHP (Heating Mode) New Construction	All Capacities		3.2 - (0.026 x Cap/1000) ^b COP	
PTHP (Heating Mode) Replacements ^c	All Capacities		2.9 - (0.026 x Cap/1000) ^b COP	
Room Air Conditioners, with Louvered Sides	< 6,000 Btu/h		9.7 EER	ANSI/AHAM RAC-1
	≥ 6,000 Btu/h and < 8,000 Btu/h		9.7 EER	
	≥ 8,000 Btu/h and < 14,000 Btu/h		9.8 EER	
	≥ 14,000 Btu/h and < 20,000 Btu/h		9.7 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioners, without Louvered Sides	< 8,000 Btu/h		9.0 EER	
	≥ 8,000 Btu/h and < 20,000 Btu/h		8.5 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps with Louvered Sides	< 20,000 Btu/h		9.0 EER	
	≥ 20,000 Btu/h		8.5 EER	
Room Air Conditioner Heat Pumps without Louvered Sides	< 14,000 Btu/h		8.5 EER	
	≥ 14,000 Btu/h		8.0 EER	
Room Air Conditioner, Casement Only	All Capacities		8.7 EER	
Room Air Conditioner, Casement – Slider	All Capacities		9.5 EER	

^a Reserved.

^b Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

^c Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

^d Casement room air conditioners are not separate product classes under current minimum efficiency column.

^e New room air conditioner standards, covered by NAECA became effective October 1, 2000.

**Table 14-1E
Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements**

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Warm Air Furnace, Gas-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _t ^c	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^c Minimum Capacity ^c	80% E _t ^c	ANSI Z21.47

PROPOSED

Equipment Type	Size Category (Input)	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Warm Air Furnace, Oil-Fired	< 225,000 Btu/h (66 kW)		78% AFUE or 80% E _t ^c	DOE 10 CFR Part 430 or UL 727
	≥ 225,000 Btu/h (66 kW)	Maximum Capacity ^b Minimum Capacity ^b	81% E _t ^s —	UL 727
Warm Air Duct Furnaces, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	ANSI Z83.9
Warm Air Unit Heaters, Gas-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	ANSI Z83.8
Warm Air Unit Heaters, Oil-Fired	All Capacities	Maximum Capacity ^b Minimum Capacity ^b	80% E _c ^e —	UL 731

^a Reserved.

^b Minimum and maximum ratings as provided for and allowed by the unit's controls.

^c Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.

^d E_t = Thermal efficiency. See test procedure for detailed discussion.

^e E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

^f E_c = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

^s E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F
Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

Equipment Type ^f	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure
Boilers, Gas-Fired	< 300,000 Btu/h	Hot Water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	75% E _t	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Hot Water	
	> 2,500,000 Btu/h ^f	Steam	80% E _c	
Boilers, Oil-Fired	< 300,000 Btu/h		80% AFUE	DOE 10 CFR Part 430
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	78% E _t	H.I. Htg Boiler Std
		> 2,500,000 Btu/h ^f	Hot Water	
		> 2,500,000 Btu/h ^f	Steam	83% E _c
Oil-Fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Maximum Capacity ^b	78% E _t	H.I. Htg Boiler Std
	> 2,500,000 Btu/h ^f	Hot Water	83% E _c	
	> 2,500,000 Btu/h ^f	Steam	83% E _c	

PROPOSED

Equipment Type ^f	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure
^a Reserved. ^b Minimum and maximum ratings as provided for and allowed by the unit's controls. ^c E _c = Combustion efficiency (100% less flue losses). See reference document for detailed information. ^d E _t = Thermal efficiency. See reference document for detailed information. ^e Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input. ^f These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.				

**Table 14-1G
Performance Requirements for Heat Rejection Equipment**

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^e
(Propeller or Axial Fan Cooling Towers)	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI-ATC-105 and CTI-STD-201
Centrifugal Fan Cooling Towers	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥20.0 gpm/hp	CTI-ATC-105 and CTI-STD-201))
Air Cooled Condensers	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460

^a For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power.
^b For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.
^c Reserved.

TABLE 14-1H RESERVED

TABLE 14-1I RESERVED

TABLE 14-1J RESERVED

**Table 14-1K
IPLV/NPLV for Water Cooled Chillers < 150 Tons**

IPLV _{std} = 5.25								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
46	75	29	5.84	6.10	6.30	6.61	6.84	7.00
45	75	30	5.75	6.00	6.19	6.47	6.68	6.83
44	75	31	5.67	5.91	6.08	6.34	6.53	6.67
43	75	32	5.59	5.82	5.99	6.23	6.39	6.52
42	75	33	5.51	5.74	5.90	6.12	6.27	6.39

PROPOSED

IPLV _{std} = 5.25								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
41	75	34	5.43	5.66	5.81	6.02	6.16	6.26
46	80	34	5.43	5.66	5.81	6.02	6.16	6.26
40	75	35	5.35	5.58	5.73	5.93	6.06	6.15
45	80	35	5.35	5.58	5.73	5.93	6.06	6.15
44	80	36	5.26	5.50	5.65	5.84	5.96	6.06
43	80	37	5.16	5.42	5.57	5.76	5.87	5.96
42	80	38	5.06	5.33	5.49	5.67	5.79	5.87
41	80	39	4.95	5.24	5.41	5.60	5.71	5.78
46	85	39	4.95	5.24	5.41	5.60	5.71	5.78
40	80	40	4.83	5.14	5.32	5.52	5.63	5.70
45	85	40	4.83	5.14	5.32	5.52	5.63	5.70
44	85	41	4.69	5.04	5.25 ^c	5.43	5.55	5.62
43	85	42	4.55	4.93	5.13	5.35	5.47	5.54
42	85	43	4.38	4.80	5.03	5.26	5.38	5.46
41	85	44	4.21	4.67	4.91	5.17	5.30	5.38
40	85	45	4.01	4.52	4.79	5.06	5.20	5.29
Condenser DT _b			14.04	11.23	9.36	7.02	5.62	4.68

^a LIFT = Entering Condenser Water Temperature—Leaving Chilled Water Temperature.
^b Condenser DT = Leaving Condenser Water Temp. (°F)—Leaving Chilled Water Temp. (°F).
^c All values shown are NPLV except at conditions of 3 gpm/ton and 41°F LIFT which is IPLV.

$$K_{adj} = 6.1507 - 0.30244(X) + 0.0062692(X)^2 - 0.000045595(X)^3$$
 where X = Condenser DT + LIFT

$$COP_{adj} = K_{adj} * COP_{std}$$

^d Retrofit only.

Table 14-1L
IPLV/NPLV for Water Cooled Chillers ≥ 150 Tons, < 300 Tons

IPLV _{std} = 5.90								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
46	75	29	6.58	6.87	7.11	7.46	7.71	7.90
45	75	30	6.49	6.76	6.98	7.30	7.53	7.70
44	75	31	6.40	6.66	6.86	7.15	7.36	7.52
43	75	32	6.31	6.56	6.75	7.02	7.21	7.35
42	75	33	6.22	6.47	6.65	6.90	7.07	7.20
41	75	34	6.13	6.38	6.55	6.79	6.95	7.06
46	80	34	6.13	6.38	6.55	6.79	6.95	7.06

PROPOSED

IPLV _{std} = 5.90								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
40	75	35	6.03	6.29	6.46	6.68	6.83	6.94
45	80	35	6.03	6.29	6.46	6.68	6.83	6.94
44	80	36	5.93	6.20	6.37	6.58	6.72	6.82
43	80	37	5.82	6.11	6.28	6.49	6.62	6.72
42	80	38	5.71	6.01	6.19	6.40	6.53	6.62
41	80	39	5.58	5.91	6.10	6.31	6.44	6.52
46	85	39	5.58	5.91	6.10	6.31	6.44	6.52
40	80	40	5.44	5.80	6.00	6.22	6.35	6.43
45	85	40	5.44	5.80	6.00	6.22	6.35	6.43
44	85	41	5.29	5.68	5.90 ^c	6.13	6.26	6.34
43	85	42	5.13	5.55	5.79	6.03	6.16	6.25
42	85	43	4.94	5.41	5.67	5.93	6.07	6.16
41	85	44	4.74	5.26	5.54	5.82	5.97	6.07
40	85	45	4.52	5.09	5.40	5.71	5.87	5.97
Condenser DT _b			14.04	11.23	9.36	7.02	5.62	4.68

^a LIFT = Entering Condenser Water Temperature—Leaving Chilled Water Temperature.

^b Condenser DT = Leaving Condenser Water Temp. (°F)—Leaving Chilled Water Temp. (°F).

^c All values shown are NPLV except at conditions of 3 gpm/ton and 41°F LIFT which is IPLV.

$$K_{adj} = 6.1507 - 0.30244(X) + 0.0062692(X)^2 - 0.000045595(X)^3$$

where X = Condenser DT + LIFT

$$COP_{adj} = K_{adj} * COP_{std}$$

^d Retrofit only.

Table 14-1M
IPLV/NPLV for Water Cooled Chillers ≥ 300 Tons

IPLV _{std} = 6.40								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
46	75	29	7.15	7.47	7.72	8.10	8.37	8.58
45	75	30	7.05	7.35	7.58	7.93	8.18	8.36
44	75	31	6.95	7.23	7.45	7.77	8.00	8.16
43	75	32	6.85	7.13	7.33	7.63	7.83	7.98
42	75	33	6.75	7.03	7.22	7.49	7.68	7.82
41	75	34	6.65	6.93	7.12	7.37	7.55	7.67
46	80	34	6.65	6.93	7.12	7.37	7.55	7.67
40	75	35	6.55	6.83	7.01	7.26	7.42	7.54
45	80	35	6.55	6.83	7.01	7.26	7.42	7.54
44	80	36	6.44	6.73	6.92	7.15	7.30	7.41

PROPOSED

IPLV _{std} = 6.40								
			Condenser Flow Rate					
			2 gpm/ton ^d	2.5 gpm/ton	3 gpm/ton	4 gpm/ton	5 gpm/ton	6 gpm/ton
Leaving Chilled Water Temp. (°F)	Entering Condenser Water Temp. (°F)	LIFT ^a (°F)	Required IPLV/NPLV					
43	80	37	6.32	6.63	6.82	7.05	7.19	7.30
42	80	38	6.20	6.53	6.72	6.95	7.09	7.19
41	80	39	6.06	6.42	6.62	6.85	6.99	7.08
46	85	39	6.06	6.42	6.62	6.85	6.99	7.08
40	80	40	5.91	6.30	6.52	6.76	6.89	6.98
45	85	40	5.91	6.30	6.52	6.76	6.89	6.98
44	85	41	5.75	6.17	6.40 ^c	6.66	6.79	6.89
43	85	42	5.57	6.03	6.28	6.55	6.70	6.79
42	85	43	5.37	5.88	6.16	6.44	6.59	6.69
41	85	44	5.15	5.71	6.01	6.33	6.49	6.59
40	85	45	4.91	5.53	5.86	6.20	6.37	6.48
Condenser DT _c			14.04	11.23	9.36	7.02	5.62	4.68

^a LIFT = Entering Condenser Water Temperature—Leaving Chilled Water Temperature.
^b Condenser DT = Leaving Condenser Water Temp. (°F) — Leaving Chilled Water Temp. (°F).
^c All values shown are NPLV except at conditions of 3 gpm/ton and 41°F LIFT which is IPLV.

$$K_{adj} = 6.1507 - 0.30244(X) + 0.0062692(X)^2 - 0.000045595(X)^3$$
 where X = Condenser DT + LIFT

$$COP_{adj} = K_{adj} * COP_{std}$$

^d Retrofit only.

TABLE 14-2 RESERVED

TABLE 14-3 RESERVED

TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7

PROPOSED

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

**TABLE 14-5
Duct Insulation**

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature < 55°F or > 105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

**TABLE 14-6
Minimum Pipe Insulation (inches)¹**

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu • in. / (h • ft ² • °F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	> 1 to 2	> 2 to 4	> 4 to 6	> 6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

1. Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu • in./ (h•ft²•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR \left[\left(\frac{1}{t/PR} + 1 \right)^{K/k} - 1 \right]$$

Where

T = Minimum insulation thickness for material with conductivity K, inches.

PR = Pipe actual outside radius, inches[.]

t = Insulation thickness from Table 14-6, inches

K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu • in.]/(h•ft² •°F)

k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu • in.]/(h • ft² • °F)

2. Runouts to individual terminal units not exceeding 12 ft. in length.

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

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1513 Lighting controls. Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in Section 1513.6.1. Where automatic time switches are cited, they shall have the features listed in Section 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

EXCEPTIONS: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

EXCEPTIONS: 1. Industrial or manufacturing process areas, as may be required for production.
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 2, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west). Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

EXCEPTION: Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

1513.6 Automatic Shut-Off Controls, Interior: ((Office)) Buildings greater than 5,000 sq. ft. and all school classrooms shall be equipped with separate automatic controls to shut off the lighting during unoccupied hours. Within these buildings, all office areas less than 300 ft² enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section 1513.6.1. For other spaces, automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS: 1. Areas that must be continuously illuminated (e.g., 24-hour convenience stores), or illuminated in a manner requiring manual operation of the lighting.

2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.
4. Hospitals and laboratory spaces.
5. Areas in which medical or dental tasks are performed are exempt from the occupancy sensor requirement.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated. Light fixtures controlled by occupancy sensors shall have a wall-mounted, manual switch capable of turning off lights when the space is occupied.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have pro-

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gram back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. is readily accessible;
- b. is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. is manually operated;
- d. allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accordance with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1521 Prescriptive interior lighting requirements. Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures comply with all four of the following criteria:

- a. one- or two-lamp (but not three- or more lamp);
- b. ~~((nonlensed, fluorescent fixtures;))~~ luminaires have a reflector or louver assembly to direct the light (bare lamp strip or industrial fixtures do not comply with this section);
- c. fitted with type T-1, T-2, T-4, T-5, ~~((T-6;))~~ T-8 or compact fluorescent lamps from 5 to ~~((50))~~ 60 watts (but not T-10 or T-12 lamps); and
- d. hard-wired fluorescent electronic dimming ballasts ~~(())~~ with photocell or programmable dimming control for all lamps in all zones (nondimming electronic ballasts and electronic ballasts that screw into medium base sockets do not comply with this section(())).

Track lighting is not allowed under this path.

- EXCEPTIONS: 1. Up to a total of 5 percent of installed lighting fixtures ~~((need not be ballasted and))~~ may use any type of ((lamp)) ballasted lamp and do not require dimming controls.
2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
3. Exit lights are not included in the count of fixtures provided that they do not exceed 5 watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.)

- 4. LED lights other than exit lights addressed by exception 3.
- 5. Metal halide lighting which complies with all three of the following criteria:
 - i. luminaires or lamps which have a reflector or louver assembly to direct the light;
 - ii. fixtures are fitted with ceramic metal halide lamps not exceeding 150 watts; and
 - iii. electronic ballasts.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1532 Exterior lighting power allowance.

The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.

- EXCEPTIONS: 1. Group U Occupancy accessory to Group R-3 or R-4 Occupancy.
2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.

TABLE 15-1
Unit Lighting Power Allowance (LPA)

Use ¹	LPA ² (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall ^{3,4}	2.0
Laboratories (See also office and other appropriate categories)	((2.0)) 1.8
Aircraft repair hangars	1.5
Cafeterias, fast food establishments ⁵	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops ⁶	1.5
Institutions	1.5
Libraries ⁵	1.5
Nursing homes and hotel/motel guest rooms	1.5
Retail ¹⁰ , retail banking	1.5
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E Occupancy only), school classrooms, day care centers	((1.35)) 1.20
Laundries	((1.3)) 1.20
Medical offices, clinics ¹²	1.20
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) ^{3,7,11}	((1.2)) 1.00
Police and fire stations ⁸	((1.2)) 1.00

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Use ¹	LPA ² (watts/sq. ft.)
Atria (atriums)	1.0
Assembly spaces ⁹ , auditoriums, gymnasia ⁹ , theaters	1.0
Group R-1 and R-2 common areas	1.0
Process plants	1.0
Restaurants/bars ⁵	1.0
Locker and/or shower facilities	0.8
Warehouses ¹¹ , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only⁷	
Main floor building lobbies ³ (except mall concourses)	1.2
Common areas, corridors, toilet facilities and wash-rooms, elevator lobbies	0.8

Footnotes for Table 15-1

- In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
- The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
- For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
- Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
- ~~((Includes pump area under canopy-))~~ See Section 1532 for exterior lighting.
- ~~((In cases in which a lighting plan is submitted for only a portion of a floor, a Unit Lighting Power Allowance of 1.35 may be used for usable office floor area and 0.80 watts per square foot shall be used for the common areas, which may include elevator space, lobby area and rest rooms. Common areas, as herein defined do not include mall concourses-))~~ For conference rooms and offices less than 150 ft² with full-height partitions, a Unit Lighting Power Allowance of 1.20 W/ft² may be used.
- For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
- For indoor sport tournament courts with adjacent spectator seating, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
- Display window illumination installed within 2 feet of the window, provided that the display window is separated from the retail space by walls or at least three-quarter-height partitions (transparent or opaque) and lighting

for free-standing display where the lighting moves with the display ~~((, and building showcase illumination where the lighting is enclosed within the showcase))~~ are exempt.

An additional 1.5 w/ft² of merchandise display luminaires are exempt provided that they comply with all three of the following:

- located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).
- adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).
- fitted with LED, tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

- Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.
- Medical and clinical offices include those facilities which, although not providing overnight patient care, do provide medical, dental, or psychological examination and treatment. These spaces include, but are not limited to, laboratories and treatment centers.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-99902 Section 2—General principles and requirements.

2.1 Energy Analysis: Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

- The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

- Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through 1416, 1440 through 1443, 1450 through 1454 and 1510 through 1513. Buildings shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1439 and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area

and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and having capacity at least as great as those used in the proposed design are employed.

2.2 Design: The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source, comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

2.3 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standard((s RS 27, 11, 12 and 13)) RS-1 listed in Chapter 7 of the Code or in other programs approved by the building official.

2.4 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 2 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination and control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity and part load profile.

f. Building loads—Internal heat generation, lighting, equipment and number of people during occupied and unoccupied periods.

2.5 Documentation: All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

WSR 03-18-074

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 29, 2003, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-12-017.

Title of Rule: Amendment of chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the State Building Code.

Purpose: To update code references in chapter 51-04 WAC, Policies and Procedures for Local and Statewide

Amendments to the State Building Code, and clarify procedures for statewide amendments to the State Building Code.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule includes updating references to the model codes listed in RCW 19.27.031 and clarifying the procedures for statewide amendment of the State Building Code.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, Olympia, Washington 98504-8350, (360) 725-2969; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The model codes listed in RCW 19.27.031 was revised by the legislature this past session. The proposed rule corrects references to those model codes throughout the council's policies and procedures for state wide and local amendments to the State Building Code. The rule also attempts to clarify the process used to amend the State Building Code.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule only updates references and provides clarification and has no economic impact.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

WAC 51-04-015 Definitions. (1) "Supplements and accumulative supplements" mean the publications between editions of the ((uniform)) model codes and standards which include changes to the current edition of the ((uniform)) model codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency statewide amendment" means any proposed statewide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington state legislature or federal legislation. Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "State building code" means the ((Uniform)) International Building Code ((and Standards)) including regulations for accessibility; the International Residential Code; the ((Uniform)) International Mechanical Code except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code); the ((Uniform)) International Fire Code ((and Standards)) including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; the Uniform Plumbing Code and Standards((the state regulations for barrier-free facilities)), as designated in RCW 19.27.031; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "Statewide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the ((uniform)) model code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the ((uniform)) model codes, hereinafter referred to as "submission periods."

(9) "~~((Uniform)) Model codes~~" means the ~~((Uniform)) International Building, Mechanical, ((Plumbing,)) and Fire Codes and the Uniform Plumbing Code~~ as published by the International ~~((Conference of Building Officials,)) Code Council and the International Association of Plumbing and Mechanical Officials((, and Western Fire Chiefs))~~ respectively.

AMENDATORY SECTION (Amending WSR 94-05-058, filed 2/10/94, effective 3/13/94)

WAC 51-04-020 Policies for the consideration of proposed statewide amendments. Statewide and emergency statewide amendments to the state building code should be based on one of the following criteria:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.

The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.

The council will accept and consider all other petitions for statewide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020 as follows:

~~((In every year excluding the year with the adoption period,))~~ The state building code council shall identify a submission period of at least thirty days when revisions to the ~~((uniform codes and the))~~ state building code ~~((which addresses portions of the state building code other than uniform codes))~~ may be submitted. The state building code council shall review all submissions and accept for future rule making those revisions favorably reviewed. Submissions must be received by March 1 to be considered for adoption by December 1 in any year. Revisions accepted shall be submitted to the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ((and the International Fire Code Institute)), respectively, as proposed revisions to the ~~((uniform))~~ model codes (unless recently considered as amendments) and held for further review during the adoption period.

The adoption period commences upon availability of the publication of the new edition of the ~~((uniform))~~ model codes by the International ~~((Conference of Building))~~ Code Council and the International Association of Plumbing and Mechanical Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature. For the purposes of this section, the publica-

tion of supplements shall not be considered a new edition. At the beginning of the adoption period, the state building code council shall identify a limited submission period of at least thirty days. During this period, the council will receive revisions proposed to:

The ~~((uniform))~~ model codes provided that the proposed revisions shall be limited to revisions which address changes in the ~~((uniform))~~ model codes since the previous edition.

The state building code which addresses existing statewide amendments to the ~~((uniform))~~ model codes.

The state building code which addresses portions of the state building code other than the ~~((uniform))~~ model codes.

In addition, the state building code council shall review for adoption those proposed revisions to the ~~((uniform))~~ model code accepted after preliminary review in those submission periods since the last adoption period. The state building code council shall consider the action of the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ((and the International Fire Code Institute)), respectively, in their consideration of these proposals.

Within sixty days of the receipt of the new edition of the ~~((uniform))~~ model codes the council shall enter rule making to update the state building code.

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

WAC 51-04-060 Opinions. RCW 19.27.031 grants the council authority to render opinions relating to the building code at the request of a local building official.

For the purposes of this section, the term "building official" means the local or state official, or their designee, responsible for implementation and enforcement of the specific code provision on which the opinion is requested.

Council building code related opinions shall be limited to the state regulations for barrier-free facilities, the state energy code, the state ventilation and indoor air quality code, and council amendments to the ~~((uniform))~~ model codes.

Council related opinions may be developed and approved by a standing committee of the council.

Opinions approved by a standing committee may be reviewed and modified by the council.

WSR 03-18-075
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed August 29, 2003, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Adoption of chapter 51-50 WAC (adoption and amendment of the 2003 Edition of the International Building Code); and repeal of chapter 51-40 WAC (adoption and amendment of the 1997 Edition of the Uniform Building Code).

Purpose: To consider whether to adopt, or adopt and amend, the 2003 Edition of the International Building Code.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule adopts the 2003 Edition of the International Building Code (IBC), published by the International Codes Council (ICC), and repeals the 1997 Edition of the Uniform Building Code (UBC), published by the International Council of Building Officials (ICBO). Existing state amendments are being carried forward into the new code to assure continued provision of safety and flexibility greater than the published version.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington 98504-8350, (360) 725-2970; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference the 2003 Edition of the IBC and repeal the 1997 Edition of the UBC, which is no longer being updated. The rule also carries forward existing state amendments into the IBC to assure continued provision of safety and flexibility greater than the published version.

Accessibility regulations have been a state written chapter based on national standards and amended into the UBC to replace the UBC accessibility chapter. In the IBC, accessibility requirements are more completely integrated into the published code with reference to technical specifications in the national accessibility standard ICC/ANSI A117.1-1998, titled *Accessible and Usable Buildings and Facilities*. The proposed rule includes adoption of the IBC accessibility chapter with limited state amendments to include existing unique requirements found in the current state code.

The proposed rule will keep the Washington State Building Code current with industry and national standards. Existing state amendments are carried over into the IBC to provide for specific application of the new code in Washington state.

Proposal Changes the Following Existing Rules: The 1997 Edition of the UBC is being updated by adopting the 2003 Edition of the IBC. With the repeal of chapter 51-40 WAC (adopting the UBC), a new WAC number has been designated for the replacement code, chapter 51-50 WAC (adopting the IBC).

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. No economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section

as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler

for Stan Price

Chairman

Chapter 51-50 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE

NEW SECTION

WAC 51-50-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-50-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-50-003 International Building Code. The 2003 edition of the *International Building Code*, including Sections 101 through 106 of Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

NEW SECTION

WAC 51-50-004 Conflicts with Washington State Ventilation and Indoor Air Quality Code. In the case of conflict between the ventilation requirements of Chapter 12 of this code and the ventilation requirements of chapter 51-13 WAC, the provisions of the Ventilation and Indoor Air Quality Code shall govern.

NEW SECTION

WAC 51-50-005 International Building Code requirements for barrier-free accessibility. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-1998 and Appendix E Sections 101 through 106, are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

NEW SECTION

WAC 51-50-007 Exceptions. The exceptions and amendments to the International Building Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The following referenced codes published by the International Code Council are not adopted as part of the State Building Code: ICC Electrical Code, International Plumbing Code, International Energy Conservation Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Existing Building Code, and International Urban-Wildland Interface Code. When referenced, as appropriate, these references shall mean the National Electric Code (as adopted and amended by the state of Washington), the Uniform Plumbing Code (as adopted and amended by the state of Washington), the Washington State Energy Code, or other locally adopted code if applicable.

NEW SECTION

WAC 51-50-008 Implementation. The International Building Code adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-50-009 Recyclable materials and solid waste storage. For the purposes of this section, the following definition shall apply:

RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdictions shall require that space be provided for the storage of recycled materials and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

NEW SECTION

WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

PORTABLE SCHOOL CLASSROOM. See Section 902.1.

NEW SECTION

WAC 51-50-0302 Section 302—Classification.

302.3 Mixed occupancies. Where a building is occupied by two or more uses not included in the same occupancy classification, the building or portion thereof shall comply with Section 302.3.1 or 302.3.2 or a combination of these sections.

- EXCEPTIONS:
1. Occupancies separated in accordance with Section 508.
 2. Areas of Group H-2, H-3, H-4 or H-5 Occupancies shall be separated from any other occupancy in accordance with Section 302.3.2.
 3. Where required by Table 415.3.2, areas of Group H-1, H-2 or H-3 Occupancies shall be located in a separate and detached building or structure.
 4. Accessory use areas in accordance with Section 302.2.
 5. Incidental use areas in accordance with Section 302.1.1.
 6. Offices, mercantile, food preparation establishments for off-site consumption, personal care salons or similar uses in Group R dwelling units, which are conducted primarily by the occupants of a dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m²).

NEW SECTION

WAC 51-50-0305 Section 305—Educational Group E.

305.2 Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

EXCEPTION: Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

NEW SECTION**WAC 51-50-0308 Section 308—Institutional Group**

I.

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

308.5.2 Child care facility. A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of

these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

2. Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R-3.

NEW SECTION**WAC 51-50-0310 Section 310—Residential Group R.**

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Vacation timeshare properties
- Hotels (nontransient)
- Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of twelve or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

EXCEPTIONS: 1. A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

2. Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

310.2 Definitions.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services that is not classified as Licensed Care Group LC. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: Residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

NEW SECTION

WAC 51-50-0313 Section 313—Licensed Care Group LC.

SECTION 313—LICENSED CARE GROUP LC.

313.1 General. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:

1. Adult residential rehabilitation facility.
2. Alcoholism intensive inpatient treatment service.
3. Alcoholism detoxification service.
4. Alcoholism long-term treatment service.
5. Alcoholism recovery house service.
6. Boarding home.
7. Group care facility.
8. Group care facility for severely and multiple handicapped children.
9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.

NEW SECTION

WAC 51-50-0419 Section 419—Group LC.

SECTION 419—GROUP LC.

419.1 General. Occupancies in Group LC shall comply with the provisions of this section and other applicable provisions of this code.

419.2 Area and height. Buildings classified as Group LC shall not exceed, in area or height, the limitations set forth in Table 503 for Group R-2 Occupancies.

EXCEPTION: Occupancies in Group LC licensed for six or fewer clients may be of unlimited area provided they are limited to 3 stories or less.

419.3 Exterior walls. For the purpose of determining required exterior wall and opening protection, LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R-3 Occupancies; and all other LC Occupancies shall comply with provisions for Group R-2 Occupancies.

419.4 Mixed occupancies. Where the provisions of Section 302.3.2 are applied, occupancies in Group LC shall be separated from Group H Occupancies by a four-hour fire-resistive occupancy separation and shall be separated from all other occupancies by a one-hour fire-resistive assembly.

EXCEPTIONS:

1. An occupancy separation need not be provided between a Group LC Occupancy licensed for 16 or fewer clients and a carport having no enclosed use above, provided the carport is entirely open on two or more sides.
2. Private garages shall be separated from Group LC Occupancies and their attic areas by means of a minimum 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch Type-X gypsum board or equivalent. Door openings between private garages and Group LC Occupancies shall be equipped with either solid wood doors, or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with Section 715.3.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.
3. An occupancy separation need not be provided between a Group LC, Boarding Home Occupancy and a Group R-2 Occupancy.

419.5 Evacuation capability. Evacuation capability is the ability of the clients of a licensed care facility to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

I - Persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

II - Persons physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

III - Persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

PROPOSED

419.6 Location of sleeping rooms. In every Group LC facility, all sleeping rooms occupied by clients with an evacuation capability of II or III shall be located on a grade level floor which provides not less than two means of egress which do not require clients to use stairs, elevator, or platform lift to exit the facility.

EXCEPTIONS: 1. In a Group LC Occupancy licensed to provide care to two or fewer clients with an evacuation capability of II or III and six or fewer total clients, only one means of egress which does not require clients to use stairs, elevator or platform lift to exit the facility need be provided.

2. Sleeping rooms for clients with an evacuation capability of II or III may be located on floors other than at grade level, provided the facility is divided into at least two compartments by smoke barriers.

419.7 Means of egress. Means of egress, including provisions for emergency escape and rescue, shall be provided as specified in Chapter 10. For requirements of Chapter 10, Group LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R-3 Occupancies; and all other Group LC Occupancies shall comply with provisions for Group R-2 Occupancies.

EXCEPTIONS: 1. Means of egress illumination required by Section 1006 need not be provided in any Group LC Occupancy licensed for six or fewer clients.

2. In LC Occupancies with an approved automatic fire sprinkler system and approved automatic fire alarm system, waiting and resting areas may be open to the corridor provided:

2.1 Each rest area does not exceed 150 square feet, excluding the corridor width; and

2.2 Walls defining the space shall continue the construction of the corridor's wall; and

2.3 The floor on which the rest area or areas are located is divided into at least two compartments by smoke barriers; and

2.4 Combustible furnishings located within the rest area are flame resistant as defined by International Building Code Section 802; and

2.5 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

419.8 Accessibility. In new construction, Group LC Occupancies, regardless of the number of clients, shall comply with accessibility standards for Group R-2 apartment buildings or dormitories as specified in Chapter 11.

Where an occupancy in Group LC is being established by change of occupancy in an existing building, the building shall be altered to comply with apartment building or dormitory provisions of Chapter 11 if any client is a person with disability. The alterations shall provide the minimum necessary access appropriate for the disabilities of clients. Any alteration, whether to accommodate a client with disability or for another purpose, shall comply with Part III of Chapter 11.

419.9 Lighting. Occupancies in Group LC shall be provided with light as required by Section 1205 for dwelling units and exterior stairways serving dwelling units.

419.10 Ventilation. Occupancies in Group LC shall comply with provisions for Group R Occupancies as provided in the Washington State Ventilation and Indoor Air Quality Code.

419.11 Ceiling heights. Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm).

The required height shall be measured from the finished floor to the lowest projection from the ceiling.

EXCEPTIONS: 1. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (153 mm) below the required ceiling height.

2. Ceilings in basements without habitable spaces may project to within 6 feet 8 inches (2032 mm) of the finished floor, and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2134 mm) in height, with no portion of the required floor area less than 5 feet (1524 mm) in height.

419.12 Sprinkler systems. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group LC fire area.

EXCEPTION: An automatic sprinkler system need not be installed if the licensed care facility is licensed for six or fewer clients.

419.13 Fire alarm systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an approved manual and automatic fire alarm system complying with NFPA 72.

419.14 Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms shall be installed in accordance with the provisions of this code and the household fire-warning equipment provisions of NFPA 72.

419.14.1 Where required. Single- or multiple-station smoke alarms shall be installed and maintained in Group LC, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story, including basements but not including crawl spaces and uninhabitable attics. In buildings with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

419.14.2 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

419.14.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual Group LC Occupancy, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the Group LC Occupancy. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

419.14.4 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group LC Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing

Group LC Occupancy, smoke detectors shall be installed in accordance with Sections 419.14.1 and 419.14.2.

EXCEPTION: Repairs to the exterior surfaces are exempt from the requirements of this section.

419.15 Sanitation.

419.15.1 General. Sanitation facilities shall comply with Chapter 29 and the provisions of this section. Any room in which a water closet is located shall be separated from food preparation or storage rooms by a self-closing tight-fitting door.

419.15.2 Group LC Occupancies with six or fewer clients. Group LC Occupancies licensed for six or fewer clients shall be provided with not less than one water closet, one lavatory and one bathtub or shower.

419.15.3 Group LC Occupancies with more than six clients. Group LC Occupancies licensed for more than six clients shall provide not less than one water closet for each 10 male clients, or fractional part thereof, and not less than one water closet for each 8 female clients, or fractional part thereof.

In addition, not less than one lavatory shall be provided for each 12 male clients, or fractional part thereof, and not less than one lavatory for each 12 female clients, or fractional part thereof. Where the number of clients of either sex exceeds 12, one lavatory shall be added for each additional 20 males, or fractional part thereof, and one lavatory shall be added for each additional 15 females, or fractional part thereof.

In addition, not less than one bathtub or shower shall be provided for every eight clients, or fractional part thereof. Where there are female clients, one additional bathtub or shower shall be provided for each 30 female clients, or fractional part thereof. Where the number of total clients exceeds 150, one bathtub or shower shall be provided for each 20 clients, or fractional part thereof, over 150 clients.

419.16 Concealed spaces. Fireblocking and draftstopping shall be installed in occupancies in Group LC in accordance with the provisions of Section 717 applicable to Group R-2.

NEW SECTION

WAC 51-50-0707 Section 707—Shaft enclosures.

707.14.1 Elevator lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.

- EXCEPTIONS:**
1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.
 2. Elevators not required to be located in a shaft in accordance with Section 707.2.

3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.
4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.
5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided.

NEW SECTION

WAC 51-50-0902 Section 902—Definitions.

902.1 Definitions.

PORTABLE SCHOOL CLASSROOM. A structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

NEW SECTION

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

EXCEPTION: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings.

- EXCEPTIONS:**
1. Portable school classrooms, provided aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (1465 m²); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.
 2. Group E day care.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with NFPA

13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.

903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS: 1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

NEW SECTION

WAC 51-50-0909 Section 909—Smoke control systems.

909.6.3 Elevator shaft pressurization. Where elevator shaft pressurization is required to comply with Exception 5 of Section 707.14.1, the pressurization system shall comply with the following.

909.6.3.1 Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.

909.6.3.2 The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

909.6.3.3 Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.

909.6.3.4 Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

909.6.3.5 The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

909.6.3.6 Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.

909.6.3.7 Elevator machine rooms required to be pressurized by Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with Section 707.

909.6.3.8 Special inspection shall be required in accordance with Section 909.18.8.3 and Section 1704.

NEW SECTION

WAC 51-50-1008 Section 1008—Doors, gates and turnstiles.

1008.1.2 Door swing. Egress doors shall be side-hinged swinging.

EXCEPTIONS: 1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
2. Group I-3 Occupancies used as a place of detention.
3. Doors within or serving a single dwelling unit in Groups R-2 and R-3 as applicable in Section 101.2.
4. In other than Group H Occupancies, revolving doors complying with Section 1008.1.3.1.
5. In other than Group H Occupancies, horizontal sliding doors complying with Section 1008.1.3.3 are permitted as a means of egress.
6. Power-operated doors in accordance with Section 1008.1.3.1.

Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons or a Group H Occupancy.

The opening force for interior side-swinging doors without closers shall not exceed a 5-pound force. For other side-swinging, sliding, and folding doors, the door latch shall release when subjected to a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force. Forces shall be applied to the latch side. Within an accessible route, at exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.

NEW SECTION

WAC 51-50-1009 Section 1009—Stairways and handrails.

1009.3 Stair treads and risers. Stair riser heights shall be 7 1/2 inches (190 mm) maximum and 4 inches (102 mm) minimum. Stair tread depths shall be 10 inches (254 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 0.375 inch (9.5 mm). Winder treads shall have a minimum tread depth of 11 inches (279 mm) measured at a right angle to the tread's leading edge at a point 12 inches (305 mm) from the side where the treads are narrower and a minimum tread depth of 10 inches (254 mm). The greatest winder tread depth at the 12-inch (305 mm) walk line within any flight of stairs shall not exceed the smallest by more than 0.375 inch (9.5 mm).

EXCEPTIONS: 1. Circular stairways in accordance with Section 1009.7.
2. Winders in accordance with Section 1009.8.
3. Spiral stairways in accordance with Section 1009.9.
4. Aisle stairs in assembly seating areas where the stair pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1024.11.2.

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3 as applicable in Section 101.2, the maximum riser height shall be 7.75 inches (197 mm) and the minimum tread depth shall be 10 inches (254 mm), the minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
6. See the *International Existing Building Code* for the replacement of existing stairways.

1009.13 Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

NEW SECTION

WAC 51-50-1010 Section 1010—Ramps.

1010.8 Handrails. Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

NEW SECTION

WAC 51-50-1024 Section 1024—Assembly.

1024.11 Assembly aisle walking surfaces. Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a ramp having a slip-resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20-percent slope).

1024.13 Handrails. Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7-percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS: 1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20-percent slope) and seating on both sides.

2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.

NEW SECTION

WAC 51-50-1101 Section 1101—General.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

1101.2.1 Landings. The maximum rise for any run is 30 inches (762 mm). Landings shall be provided at the top and bottom of any run. Landings shall be level and have a minimum dimension measured in the direction of travel of not less than 60 inches (1525 mm). Amends ICC A117.1 403.

1101.2.2 Clear width. Clear width of an accessible route shall comply with Table 403.5. For exterior routes of travel, the minimum clear width shall be 44 inches (1118 mm). Amends ICC A117.1 403.5.

1101.2.3 Door-opening force. Fire doors shall have the minimum opening force allowable by the appropriate administrative authority. The maximum force for pushing open or pulling open doors other than fire doors shall be as follows:

1. Interior hinged door: 5.0 pounds
2. Sliding or folding doors: 5.0 pounds

At exterior doors where environmental conditions require a closing pressure greater than 8.5 pounds, power operated doors shall be used within the accessible route of travel.

These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position. Amends ICC A117.1 404.2.9.

1101.2.4 Identification. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Access complying with Section 703.7. Such signs shall be 60 inches (1525 mm) minimum above the floor or ground surface of the parking space, measured to the bottom of the sign. Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Access identifying the spaces as "Van Accessible." Amends ICC A117.1 502.6.

1101.2.5 Coat hooks, shelves, dispensers, and other fixtures. Coat hooks provided within toilet rooms shall accommodate a forward reach or side reach complying with Section 308. Where provided, shelves shall be installed so that the top of the shelf is within 40 inches (1015 mm) of the floor. Drying equipment, towel or other dispensers, and disposal fixtures shall be mounted so as to not exceed 40 inches above the finish floor to any rack, operating controls, receptacle or dispenser. Amends ICC A117.1 603.4.

1101.2.6 Flush controls. Flush controls shall be hand operated or automatic. Hand operated flush controls for water closets shall be mounted for use from the wide side of the water closet area and not more than 44 inches (1118 mm) above the floor. Amends ICC A117.1 604.6.

1101.2.7 Dispensers. Toilet paper dispensers shall comply with Section 309.4 and shall be 7 inches (180 mm) minimum and 9 inches (230 mm) maximum in front of the water closet. The outlet of the dispenser shall be 15 inches (380 mm) minimum and 48 inches (1015 mm) maximum above the floor or ground. There shall be a clearance of 1 1/2 inches (38 mm) minimum below and 12 inches (305 mm) minimum above the grab bar. Dispensers shall not be of a type that control delivery, or that do not allow continuous paper flow. Other dispensers, and disposal fixtures shall be mounted so as to not exceed 40 inches above the finish floor to any rack, operating controls, receptacle or dispenser. Amends ICC A117 604.7.

1101.2.8 Grab bars. Grab bars shall have an outside diameter of not less than 1 1/4 inch (32 mm) nor more than 1 1/2 inches (38 mm) and shall provide a clearance of 1 1/2 inches (38 mm) between the grab bar and the wall. Amends ICC A117.1 609.2.

1101.2.9 International Symbol of Accessibility. Where the International Symbol of Accessibility is required, it shall be proportioned complying with Figure 703.2.1. All interior and exterior signs depicting the International Symbol of Access shall be white on a blue background. Amends ICC A117.1 703.7.2.1.

1101.2.10 Lines of sight. Wheelchair spaces shall be located in places with unobstructed sight lines. Amends ICC A117.1 802.8.

NEW SECTION

WAC 51-50-1103 Section 1103—Scoping requirements.

1103.2.15 Modifications. Where full compliance with this chapter is impractical due to unique characteristics of the terrain, the building official may grant modifications in accordance with Section 104.10, provided that any portion of the building or structure that can be made accessible shall be made accessible to the greatest extent practical.

NEW SECTION

WAC 51-50-1104 Section 1104—Accessible route.

1104.4 Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

EXCEPTIONS: 1. An accessible route is not required to stories and mezzanines above and below accessible levels that have an aggregate area of not more than 3,000 square feet. This exception shall not apply to:

- 1.1 Multiple tenant facilities of Group M Occupancies containing five or more tenant spaces;
 - 1.2 Levels containing offices of health care providers (Group B or I); or
 - 1.3 Passenger transportation facilities and airports (Group A-3 or B); or
 - 1.4 Buildings owned or leased by government agencies.
2. In Group A, I, R and S Occupancies, levels that do not contain accessible elements or other spaces required by Section 1107 or 1108 are not required to be served by an accessible route from an accessible level.
3. In air traffic control towers, an accessible route is not required to serve the cab and floor immediately below the cab.
4. Where a two-story building or facility has one story with an occupant load of five or fewer persons that does not contain public use space, that story shall not be required to be connected by an accessible route to the story above or below.

NEW SECTION

WAC 51-50-1105 Section 1105—Accessible entrances.

1105.1 Public entrances. In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6, at least 50

percent of all public entrances shall be accessible. All exterior exits which are located adjacent to accessible areas and within 6 inches (152 mm) of grade shall be accessible.

EXCEPTIONS: 1. An accessible entrance is not required in areas not required to be accessible.

2. Loading and service entrances that are not the only entrance to a tenant space.

NEW SECTION

WAC 51-50-1106 Section 1106—Parking and passenger loading facilities.

1106.3 Outpatient medical care facilities. For Group I-1 and I-2 Occupancies providing outpatient medical care facilities, 10 percent of the parking spaces provided accessory to such occupancies shall be accessible.

1106.4 Inpatient and outpatient medical care facilities. For Group I-1 and I-2 units and facilities specializing in the treatment of persons with mobility impairments on either an inpatient or outpatient basis, 20 percent of the parking spaces provided accessory to such units and facilities shall be accessible.

1106.6 Location. Accessible parking spaces shall be located on the shortest route of travel from adjacent parking to an accessible building entrance. Accessible parking spaces shall be dispersed among the various types of parking facilities provided. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

EXCEPTION: In multilevel parking structures, van accessible parking spaces are permitted on one level.

1106.7.4 Sheltered entrance. In Group I-2 Occupancies, at least one accessible entrance that complies with Section 1105 shall be under shelter. Every such entrance shall include a passenger loading zone which complies with Section 1106.7.

NEW SECTION

WAC 51-50-1107 Section 1107—Dwelling units and sleeping units.

1107.6 Group R. Occupancies in Group R shall be provided with accessible features in accordance with Sections 1107.6.1 through 1107.6.4. Accessible and Type A units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.

1107.6.2.1.1 Type A units. In occupancies in Group R-2 containing more than 20 dwelling units or sleeping units, at least 5 percent, but not less than one, of the units shall be a

Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

- EXCEPTIONS: 1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.

NEW SECTION

WAC 51-50-1109 Section 1109—Other features and facilities.

1109.2 Toilet and bathing facilities. Toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible.

EXCEPTIONS: 1. In toilet rooms or bathing facilities accessed only through a private office, not for common or public use, and intended for use by a single occupant, any of the following alternatives are allowed:

- 1.1 Doors are permitted to swing into the clear floor space provided the door swing can be reversed to meet the requirements in ICC A117.1;
 - 1.2 The height requirements for the water closet in ICC A117.1 are not applicable;
 - 1.3 Grab bars are not required to be installed in a toilet room, provided that reinforcement has been installed in the walls and located so as to permit the installation of such grab bars; and
 - 1.4 The requirement for height, knee and toe clearance shall not apply to a lavatory.
2. This section is not applicable to toilet and bathing facilities that serve dwelling units or sleeping units that are not required to be accessible by Section 1107.
 3. Where multiple single-user toilet rooms or bathing facilities are clustered at a single location and contain fixtures in excess of the minimum required number of plumbing fixtures, at least 5 percent, but not less than one room for each use at each cluster, shall be accessible.
 4. Toilet room fixtures that are in excess of those required by the State Building Code and that are designed for use by children in day care and primary school occupancies.
 5. Where no more than one urinal is provided in a toilet room or bathing facility, the urinal is not required to be accessible.
 6. Toilet rooms that are part of critical care or intensive care patient sleeping rooms are not required to be accessible.
 7. In dwelling units where a separate bathtub and shower are provided in the same room, at least one shall be accessible.

1109.5 Drinking fountains. On floors where drinking fountains are provided, at least 50 percent, but not less than one fountain, shall be accessible. At least one fountain shall be mounted at a standard height.

1109.6 Elevators. Passenger elevators on an accessible route shall be accessible and comply with ICC A117.1. Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-96 of the Washington Administrative Code.

1109.9 Detectable warnings. Passenger transit platform edges bordering a drop-off and not protected by platform screens or guards shall have a detectable warning. Curb ramps shall have detectable warnings. Detectable warnings shall extend the full width and depth of the curb ramp.

EXCEPTION: Detectable warnings are not required at bus stops.

1109.12.2 Check-out aisles. Where check-out aisles are provided, accessible check-out aisles shall be provided in accordance with Table 1109.12.2. Where check-out aisles serve different functions, at least one accessible check-out aisle shall be provided for each function. Where check-out aisles serve different functions, accessible check-out aisles shall be provided in accordance with Table 12.2 for each function. Where check-out aisles are dispersed throughout the building or facility, accessible check-out aisles shall also be dispersed. Traffic control devices, security devices and turnstiles located in accessible check-out aisles or lanes shall be accessible. Accessible check-out aisles shall be identified by the International Symbol of Access in accordance with ICC A117.1 703.7.2.1.

EXCEPTION: Where the area of the selling space is less than 5,000 square feet (465 m²), only one check-out aisle is required to be accessible.

1109.14.3 Other occupancies. All recreational facilities not falling within the purview of Section 1109.14.1 or 1109.14.2 shall be accessible as required by the Americans with Disabilities Act Accessibility Guidelines.

NEW SECTION

WAC 51-50-1203 Section 1203—Ventilation.

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code* and the Washington State Ventilation and Indoor Air Quality Code.

1203.4 Natural ventilation. For other than Group R Occupancies in buildings four stories and less, natural ventilation of an occupied space shall be through windows, doors, louvers or other openings to the outdoors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants. Group R Occupancies in buildings four stories and less shall comply with the Washington State Ventilation and Indoor Air Quality Code.

NEW SECTION

WAC 51-50-1204 Section 1204—Temperature control.

1204.2.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in-kind, based on current replacement costs.

1204.2.2 Primary heating source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

1204.2.3 Solid fuel burning devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION

WAC 51-50-1208 Section 1208—Interior space dimensions.

Option 1:

1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces, corridors, bathrooms, toilet rooms, kitchen, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm).

- EXCEPTIONS:**
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
 3. Mezzanines constructed in accordance with Section 505.1.

Option 2:

1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchen, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

- EXCEPTIONS:**
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
 3. Mezzanines constructed in accordance with Section 505.1.
 4. Residential Group R Occupancies shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

1208.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (13.9 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

EXCEPTION: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

NEW SECTION

WAC 51-50-1702 Section 1702—Definitions.

1702.1 General.

STRUCTURAL OBSERVATION. The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents. Structural observation does not include or waive the responsibility for the inspection required by Section 109, 1704, or other sections of this code.

NEW SECTION

WAC 51-50-1709 Section 1709—Structural observations.

1709.1 Structural observations. Structural observations shall be provided for those structures included in Seismic Design Category D, E or F, as determined in Section 1616, where one or more of the following conditions exist:

1. The structure is included in Seismic Use Group II or III.
2. The height of the structure is greater than 75 feet (22 860 mm) above the base.
3. The structure is in Seismic Design Category E and Seismic Use Group I and greater than two stories in height.
4. When so designated by the registered design professional in responsible charge of the design.
5. When such observation is specifically required by the building official for unusual lateral force-resisting structures or irregular structures as defined in Section 1616.

Structural observations shall also be provided for those structures sited where the basic wind speed exceeds 110 mph (49 m/sec) determined from Figure 1609, where one or more of the following conditions exist:

1. The structure is included in Category III or IV according to Table 1604.5.
2. The height of the structure is greater than 75 feet (22 860 mm).
3. When so designated by the registered design professional in responsible charge of the design.
4. When such observation is specifically required by the building official for unusual main windforce-resisting structures.

The owner shall employ a registered design professional to perform structural observations as defined in Section 1702.

Deficiencies shall be reported in writing to the owner and the building official. At the conclusion of the work included in the permit, the structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved.

NEW SECTION

WAC 51-50-2114 Section 2114—Emission standards.

2114.1 Emission Standards for Factory-built Fireplaces. After January 1, 1997, no new or used factory-built fireplace shall be installed in Washington state unless it is certified and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

2114.2 Emission Standards for Certified Masonry and Concrete Fireplaces. After January 1, 1997, new certified masonry or concrete fireplaces installed in Washington state shall be tested and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

NEW SECTION

WAC 51-50-2900 Chapter 29—Plumbing systems.

SECTION 2901—PLUMBING CODE.

Plumbing systems shall comply with the Plumbing Code.

SECTION 2902—GENERAL.

2902.1 Number of fixtures.

2902.1.1 Requirements. Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1 and in this chapter. Where the proposed occupancy is not listed in Table 2902.1, the building official shall determine fixture requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.2 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.3 Occupancy load distribution. The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

2902.1.4 Food preparation areas. In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

2902.1.5 Other requirements. For other requirements for plumbing facilities, see Sections 419.15 and 1210 and Chapter 11.

2902.2 Access to fixtures.

2902.2.1 Location. Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

2902.2.2 Multiple tenants. Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

2902.2.3 Multistory buildings. Required fixtures shall not be located more than one vertical story above or below the area served.

2902.3 Separate facilities.

2902.3.1 Requirements. Separate toilet facilities shall be provided for each sex.

EXCEPTIONS:

1. In occupancies serving 10 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.
2. In Group B and M Occupancies with a total floor area of 1500 square feet (139.5 m²) or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

2902.3.2 Food service establishments. When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

2902.4 Pay facilities. Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

2902.5 is not adopted.

2902.6 is not adopted.

SECTION 2903—SPECIAL PROVISIONS.

2903.1 Dwelling units. Dwelling units shall be provided with a kitchen sink.

2903.2 Water closet space requirements. The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

2903.3 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

PROPOSED

2903.4 Drinking fountains.

2903.4.1 Number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

- EXCEPTIONS: 1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
 2. A drinking fountain need not be provided in a drinking or dining establishment.

2903.4.2 Multistory buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2903.4.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2903.4.4 Location. Drinking fountains shall not be located in toilet rooms.

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400	One per 2 water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Assembly places— Theaters, auditoriums, convention halls, dance floors, lodge rooms, casinos, and such places which have limited time for fixture use (intermissions)	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 250 males or 50 females	One per 25 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
Assembly places— Stadiums, arena and other sporting facilities where fixture use is not limited to intermissions	1:1-100 2:101-200 3:201-400 Over 400, add one fixture for each additional 300 males or 100 females	One per 50 Up to 400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Worship places Principal assembly area Educational & activity unit	One per 150 One per 125	One per 75 One per 75	One per 2 water closets One per 2 water closets		
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group B and other clerical or administrative employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons	1:1-15 2:16-35 3:36-55	One per 2 water closets		

PROPOSED

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2A,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 100 square feet (9.3 m ²) per student for the minimum number of plumbing fixtures.					
Group E	1:1-15	1:1-15	One per 2 water closets		
Schools - for staff use	2:16-35	2:16-35			
All schools (One staff per 20 students)	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Schools - for student use	1:1-20	1:1-20	1:1-20	1:1-20	
Day care	2:21-50	2:21-50	2:21-50	2:21-50	
	Over 50, add one fixture for each additional 50 persons		Over 50, add one fixture for each additional 50 persons		
Elementary	One per 30	One per 25	One per 2 water closets		
Secondary	One per 40	One per 30	One per 2 water closets		
For the occupancies listed below, use 50 square feet (4.65 m ²) per occupant for the minimum number of plumbing fixtures.					
Education facilities other than Group E					
Others (colleges, universities, adult centers, etc.)	One per 40	One per 25	One per 2 water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m ²) per occupant for the minimum number of plumbing fixtures.					
Group F and Group H	1:1-10	1:1-10	One per 2 water closets		
Workshop, foundries and similar establishments, and hazardous occupancies	2:11-25	2:11-25			One shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
	3:26-50	3:26-50			
	4:51-75	4:51-75			
	5:76-100	5:76-100			
	Over 100, add one fixture for each additional 30 persons				
For the occupancies listed below, use the designated application and 200 square feet (18.58 m ²) per occupant of the general use area for the minimum number of plumbing fixtures.					
Group I⁷					
Hospital waiting rooms	One per room (usable by either sex)		One per room		
Hospital general use areas	1:1-15	1:1-15	One per 2 water closets		
	2:16-35	3:16-35			
	3:36-55	3:36-55			
	Over 55, add one fixture for each additional 40 persons				
Hospital patient rooms:					
Single Bed	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Isolation	One adjacent to and directly accessible from		One per toilet room		One per toilet room
Multibed	One per 4 patients		One per 4 patients		One per 8 patients
Long-term	One per 4 patients		One per 4 patients		One per 15 patients

PROPOSED

TABLE 2902.1—MINIMUM PLUMBING FIXTURES^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Jails and reformatories					
Cell	One per cell		One per cell		
Exercise room	One per exercise room		One per exercise room		
Other institutions (on each occupied floor)	One per 25	One per 25	One per 2 water closets		One per 8
Group LC	For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 419.15.				
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group M					
Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	One per 2 water closets		
For Group R Occupancies containing dwelling units or guest rooms, use the table below. For dormitories, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group R					
Dwelling units	One per dwelling unit		One per dwelling unit		One per dwelling unit
Hotel, motel, and boarding house guest rooms	One per guest room		One per guest room		One per guest room
Dormitories	One per 10	One per 8	One per 12	One per 12	One per 8
	Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females		Over 12, add one fixture for each additional 20 males and one for each additional 15 females		For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons
For the occupancies listed below, use 5,000 square feet (464.5 m ²) per occupant for the minimum number of plumbing fixtures.					
Group S					
Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 40 occupants of each sex		One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

¹The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

²For occupancies not shown, see Section 2902.1.1.

³Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

⁴For drinking fountains, see Section 2903.4.

⁵Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

⁶For when a facility may be usable by either sex, see Section 2902.3.1.

⁷See WAC 246-320 for definitions, other fixtures and equipment for hospitals.

PROPOSED

NEW SECTION**WAC 51-50-3001 Section 3001—General.**

SECTION 3001—GENERAL, is not adopted.

Elevators and conveying systems are regulated by chapter 296-96 WAC.

NEW SECTION

WAC 51-50-3002 Section 3002—Hoistway enclosures.

3002.5 Emergency doors, is not adopted.

NEW SECTION

WAC 51-50-3003 Section 3003—Emergency operations.

3003.2 Fire-fighters' emergency operation, is not adopted.

NEW SECTION

WAC 51-50-3004 Section 3004—Hoistway venting.

3004.3 Area of vents. Except as provided for in Section 3004.3.1, the area of the vents shall not be less than 3 1/2 percent of the area of the hoistway not less than 3 square feet (0.28 m²) for each elevator car, and not less than 3 1/2 percent nor less than 0.5 square feet (0.047 m²) for each dumbwaiter car in the hoistway, whichever is greater. Vents shall be capable only of manual operation or controlled by a manual switch mounted in an approved location.

3004.5 Plumbing and mechanical systems, is not adopted.

NEW SECTION

WAC 51-50-3005 Section 3005—Conveying systems.

SECTION 3005—CONVEYING SYSTEMS, is not adopted.

NEW SECTION

WAC 51-50-3006 Section 3006—Machine rooms.

3006.3 Pressurization, is not adopted.

3006.5 Shunt trip, is not adopted.

3006.6 Plumbing systems, is not adopted.

NEW SECTION

WAC 51-50-3408 Section 3408—Moved structures.

3408.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the International Residential Code (chapter 51-51 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and

Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

NEW SECTION

WAC 51-50-3409 Section 3409—Accessibility for existing buildings.

3409.5 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1 unless technically infeasible. Where compliance with the section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible. Where alterations would increase the number of public pay telephones to four, with at least one in the interior, or where the facility has four or more public pay telephones and one or more is altered; at least one interior text telephone shall be provided.

- EXCEPTIONS:**
1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.6.
 2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
 3. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an accessible space usable by the general public and not restricted to use by people with disabilities.

3409.6 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities, telephones or drinking fountains serving the area of primary function.

- EXCEPTIONS:**
1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alteration affecting the area of primary function.
 2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
 3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
 4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.7 Scoping for alterations. The provisions of Sections 3409.7.1 through 3409.7.11 shall apply to alterations to existing buildings and facilities. Where an escalator or new stairway is planned or installed requiring major structural

changes, then a means of vertical transportation (e.g., elevator, platform lift) shall be provided in accordance with this chapter.

3409.7.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator. Elevators shall comply with chapter 296-96 WAC.

3409.7.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route. Platform lifts shall comply with chapter 296-96 WAC.

3409.7.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered or added. At least one sleeping room for each 25 sleeping rooms, or fraction thereof, being added or altered, shall have telephones and visible notification devices complying with Section E104.3.4, as well as visible alarms.

3409.7.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet for bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facility. The number of toilet facilities and water closets required by the State Building Code may be reduced by one, in order to provide accessible features.

NEW SECTION

WAC 51-50-31200 Section 31-2—Standard test method for particulate emissions from fireplaces.

**Washington State Building Code Standard 31-2
STANDARD TEST METHOD FOR PARTICULATE
EMISSIONS FROM FIREPLACES**

(Insert following page 596)

See Section 2114, *International Building Code*

SECTION 31.200—TITLE AND SCOPE.

SECTION 31.200.1 TITLE.

This Appendix Chapter 31-2 shall be known as the "Washington state standard test method for particulate emissions from fireplaces" and may be cited as such; and will be referred to herein as "this standard."

SECTION 31.200.2 SCOPE.

This standard covers emissions performance, approval/certification procedures, test laboratory accreditation, record-keeping, reporting requirements, and the test protocol for measuring particulate emissions from fireplaces.

All testing, reporting and inspection requirements of this standard shall be conducted by a Washington state department of ecology (DOE) approved testing laboratory. In order to qualify for DOE approval, the test laboratory must be a U.S. Environmental Protection Agency (EPA) accredited

laboratory (40 CFR Part 60, Subpart AAA). DOE may approve a test laboratory upon submittal of the following information:

1. A copy of their U.S. EPA accreditation certificate; and
2. A description of their facilities, test equipment, and test-personnel qualifications including education and work experience.

DOE may revoke a test laboratory approval when the test laboratory is no longer accredited by the U.S. EPA or if DOE determines that the test laboratory does not adhere to the testing requirements of this chapter.

SECTION 31.201—DEFINITIONS.

For the purpose of this standard certain terms are defined as follows:

ANALYZER CALIBRATION ERROR is the difference between the gas concentration exhibited by the gas analyzer and the known concentration of the calibration gas when the calibration gas is introduced directly to the analyzer.

BURN RATE is the average rate at which test-fuel is consumed in a fireplace measured in kilograms of wood (dry basis) per hour (kg/hr) during a test-burn.

CALIBRATION DRIFT is the difference in the analyzer reading from the initial calibration response at a mid-range calibration value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

CALIBRATION GAS is a known concentration of carbon dioxide (CO₂), carbon monoxide (CO), or oxygen (O₂) in nitrogen (N₂).

CERTIFICATION OR AUDIT TEST is the completion of at least one, three-fuel-load test-burn cycle in accordance with Section 31.202.

FIREBOX is the chamber in the fireplace in which a test-fuel charge(s) is placed and combusted.

FIREPLACE is a wood burning device which is exempt from U.S. EPA 40 CFR Part 60, Subpart AAA and:

1. Is not a cookstove, boiler, furnace, or pellet stove as defined in 40 CFR Part 60, Subpart AAA; and
2. Is not a masonry heater as defined in Section 31.201; and
3. See Section 3102, Uniform Building Code for definitions of masonry and factory-built fireplaces as used in this standard.

FIREPLACE, CERTIFIED, is a fireplace that meets the emission performance standards when tested according to Uniform Building Code Standard 31-2.

FIREPLACE, NONCERTIFIED, (masonry or concrete) is any fireplace that is not a certified fireplace. A noncertified fireplace will be subject to applicable burn ban restrictions.

FIREPLACE DESIGN is the construction and/or fabrication specifications including all dimensions and materials required for manufacturing or building fireplaces with identical combustion function and particulate emissions factors.

FIREPLACE MODEL LINE is a series of fireplace models which all have the same internal assembly. Each model in a

model line may have different facade designs and external decorative features.

INTERNAL ASSEMBLY is the core construction and firebox design which produces the same function and emissions factor for a fireplace model line.

MASONRY HEATER is a heating system of predominantly masonry construction having a mass of at least 800 kg (1760 lbs), excluding the chimney and foundation, which is designed to absorb a substantial portion of the heat energy from a rapidly burned charge of solid fuel by:

1. Routing of exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox includes at least one 180 degree change in flow direction, usually downward, before entering the chimney; and

2. Being constructed of sufficient mass such that under normal operating conditions the external surface of the heater, except in the region immediately surrounding the fuel loading door(s), does not exceed 110°C (230°F).

Masonry heaters shall be listed or installed in accordance with ASTM E-1602.

RESPONSE TIME is the amount of time required for the measurement system to display 95 percent of a step change in gas concentration.

SAMPLING SYSTEM BIAS is the difference between the gas concentrations exhibited by the analyzer when a known concentration gas is introduced at the outlet of the sampling probe and when the sample gas is introduced directly to the analyzer.

SPAN is the upper limit of the gas concentration measurement range (25 percent for CO₂, O₂, and 5 percent for CO).

TEST FACILITY is the area in which the fireplace is installed, operated, and sampled for emissions.

TEST FUEL LOADING DENSITY is the weight of the as-fired test-fuel charge per unit area of usable firebox floor (or hearth).

TEST-BURN is an individual emission test which encompasses the time required to consume the mass of three consecutively burned test-fuel charges.

TEST-FUEL CHARGE is the collection of test fuel pieces placed in the fireplace at the start of certification test.

USABLE FIREBOX AREA is the floor (or hearth) area, within the fire chamber of a fireplace upon which a fire may be, or is intended to be built. Usable firebox area is calculated using the following definitions:

1. Length. The longest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

2. Width. The shortest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

3. For angled or curved firebox walls and/or sides, the effective usable firebox area shall be determined by calculating the sum of standard geometric areas or sub-areas of the firebox floor.

If a fireplace has a floor area within the fire chamber which is larger than the area upon which it is intended that fuel be placed and burned, the usable firebox area shall be calculated as the sum of standard geometric areas or sub-areas of the area intended for fuel placement and burning. For fireplace grates which elevate the fuel above the firebox floor, usable firebox area determined in this manner shall be multiplied by a factor of 1.5. The weight of test-fuel charges for fireplace-grate usable-firebox-area tests, shall not exceed the weight of test-fuel charges determined for the entire fireplace floor area.

ZERO DRIFT is the difference in the analyzer reading from the initial calibration response at the zero concentration level after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

SECTION 31.202—TESTING.

31.202.1 Applicability. This method is applicable for the certification and auditing of fireplace particulate emission factors. This method describes the test facility, fireplace installation requirements, test-fuel charges, and fireplace operation as well as procedures for determining burn rates and particulate emission factors.

31.202.2 Principle. Particulate matter emissions are measured from a fireplace burning prepared test-fuel charges in a test facility maintained at a set of prescribed conditions.

31.202.3 Test apparatus.

31.202.3.1 Fireplace temperature monitors. Devices capable of measuring flue-gas temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.2 Test facility temperature monitor. A thermocouple located centrally in a vertically oriented pipe shield 6 inches (150 mm) long, 2 inches (50 mm) diameter that is open at both ends, capable of measuring air temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.3 Balance. Balance capable of weighing the test-fuel charge(s) to within 0.1 lb (0.05 kg).

31.202.3.4 Moisture meter. Calibrated electrical resistance meter for measuring test-fuel moisture to within 1 percent moisture content (dry basis).

31.202.3.5 Anemometer. Device capable of detecting air velocities less than 20 ft/min (0.10 m/sec), for measuring air velocities near the fireplace being tested.

31.202.3.6 Barometer. Mercury, aneroid or other barometer capable of measuring atmospheric pressure to within 0.1 inch Hg (2.5 mm Hg).

31.202.3.7 Draft gauge. Electromanometer or other device for the determination of flue draft (i.e., static pressure) readable to within 0.002 inches of water column (0.50 Pa).

31.202.3.8 Combustion gas analyzer. Combustion gas analyzers for measuring carbon dioxide (CO₂), carbon monoxide (CO), and oxygen (O₂) in the fireplace exhaust-gas stream must meet all of the following measurement system performance specifications:

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1. **Analyzer calibration error.** Shall be less than ± 2 percent of the span value for the zero, mid-range, and high-range calibration gases.

2. **Sampling system bias.** Shall be less than ± 5 percent of the span value for the zero, mid-range, and high-range calibration gases.

3. **Zero Drift.** Shall be less than ± 3 percent of the span over the period of each run.

4. **Calibration drift.** Shall be less than ± 3 percent of the span value over the period of each run.

5. **Response time.** Shall be less than 1.5 minutes.

31.202.4 Emissions sampling method. Use the emission sampler system (ESS) as described in Section 31.203.12 or an equivalent method as determined by the application of the U.S. EPA Method 301 Validation Procedure (Federal Register, December 12, 1992, Volume 57, Number 250, page 11,998) and upon approval of DOE.

31.202.5 Fireplace installation and test facility requirements. The fireplace being tested must be constructed, if site-built, or installed, if manufactured, in accordance with the designer's/manufacture's written instructions. The chimney shall have a total vertical height above the base of the fire chamber of not less than 15 feet (4 600 mm). The fireplace chimney exit to the atmosphere must be freely communicating with the fireplace combustion makeup-air source. There shall be no artificial atmospheric pressure differential imposed between the chimney exit to the atmosphere and the fireplace makeup-air inlet.

31.202.6 Fireplace aging and curing. A fireplace of any type shall be aged before certification testing begins. The aging procedure shall be conducted and documented by the testing laboratory.

31.202.6.1 Catalyst-equipped fireplaces. Operate the catalyst-equipped fireplace using fuel described in Section 31.203. Operate the fireplace with a new catalytic combustor in place and in operation for at least 50 hours. Record and report hourly catalyst exit temperatures, the hours of operation, and the weight of all fuel used.

31.202.6.2 Noncatalyst-equipped fireplaces. Operate the fireplace using the fuel described in Section 31.203 for at least 10 hours. Record and report the hours of operation and weight of all fuel used.

31.202.7 Pretest preparation. Record the test-fuel charge dimensions, moisture content, weights, and fireplace (and catalyst if equipped) descriptions.

The fireplace description shall include photographs showing all externally observable features and drawings showing all internal and external dimensions needed for fabrication and/or construction. The drawings must be verified as representing the fireplace being tested and signed by an authorized representative of the testing laboratory.

31.202.8 Test facility conditions. Locate the test facility temperature monitor on the horizontal plane that includes the primary air intake opening for the fireplace. Locate the temperature monitor 3 to 6 feet (1 000 to 2 000 mm) from the front of the fireplace in the 90° sector in front of the fireplace.

Test facility temperatures shall be maintained between 65° and 90°F (18° and 32°C). Use an anemometer to measure the air velocity. Measure and record the room-air velocity within 2 feet (600 mm) of the test fireplace before test initiation and once immediately following the test-burn completion. Air velocity shall be less than 50 feet/minute (250 mm/second) without the fireplace operating.

SECTION 31.203—TEST PROTOCOL.

31.203.1 Test fuel. Fuel shall be air dried Douglas fir dimensional lumber or cordwood without naturally associated bark. Fuel pieces shall not be less than 1/2 nor more than 5/6 of the length of the average fire chamber width. Fuel shall be split or cut into pieces with no cross-sectional dimension greater than 6 inches (152 mm). Spacers, if used, shall not exceed 3/4 inches (19 mm) in thickness and 15 percent of the test-fuel charge weight. Fuel moisture shall be in the range of 16 to 20 percent (wet basis) or 19 to 25 percent (dry basis) meter reading.

31.203.2 Test-fuel loading density. The wet (with moisture) minimum weight of each test-fuel charge shall be calculated by multiplying the hearth area in square feet by 7.0 pounds per square foot (square meters x 0.30 kg/m²) (± 10 percent). Three test-fuel charges shall be prepared for each test-burn.

31.203.3 Kindling. The initial test-fuel charge of the three test-fuel charge test-burn shall be started by using a kindling-fuel charge which is up to 50 percent of the first test-fuel charge weight. Kindling-fuel pieces can be any size needed to start the fire or whatever is recommended in the manufacturer's (builder's) instructions to consumers. The kindling-fuel charge weight is not part of the initial test-fuel charge weight but is in addition to it.

31.203.4 Test-burn ignition. The fire can be started with or without paper. If used, the weight of the paper must be included in test-fuel charge weight. The remainder of the test-fuel charge may be added at any time after kindling ignition except that the entire first test-fuel charge must be added within 10 minutes after the start of the test (i.e., the time at which the flue-gas temperature at the 8-foot (2 440 mm) level is over 25°F (14°C) greater than the ambient temperature of the test facility).

31.203.5 Test initiation. Emissions and flue-gas sampling are initiated immediately after the kindling has been ignited and when flue-gas temperatures in the center of the flue at an elevation of 8 feet (2 440 mm) above the base (floor) of the fire chamber reach 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.6 Sampling parameters. Sampling (from the 8-foot (2 440 mm) flue-gas temperature measurement location) must include:

1. Particulate emissions
2. Carbon dioxide (CO₂)¹
3. Carbon monoxide (CO)¹
4. Oxygen (O₂)¹
5. Temperature(s)

¹These gases shall be measured on-line (real-time) and recorded at a frequency of not less than once every 5 minutes.

These 5-minute readings are to be arithmetically averaged over the test-burn series or alternatively, a gas bag sample can be taken at a constant sample rate over the entire test-burn series and analyzed for the required gases within one hour of the end of the test-burn.

If a fireplace is equipped with an emissions control device which is located downstream from the 8-foot (2 440 mm) flue-gas temperature measurement location, a second temperature, particulate, and gaseous emissions sampling location must be located downstream from the emissions control device but not less than 4 flue diameters upstream from the flue exit to the atmosphere. The two sampling locations must be sampled simultaneously during testing for each fireplace configuration being tested.

31.203.7 Test-fuel additions and test completion. The second and third test-fuel charges for a test-burn may be placed and burned in the fire chamber at any time deemed reasonable by the operator or when recommended by the manufacturer's and/or builder's instructions to consumers.

No additional kindling may be added after the start of a test-burn series and the flue-gas temperature at the 8-foot (2 440 mm) level above the base of the hearth must always be 25°F (14°C) greater than the ambient temperature of the test facility for a valid test-burn series. Each entire test-fuel charge must be added within 10 minutes from the addition of the first piece.

A test (i.e., a three test-fuel charge test-burn series) is completed and all sampling and measurements are stopped when all three test-fuel charges have been consumed (to more than 90 percent by weight) in the firebox and the 8-foot (2 440 mm) level flue-gas temperature drops below 25°F (14°C) greater than the ambient temperature of the test facility. Within 5 minutes after the test-burn is completed and all measurements and sampling has stopped, the remaining coals and/or unburned fuel, shall be extinguished with a carbon dioxide fire extinguisher. All of the remaining coals, unburned fuel, and ash shall be removed from the firebox and weighed to the nearest 0.1 pound (0.05 kg). The weight of these unburned materials and ash shall be subtracted from the total test-burn fuel weight when calculating the test-burn burn rate. A test-burn is invalid if less than 90 percent of the weight of the total test-fuel charges plus the kindling weight have been consumed in the fireplace firebox.

31.203.8 Test-fuel charge (load) adjustments. Test-fuel charges may be adjusted (i.e., repositioned) once during the burning of each test-fuel charge. The time used to make this adjustment shall be less than 15 seconds.

31.203.9 Air supply adjustment. Air supply controls, if the fireplace is equipped with controls, may not be adjusted during any test-burn series after the first 10 minutes of startup of each fuel load. All air supply settings must be set to the lowest level at the start of a test and shall remain at the lowest setting throughout a test-burn.

31.203.10 Auxiliary fireplace equipment operation. Heat exchange blowers (standard or optional) sold with the fireplace shall be operated during all test-burns following the manufacturer's written instructions. If no manufacturer's written instructions are available, operate the heat exchange

blower in the "high" position. (Automatically operated blowers shall be operated as designed.) Shaker grates, by-pass controls, afterburners, or other auxiliary equipment may be adjusted only once per test-fuel charge following the manufacturer's written instructions. Record and report all adjustments on a fireplace operational written-record.

31.203.11 Fireplace configurations. One, 3 test-fuel charge test-burn shall be conducted for each of the following fireplace operating configurations:

1. Door(s) closed, with hearth grate;
2. Door(s) open, with hearth grate;
3. Door(s) closed, without hearth grate;
4. Door(s) open, without hearth grate; and
5. With no door(s), and draft inducer on.

No test-burn series is necessary for any configuration the appliance design cannot or is not intended to accommodate. If a configuration is not tested, the reason must be submitted with the test report and the appliance label must state that the appliance cannot be used in that configuration by consumer users.

One emission factor result, or one emission factor average, as provided in Section 31.203.11.2, from each fireplace configuration tested shall be compiled into an arithmetic average of all the configurations tested for determining compliance with the requirements of Section 31.204.2.

31.203.11.1 Closed-door(s) testing. For all closed-door test configurations, the door(s) must be closed within 10 minutes from the addition of the first test-fuel piece of each test-fuel charge in a test-burn. During a test-burn, the door(s) cannot be reopened except during test-fuel reload and adjustment as referenced in Sections 31.203.7 and 31.203.8.

31.203.11.2 Additional test-burn. The testing laboratory may conduct more than one test-burn series for each of the applicable configurations specified in Section 31.203.11. If more than one test-burn is conducted for a specified configuration, the results from at least 2/3 of the test-burns for that configuration shall be used in calculating the arithmetic average emission factor for that configuration. The measurement data and results of all tests conducted shall be reported regardless of which values are used in calculating the average emission factor for that configuration.

31.203.12 Emissions sampling system (ESS).

31.203.12.1 Principle. Figure 31-2-1 shows a schematic of an ESS for sampling solid-fuel-fired fireplace emissions. Except as specified in Section 31.202.4, an ESS in this configuration shall be used to sample all fireplace emissions. The ESS shall draw flue gases through a 15-inch (380 mm) long, 3/8-inch (10 mm) O.D. stainless steel probe which samples from the center of the flue at an elevation which is 8 feet (2 440 mm) above the floor of the firebox (i.e., the hearth). A flue-gas sample shall then travel through a 3/8-inch (10 mm) O.D. Teflon® tube, and a heated U.S. EPA Method 5-type glass-fiber filter (40 CFR Part 60, Appendix A) for collection of particulate matter. The filter shall be followed by an in-line flow-through cartridge containing 20 grams of XAD-2 sorbent resin for collecting semivolatile hydrocarbons. Water vapor shall then be removed from the

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sampled gas by a silica-gel trap. Flue-gas oxygen concentrations, which shall be used to determine the ratio of flue-gas volume to the amount of fuel burned, are measured within the ESS system by an electrochemical cell meeting the performance specifications presented in Section 31.202.3.8(1).

The ESS shall use a critical orifice to maintain a nominal flue-gas sampling rate of 0.035 cfm (0.0167 liters per second). The actual flow rate through each critical orifice shall be determined to within 0.000354 cubic feet (0.01 liters) per second before and after each test-burn with a bubble flow meter to document exact sampling rates. The posttest-burn critical-orifice flow-rate determinations shall be performed before the ESS is dismantled for sample recovery and clean-up. Pretest-burn and posttest-burn critical-orifice flow-rate measurements shall be within 0.0000117 cubic feet (0.00033 liters) per second of each other or the test-burn emissions results shall be invalid. Temperatures shall be monitored using type K ground-isolated, stainless steel-sheathed thermocouples.

The ESS unit shall return particle-free and dry exhaust gas to the flue via a 1/4-inch (6 mm) Teflon® line and a 15-inch (380 mm) stainless steel probe inserted into the flue. A subsample aliquot of the flue-gas sample-gas stream exiting the ESS unit, shall be pumped into a 1 cubic foot (29 liter) Tedlar® bag for measuring the average carbon dioxide, carbon monoxide, and confirmation of average oxygen concentrations for the test period. Flow to the subsample gas bag shall be controlled by a solenoid valve connected to the main pump circuit and a fine-adjust needle-controlled flow valve. The solenoid valve shall be open only when the pump is activated, allowing the subsample gas to be pumped into the gas bag at all times when the ESS pump is on. The rate of flow into the bag shall be controlled by the fine-adjust metering needle-valve which is adjusted at setup so that 4.7 to 5.2 gal

(18 to 20 liters) of gas is collected over the entire 3 test-fuel charge test-burn without over-pressurizing the gas sample bag.

31.203.12.2 The data acquisition and control system. The data acquisition and control system for the ESS is shown in Figure 31-2-2. This system consists of a personal computer (PC) containing an analog-to-digital data processing board (12-bit precision), a terminal (connection) box, and specialized data acquisition and system control software (called CONLOG). For fireplace testing, the CONLOG software is configured to control, collect, and store the following data:

1. Test-period starting and ending times and dates, and total length of sampling period;
2. Pump-cycle on/off, cycle length and thermocouple (TC) cycle recording interval (frequency);
3. Temperature records, including flue-gas and ambient temperatures, averaged over preselected intervals;
4. Date, times, and weights of each added fuel load; and
5. Flue-gas oxygen measurements taken during each sample cycle.

During testing, instantaneous readings of real-time data shall be displayed on the system status screen. These data shall include the date, time, temperatures for each of the TCs, and flue-gas oxygen concentrations. The most recent 15 sets of recorded data shall also be displayed.

Flue-gas sampling and the recording of flue-gas oxygen concentrations shall only occur when flue-gas temperatures are above 25°F (14°C) greater than the ambient temperature of the test facility. Temperatures and fueling shall always be recorded at five-minute intervals regardless of flue-gas temperature. The ESS sampling-pump operating cycle shall be adjustable as described in Section 31.203.12.3.

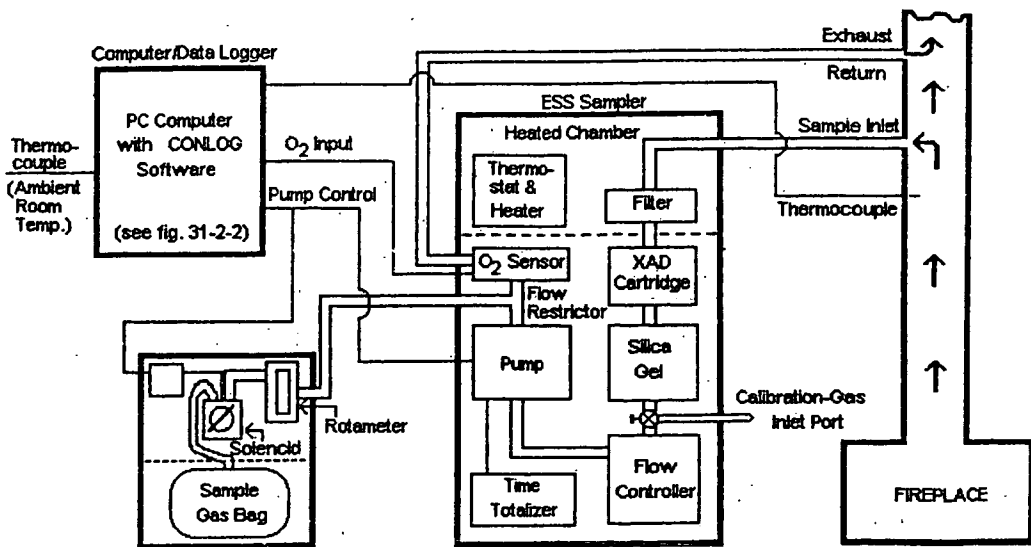


Figure 31-2-1. Schematic of ESS/Data Logger system.

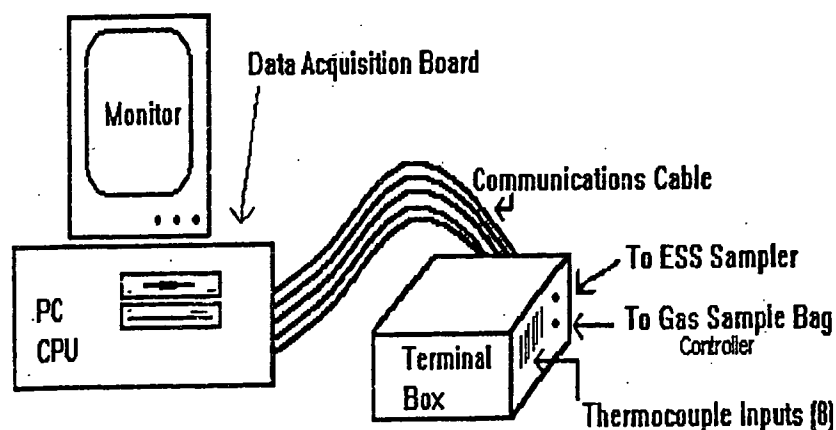


Figure 31-2-2. ESS data logger system.

31.203.12.3 ESS sampling-pump operating cycle. The ESS sampling-pump operating cycle shall be adjusted to accommodate variable test-fuel charge sizes, emission factors, and the length of time needed to complete a test-burn series. The sampler-pump operation shall be adjustable from 1 second to 5 minutes (100 percent) "on" for every 5-minute test-burn data-recording interval. This will allow adjustment for the amount of anticipated emissions materials that will be sampled and deposited on the ESS filter, XAD-2, and the other system components. It is recommended that the minimum sample quantities stipulated in Section 31.203.12.4 be used to calculate the appropriate pump cycle "on" and "off" periods. It should be noted that if the sampler collects too much particulate material on the filter and in the XAD-2 cartridge, the unit may fail the sample flow calibration check required at the end of each test-burn.

31.203.12.4 Minimum sample quantities. For each complete 3 test-fuel charge test-burn, the ESS must catch a minimum total particulate material mass of at least 0.231 grains (15 mg). Alternatively, the ESS must sample a minimum of 10 cubic feet (283 liters) during each 3 test-fuel charge test-burn. If this volume cannot be sampled in the test-burn time period, two ESS samplers must be utilized to sample fireplace emissions simultaneously during each test-burn. If emissions results from the two ESSs are different by more than 10 percent of the lower emissions-factor result, the test-burn results are invalid. An arithmetic average is calculated for test-burn results when two ESSs are utilized.

31.203.12.5 Equipment preparation and sample processing procedures.

31.203.12.5.1. Prior to emissions testing, the ESS unit shall be prepared with a new, tared glass-fiber filter and a clean XAD-2 sorbent-resin cartridge. Within 3 hours after testing is completed, the stainless steel sampling probe, Teflon® sampling line, filter holder, and XAD-2 cartridge(s) shall be removed from the test site and transported to the laboratory for processing. Each component of the ESS sampler shall be processed as follows:

1. Filter: The glass fiber filter (4 inches (102 mm) in diameter) shall be removed from the ESS filter housing and placed in a petri dish for desiccation and gravimetric analysis.

2. XAD-2 sorbent-resin cartridge: The sorbent-resin cartridge shall be extracted in a Soxhlet extractor with dichloromethane for 24 hours. The extraction solution shall be transferred to a tared glass beaker and evaporated in an ambient-air dryer. The beaker with dried residue shall then be desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and the extractable residue shall be weighed.

3. ESS hardware: All hardware components which are in the flue-gas sample stream (stainless steel probe, Teflon® sampling line, stainless steel filter housing, and all other Teflon® and stainless steel fittings) through the top of the sorbent-resin cartridge, shall be cleaned with a solvent mixture of 50 percent dichloromethane and 50 percent methanol. The cleaning solvent solutions shall be placed in tared glass beakers, evaporated in an ambient-air dryer, desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and weighed.

EPA Method 5H procedures (40 CFR Part 60, Appendix A) for desiccation and weighing time intervals shall be followed for steps 1 through 3 above.

31.203.12.5.2 The ESS shall be serviced both at the start and end of a fireplace testing period. During installation, leak checks shall be performed; the thermocouples, fuel-weighting scale, and oxygen-cell shall be calibrated, and the data logger shall be programmed. At the end of the test period, final calibration, and leak-check procedures shall again be performed, and the ESS sampling line, filter housing, XAD-2 cartridge, sampling probe, and Tedlar® bag shall be removed, sealed, and transported to the laboratory for analysis. If the pretest and posttest leak checks of the ESS system exceed 0.00033 liters per second, the test-burn emission results shall be invalid.

31.203.12.6 Data processing and quality assurance.

31.203.12.6.1 Upon returning to the laboratory facilities, the data file (computer disk) shall be reviewed to check for proper equipment operation. The data-logger data files, log books, and records maintained by field staff shall be reviewed to ensure sample integrity.

The computer-logged data file shall be used in conjunction with the ESS particulate samples and sample-gas bag analyses to calculate the emission factor, emission rate, and fireplace operational parameters. An example ESS results report is presented in Table 31-2-A.

31.203.12.6.2 Burning period. The total burning period is calculated by:

Total Burning Period = (Length of each sample cycle) x (Number of flue temperature readings over 25°F (14°C) greater than the ambient temperature of the test facility).

$$\text{Particulate emission factor (g/kg)} = \frac{\text{Particulate Catch} \times \text{Stoichiometric Volume} \times \text{Flue-gas Dilution Factor}}{\text{Sampling Time} \times \text{Sampling Rate}}$$

WHERE:

1. Particulate Catch: The total mass, in grams, of particulate material caught on the filter, in the XAD-2 resin cartridge (semivolatile compounds); and in the probe clean-up and rinse solutions.

2. Stoichiometric Volume: Stoichiometric volume is the volume of dry air needed to completely combust one dry kilogram of fuel with no "excess air." This value is determined by using a chemical reaction balance between the specific fuel being used and the chemical components of air. The stoichiometric volume for Douglas fir is 86.78 cubic feet per pound (5 404 liters per dry kilogram) at 68°F (20°C) and 29.92 inches (760 mm) of mercury pressure.

3. Flue-gas Dilution Factor: The degree to which the sampled combustion gases have been diluted in the flue by air

$$\text{Burn Rate (kg/hr)} = \frac{\text{Total Fuel (kg)}}{\text{Total Burn Period (hours)}}$$

WHERE:

Total Fuel is the total fuel added during the entire test-burn minus the remaining unburned materials at the end of the test-burn.

4. Sampling Time: The number of minutes the sampler pump operated during the total test-burn period.

5. Sampling Rate: Sampling rate is controlled by the critical orifice installed in the sampler. The actual calibrated sampling rate is used here.

31.203.12.6.3.2 EPA Method 5H particulate emissions. ESS-measured emissions factors submitted to DOE for approval must first be converted to U.S. EPA Method 5H equivalents. The ESS particulate emissions factor results

$$\text{CO emission factor (g/kg)} = \frac{\text{Fraction CO} \times \text{Stoichiometric Volume} \times \text{Dilution Factor} \times \text{Molecular Weight of CO}}{24.45 \text{ L/mole}}$$

WHERE:

1. Fraction CO: The fraction of CO measured in the gas sampling bag.

Note: Percent CO divided by 100 gives the fraction CO.

WHERE:

1. Length of each sample cycle: The time between each temperature recording as configured in the CONLOG software settings (standardized at 5 minutes).

2. Number of flue temperature readings during fireplace use: The total number of temperature readings when the calibrated temperature value was more than 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.12.6.3 Particulate emissions.

31.203.12.6.3.1 ESS particulate emission factor. The equation for the total ESS particulate emission factor for each test-burn presented below produces reporting units of grams per dry kilogram of fuel burned (g/kg):

in excess of the stoichiometric volume (called excess air). The dilution factor is obtained by using the average sampled carbon dioxide and carbon monoxide values obtained from the sample gas bag analyses and the following equation:

Flue-Gas Dilution Factor =

$$18.53 + \left(\frac{\phi}{\lambda} \left(1 - \frac{\phi \text{CO}_2 + \frac{1}{2} \text{CO}}{18.53} \right) \frac{\kappa}{\mu} \right) \times 2.37$$

(CO₂ + ½ CO)

Note: Multiplying the g/kg emission factor by the burn rate (dry kg/hr) yields particulate emissions in grams per hour (g/hr). Burn rate is calculated by the following equation:

obtained in Section 31.203.12.6.1 are converted to be equivalent to the U.S. EPA Method 5H emissions factor results by the following equation:

$$1.254 + (0.302 \times \text{PEF}) + (1.261 \times 10^{-\text{PEF}})$$

WHERE:

PEF is the ESS-measured particulate emission factor for a test-burn.

31.203.12.6.4 CO emissions. The carbon monoxide (CO) emission factor equation produces grams of CO per dry kilogram of fuel burned. The grams per kilogram equation includes some equation components described above.

2. Molecular Weight of CO: The gram molecular weight of CO, 28 pounds per pound-mole (28.0 g/g-mole).

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Multiplying the results of the above equation by the burn rate (dry kg/hr) yields the grams per hour (g/hr) CO emission rate.

Table 31-2-A Example ESS Data Results Format
ESS Emission Results

Test Facility Location:	xxxx
Test Laboratory:	xxxx
Test-Burn Number:	xxxx
Start Time/Date:	xxxx
End Time/Date:	xxxx
Fireplace Model:	xxxx

TIME

Total Test Period	152.3 hours
Total Burn Time	64.6 hours
Flue > 25 Degrees F above ambient temperature	42.4 %

ESS SETTINGS

ESS Sample Rate	1.004 l/min
Sample Cycle	5.0 min
Sample Time/Sample Cycle	0.443 min

TEST FUEL

Total Fuel Used (wet weight)	101.3 kg
Ave. Fuel Moisture (dry basis)	17.7 %
Total Fuel Used (dry weight)	86.1 kg
Average Test-Fuel Charge	14.5 kg
Average Burn Rate	1.33 dry kg/hr

PARTICULATE EMISSIONS (EPA METHOD 5H EQUIVALENTS)

Gram/Kilogram	2.6 g/kg
Gram/Hour	3.4 g/hr
Gram/Cubic Meter	0.06 g/m ³

CARBON MONOXIDE EMISSIONS

Gram/Kilogram	48.0 g/kg
Gram/Hour	64.0 g/hr
Gram/Cubic Meter	1.25 g/m ³

AVERAGE TEMPERATURES

Fuel-Gas Temperatures	135°C	275°F
Flue Exit Temperature	154°C	308°F
Test Facility Ambient Temperature	19°C	66°F

AVERAGE FLUE-GAS CONCENTRATIONS

Flue Oxygen (SE)	18.15 %
Flue Oxygen (gas bag or analyzer)	18.05 %
Flue CO (gas bag or analyzer)	0.10 %
Flue CO ₂ (gas bag or analyzer)	2.60 %

BREAKDOWN OF ESS PARTICULATE SAMPLE

Rinse	25.5 mg
XAD	6.3 mg
Filter	15.7 mg
Blank	0.0 mg
TOTAL	47.4 mg

Notes: NM = Not Measured, NA = Not Applicable, NU = Not Used
Total time flue temperature greater than 25°F over ambient temperature.

TEST PERFORMED BY: XYZ Testing International, Olympia, Washington, 98504.

31.203.13 Calibrations.

31.203.13.1 Balance. Before each certification test, the balance used for weighing test-fuel charges shall be audited by weighing at least one calibration weight (Class F) that corresponds to 20 percent to 80 percent of the expected test-fuel charge weight. If the scale cannot reproduce the value of the calibration weight within 0.1 lb (0.05 kg) or 1 percent of the expected test-fuel charge weight, whichever is greater, recalibrate the scale before use with at least five calibration weights spanning the operational range of the scale.

31.203.13.2 Temperature monitor. Calibrate the Temperature Monitor before the first certification test and semiannually thereafter.

31.203.13.3 Fuel moisture meter. Calibrate the Fuel Moisture Meter as per the manufacturer's instructions before each certification test.

31.203.13.4 Anemometer. Calibrate the anemometer as specified by the manufacturer's instructions before the first certification test and semiannually thereafter.

31.203.13.5 Barometer. Calibrate the barometer against a mercury barometer before the first certification test and semiannually thereafter.

31.203.13.6 Draft gauge. Calibrate the draft gauge as per the manufacturer's instructions; a liquid manometer does not require calibration.

31.203.13.7 ESS. The ESS shall be calibrated as specified in Section 31.203.12.1.

31.203.14 Reporting criteria. Submit both raw and reduced data for all fireplace tests. Specific reporting requirements are as follows:

31.203.14.1 Fireplace identification. Report fireplace identification information including manufacturer, model, and serial number. Include a copy of fireplace installation and operation manuals.

31.203.14.2 Test facility information. Report test facility location, temperature, and air velocity information.

31.203.14.3 Test equipment calibration and audit information. Report calibration and audit results for the test-fuel balance, test-fuel moisture meter, analytical balance, and sampling equipment including volume metering systems and gaseous analyzers.

31.203.14.4 Pretest information and conditions. Report all pretest conditions including test-fuel charge weight, fireplace temperatures, and air supply settings.

31.203.14.5 Particulate emission data. Report a summary of test results for all test-burns conducted and the arithmetically averaged emission factor for all test-burns used for certification. Submit copies of all data sheets and other records collected during the testing. Submit examples of all calculations.

31.203.14.6 Required test report information and suggested format. Test report information requirements to be provided to DOE for approval/certification of fireplaces are presented in this standard. The requirements are presented here in a recommended report format.

31.203.14.6.1 Introduction.

1. Purpose of test: Certification or audit.
2. Fireplace identification: Manufacturer, model number, catalytic/noncatalytic, and options. Include a copy of fireplace installation and operation manuals.
3. Laboratory: Name, location, and participants.
4. Test information: Date fireplace was received, date of tests, sampling methods used, and number of test-burns.

31.203.14.6.2 Summary and discussion of results.

1. Table of results: Test-burn number, burn rate, particulate emission factor (in U.S. EPA Method 5H equivalents), efficiency (if determined), and averages (indicate which test-burns are used).
2. Summary of other data: Test facility conditions, surface temperature averages, catalyst temperature averages, test-fuel charge weights, and test-burn times.
3. Discussion: Specific test-burn problems and solutions.

31.203.14.6.3 Process description.

1. Fireplace dimensions: Volume, height, width, lengths (or other linear dimensions), weight, and hearth area.
2. Firebox configuration: Air supply locations and operation, air supply introduction location, refractory location and dimensions, catalyst location, baffle and by-pass location and operation (include line drawings and photographs).
3. Process operation during test: Air supply settings and adjustments, fuel bed adjustments, and draft.
4. Test fuel: Test fuel properties (moisture and temperature), test fuel description (include line drawings or photograph), and test fuel charge density.

31.203.14.6.4 Sampling locations. Describe sampling location relative to fireplace. Include line drawings and photographs.

31.203.14.6.5 Sampling and analytical procedures.

1. Sampling methods: Brief reference to operational and sampling procedures, and optional and alternative procedures used.

2. Analytical methods: Brief description of sample recovery and analysis procedures.

31.203.14.6.6 Quality control and assurance procedures and results.

1. Calibration procedures and results: Certification, sampling, and analysis procedures.

2. Test method quality control procedures: Leak-checks, volume-meter checks, stratification (velocity) checks, and proportionality results.

31.203.14.6.7 Appendices.

1. Results and Example Calculations. Include complete summary tables and accompanying examples of all calculations.

2. Raw Data. Include copies of all uncorrected data sheets for sampling measurements, temperature records, and sample recovery data. Include copies of all burn rate and fireplace temperature data.

3. Sampling and Analytical Procedures. Include detailed description of procedures followed by laboratory personnel in conducting the certification test, emphasizing particularly, parts of the procedures differing from the prescribed methods (e.g., DOE approved alternatives).

4. Calibration Results. Summary of all calibrations, checks, and audits pertinent to certification test results including dates.

5. Participants. Test personnel, manufacturer representatives, and regulatory observers.

6. Sampling and Operation Records. Copies of uncorrected records of activities not included on raw data sheets (e.g., fireplace door open times and durations).

7. Additional Information. Fireplace manufacturer's written instructions for operation during the certification test and copies of the production-ready (print-ready) temporary and permanent labels required in Section 31.208 shall be included in the test report prepared by the test laboratory.

31.203.14.7 References.

1. Code of Federal Regulations, U.S. EPA Title 40, Part 60, Subpart AAA and Appendix A (40 CFR Part 60).
2. Barnett, S. G. and P. G. Fields, 1991, In-Home Performance of Exempt Pellet Stoves in Medford, Oregon, prepared for U.S. Department of Energy, Oregon Department of Energy, Tennessee Valley Authority, and Oregon Department of Environmental Quality, July 1991.
3. Barnett, S. G. and R. R. Roholt, 1990, In-Home Performance of Certified Pellet Stoves in Medford and Klamath Falls, Oregon, prepared for the U.S. Department of Energy, 1990.
4. Barnett, S. G., 1990, "Field Performance of Advanced Technology Woodstoves in Glens Falls, New York, 1988-1989," for New York State Energy Research and Development Authority, U.S. EPA, Coalition of Northeastern Govern-

nors, Canadian Combustion Research Laboratory, and the Wood Heating Alliance, December 1989.

SECTION 31.204—APPROVAL PROCEDURE FOR FIREPLACES.

On or after the effective date of this regulation, a manufacturer or builder of a fireplace who wishes to have a fireplace model line or fireplace design designated as an approved (or certified) fireplace, shall submit to DOE for its review the following information:

31.204.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the firebox and required chimney system.

31.204.2 A test report prepared in accordance with Section 31.203.14.6 showing that testing has been conducted by a DOE approved and U.S. EPA accredited laboratory, and that the arithmetically averaged particulate emission factors for that fireplace model line or design, tested in accordance with UBC Standard Section 31.202, does not exceed 7.3 g/kg (U.S. EPA Method 5H equivalent as determined in Section 31.203.12.6.3.2) for factory-built fireplace model lines or designs or 12.0 g/kg (U.S. EPA Method 5H equivalent as determined in Section 31.203.12.6.3.2) for new certified masonry fireplace model lines or designs. After January 1, 1999, particulate emission factors for factory-built and new certified masonry fireplace model lines or designs shall not exceed 7.3 g/kg (U.S. EPA Method 5H equivalents as determined in Section 31.203.12.6.3.2).

SECTION 31.205—APPROVAL OF NONTESTED FIREPLACES.

On or after the effective date of this regulation, DOE may grant approval for a fireplace model line or design that has not been tested pursuant to Section 31.204 upon submission of the following by the applicant:

31.205.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the internal assembly system.

31.205.2 Documentation from an EPA accredited laboratory that the model is a fireplace within the definition of this regulation, has substantially the same core construction as a model already tested by a DOE approved and EPA accredited laboratory, and is substantially similar to the approved model in internal assembly design, combustion function, and probable emissions performance as listed in Section 31.204.2.

SECTION 31.206—APPROVAL THROUGH ALTERNATIVE TEST PROTOCOL.

As provided in Section 31.202.4, an alternative testing protocol may be submitted by a DOE approved and EPA accredited laboratory for acceptance by DOE as equivalent to UBC Standard 31-2.

SECTION 31.207—APPROVAL TERMINATION.

All fireplace model line or design approvals shall terminate five years from the approval date. Previously approved fireplace model line and/or design may be granted reapproval (recertification) upon application to and review by DOE. No

testing shall be required for fireplace model line or design reapprovals unless DOE determines that design changes have been incorporated into the fireplace that could adversely affect the emissions factor, or testing is otherwise stipulated by DOE.

DOE may revoke a fireplace model line or design approval certification if it is determined that the fireplaces being produced in a specific model line do not comply with the requirements of Section 31.200. Such a determination shall be based on all available evidence, including:

1. Test data from a retesting (audit test) of the original unit on which the certification test was conducted or a sample unit from the current model line;
2. A finding that the certification test was not valid;
3. A finding that the labeling of the fireplace does not comply with the requirements of Section 31.200;
4. Failure by the fireplace manufacturer (builder) to comply with reporting and recordkeeping requirements under Section 31.200;
5. Physical examination showing that a significant percentage of production units inspected are not similar in all material respects to the fireplace submitted for testing; or
6. Failure of the manufacturer to conduct a quality assurance program in conformity with Section 31.208.

Revocation of certification under this section shall not take effect until the manufacturer (builder) concerned has been given written notice by DOE setting forth the basis for the proposed determination and an opportunity to request a hearing.

SECTION 31.208—QUALITY CONTROL.

Once within 30 days of each annual anniversary after the initial approval/certification, a DOE approved and U.S. EPA accredited laboratory shall inspect the most recently produced fireplace of an approved model line or design at its manufacturing location (site, if site-built) to document adherence to the approved/certified fireplace design specifications. If no fireplaces of an approved model line or design were produced (built) during the previous 12 months, no inspection is required.

An inspection report for each approved fireplace model line or design must be submitted to DOE within 30 days after the inspection date. The inspection report shall include, as a minimum, the model identification and serial number of the fireplace inspected, the location where the model was inspected, the names of the manufacturer's and/or builder's representatives present, the date of inspection, and a description of any changes made to the approved fireplace model line or design since the last inspection. The U.S. EPA accredited laboratory which conducts the annual quality control inspection is responsible for auditing the content and format of all labels to be applied to approved fireplaces as stipulated in 31.209.

A fireplace model line or design shall be retested in accordance with Section 31.202 if it is determined during inspection that design changes have been incorporated into the approved/certified fireplace design which adversely affect the fireplace particulate emissions factor. Design elements which can affect fireplace particulate emissions include:

1. Grate placement and height;
2. Air supply minimum and maximum controls;
3. Usable hearth area; and
4. Firebox height, width, and length dimensions.

SECTION 31.209—PERMANENT LABEL, TEMPORARY LABEL AND OWNER'S MANUAL.

31.209.1 Labels and the owner's manual. Labels and owner's manual shall be prepared and installed in all certified "FOR SALE" fireplaces as specified in U.S. EPA 40 CFR Part 60, Section 60.536. Information that shall be presented on all labels includes:

1. Manufacturer's or builder's name, address, and phone number;
2. Model number and/or name;
3. Month and year of manufacture;
4. Starting and ending dates for the 5-year approval period;
5. If a fireplace was tested and approved with an emissions control device which is not an integral part of the fireplace structure, the label shall state that "The fireplace cannot be sold or installed without the specified emissions control device in place and operational";
6. On certified fireplaces the statement: "This appliance has been tested and has demonstrated compliance with Washington state amendment to the UBC Standard, Chapter 31-2 requirements."

SECTION 31.210—LIST OF APPROVED FIREPLACES.

DOE shall maintain a list of approved fireplace model lines and designs, and that list shall be available to the public.

WSR 03-18-076
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 29, 2003, 2:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code.

Purpose: To consider amendments to the Washington State Ventilation and Indoor Air Quality Code.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule amends two sections of the Washington State Ventilation and Indoor Air Quality Code to improve the radon collection system required by the code and reduce or eliminate future potential costs of radon mitigation.

Reasons Supporting Proposal: RCW 19.27.190 and 19.27.020.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington

98504-8350, (360) 725-2970; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code. One proposed change improves the code by providing more specific criteria for the sealed pipe required to be placed within the aggregate under concrete slabs for radon venting. The second proposed change provides for an improved method of venting under slab areas separated by footings or other barriers. These amendments are intended to reduce or eliminate future potential costs of radon mitigation by providing an improved venting system under concrete slabs at the time of initial construction.

Proposal Changes the Following Existing Rules: Section 503.2.6: Radon vent pipe size is required to be larger as the area under a concrete slab increases. Either PVC schedule 40 or equivalent ABS plastic pipe is specified as permitted for use. Inspection and labeling details are more specific.

Section 503.2.8: The exception which provides for connecting separate aggregate areas underneath a concrete slab is amended to require improved coverage of the areas being vented.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler

for Stan Price
 Chairman

AMENDATORY SECTION (Amending WSR 01-02-099, filed 1/3/01, effective 7/1/01)

WAC 51-13-503 Radon prescriptive requirements.

503.1 Scope: This section applies to those counties specified in section 501.2.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R Occupancies, and for preparing the building for future mitigation if desired.

In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of section 502.1.6.2 of the Washington state energy code, all joints between sheets shall be sealed.

503.2 Floors in Contact with the Earth

503.2.1 General: Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

EXCEPTION: Concrete slabs located under garages or other than Group R Occupancies need not comply with this chapter.

503.2.2 Aggregate: A layer of aggregate of four inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

503.2.3 Gradation: Aggregate shall:

a) Comply with ASTM Standard C-33 Standard Specification for Concrete Aggregate and shall be size No. 8 or larger size aggregate as listed in Table 2, Grading Requirements for Coarse Aggregate; or

b) Meet the 1988 Washington State Department of Transportation specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete," or any equivalent successor standards. Aggregate size shall be of Grade 8 or larger as listed in section 9-03.1 (3) C, "Grading"; or

c) Be screened, washed pea gravel free of deleterious substances in a manner consistent with ASTM Standard C-33 with one hundred percent (100%) passing a one-half (1/2) inch sieve and less than five percent (5%) passing a No. 16 sieve. Sieve characteristics shall conform to those acceptable under ASTM Standard C-33.

EXCEPTION: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

503.2.4 Soil-Gas Retarder Membrane: A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least six mil, or equivalent flexible sheet material, shall be either placed directly under all concrete slabs so that the slab is in direct contact with the membrane, or on top of the aggregate with two inches (2") minimum of fine sand or pea gravel installed between the concrete slab and membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least twelve inches. The mem-

brane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed.

503.2.5 Sealing of Penetrations and Joints: All penetrations and joints in concrete slabs or other floor systems and walls below grade shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

503.2.6 Radon Vent: One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or by other approved equal method: The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of five feet of flexible or rigid perforated drain pipe ((of three inches minimum diameter)) shall join to and extend from the "T." The pipe shall be sized as follows:

a. 3" minimum diameter for slabs 750 sq. ft. or smaller,
b. 4" minimum diameter for slabs larger than 750 sq. ft. and smaller than 3000 sq. ft., or

c. Radon venting systems for slabs 3000 sq. ft. or larger shall be approved.

Acceptable sealed plastic pipe shall be smooth walled, and shall be permitted to include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The perforated pipe shall remain in the aggregate area and shall not be capped at the ends. The "T" and its perforated pipe extensions shall be located at least ((five)) ten feet horizontally from the exterior perimeter of the aggregate area. Below grade ducting shall remain exposed in the aggregate area for inspection.

The continuous sealed pipe shall terminate no less than twelve inches above the eave, and more than ten horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be permanently labeled "radon ((vent-"The)) vent" on each floor and attic space. At least one label shall be placed so as to remain visible to an occupant.

((The minimum pipe diameter shall be three inches unless otherwise approved. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.))

The entire sealed pipe system shall be sloped to drain to the sub-slab aggregate.

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal

PROPOSED

envelope of the building in order to enhance passive stack venting.

EXCEPTION: A fan forced sub-slab depressurization system includes:

- 1) Soil-gas retarder membrane as specified in section 503.2.4;
- 2) Sealing of penetrations and joints as specified in section 503.2.5;
- 3) ~~((A three inch))~~ Continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;
- 4) Joints and connections ~~((may))~~ shall be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;
- 5) A label of "radon vent" on each floor and attic space shall be placed on the pipe so ~~((as to remain))~~ at least one label remains visible to the occupant;
- 6) Fan circuit and wiring as specified in section 503.2.7 and a fan.

~~((If the sub-slab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of six feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon re-entrainment.))~~

503.2.7 Fan Circuit and Wiring and Location: An area for location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A one hundred ten volt power supply shall be provided at a junction box near the fan location.

503.2.8 Separate Aggregate Areas: If the four-inch aggregate area underneath the concrete slab is not continuous, but is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

EXCEPTION: Separate aggregate areas may be considered a single area ~~((if a minimum three inch diameter connection joining the separate areas is provided for every thirty feet of barrier separating those areas))~~ and a separate vent pipe is not required if flexible or rigid perforated drain pipe connects the separate aggregate areas below grade directly to the sealed vent pipe.

503.2.9 Concrete Block Walls: Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

WSR 03-18-077
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 29, 2003, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Adoption of chapter 51-51 WAC (adoption and amendment of the 2003 Edition of the International Residential Code).

Purpose: To consider whether to adopt, or adopt and amend, the 2003 Edition of the International Residential Code.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule adopts the 2003 Edition of the International Residential Code (IRC), published by the International Codes Council (ICC). Existing state amendments are being carried forward into the new code to assure continued provision of safety and flexibility greater than the published version.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington 98504-8350, (360) 725-2970; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference the 2003 Edition of the IRC. The IRC contains requirements for residential construction in a single code volume for the benefit of those dealing primarily with residential building projects. The rule also carries forward existing state amendments into the IRC to assure continued provision of safety and flexibility greater than the published version.

The proposed rule will keep the Washington state building codes current with industry and national standards. Existing state amendments are carried over into the IRC to provide for specific application of the new code in Washington state.

Proposal Changes the Following Existing Rules: The 1997 Edition of the Uniform Building Code (UBC), published by the International Council of Building Officials (ICBO), is being updated by adopting the 2003 Editions of the International Building Code (IBC) and IRC. The IBC and IRC are companion documents, the IRC containing the requirements for residential construction in a separate volume for the benefit of those dealing primarily with residential building projects. Chapter 51-51 WAC has been designated for the IRC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. No economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler
for Stan Price
Chairman

Chapter 51-51 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE

NEW SECTION

WAC 51-51-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-51-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-51-003 International Residential Code. The 2003 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 42 of this code are not adopted.

NEW SECTION

WAC 51-51-007 Exceptions. The exceptions and amendments to the International Residential Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The following referenced codes published by the International Code Council are not adopted as part of the State Building Code: ICC Electrical Code, International Plumbing Code, International Energy Conservation Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Existing Building Code, and International Urban-Wildland Interface Code. When referenced, as appropriate, these references shall mean the National Electric Code (as adopted and amended by the state of Washington), the Uniform Plumbing Code (as adopted and amended by the state of Washington), the Washington State Energy Code, or other locally adopted code if applicable.

The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code). All other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code.

NEW SECTION

WAC 51-51-008 Implementation. The International Residential Code adopted by chapter 51-51 Washington Administrative Code (WAC) shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-51-0101 Section R101—Title, scope and purpose.

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, including adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

NEW SECTION**WAC 51-51-0102 Section R102—Applicability.**

R102.7.2 Moved buildings. Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the International Building Code (chapter 51-50 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54 WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

NEW SECTION**WAC 51-51-0202 Section R202—Definitions.**

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

CHILD DAY CARE HOME, FAMILY is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m²·Pa) or less with openings gasketed or sealed;
2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code chapter 51-11 WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION**WAC 51-51-0303 Section R303—Light, ventilation and heating.**

R303.8.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in kind, based on current replacement costs.

R303.8.2 Primary Heating Source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

R303.8.3 Solid Fuel Burning Devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

NEW SECTION**WAC 51-51-0311 Section R311—Means of egress.**

R311.1 General. Stairways, ramps, exterior exit balconies, hallways and doors shall comply with this section.

EXCEPTION: Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen.

R311.6.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

NEW SECTION**WAC 51-51-0313 Section R313—Smoke alarms.**

R313.3 Family child day care homes. In family child day care homes operable smoke alarms shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, an operable smoke alarm shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke alarm shall be installed in the upper level, except that when the lower level contains a sleeping or

napping area, an operable smoke alarm shall be located on each level. When sleeping rooms are on an upper level, the smoke alarm shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and the adjacent room. Smoke alarms shall sound an alarm audible in all areas of the building.

NEW SECTION

WAC 51-51-0324 Section R324—Adult family homes.

SECTION R324 ADULT FAMILY HOMES

R324.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

R324.2 Submittal Standards. In addition to those requirements in Section 106.1, the submittal shall identify the project as a Group R-3 Adult Family Home Occupancy. A floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

R324.3 Sleeping Room Classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.
2. Type NS1 - where one means of egress is at grade level or a ramp constructed in accordance with R311.6 is provided.
3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with R311.6 are provided.

R324.4 Types of Locking Devices. All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

R324.5 Smoke Alarm Requirements. All adult family homes shall be equipped with smoke alarms installed as required in Section R313. Alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

R324.6 Escape Windows and Doors. Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310.

R324.7 Fire Apparatus Access Roads and Water Supply for Fire Protection. Adult family homes shall be served by

fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

NEW SECTION

WAC 51-51-0325 Section R325—Family child day care homes.

SECTION R325 FAMILY CHILD DAY CARE HOMES

R325 Family Child Day Care Homes. For family child day care homes with more than six children, each floor level used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

- EXCEPTIONS:**
1. Use of toilet facilities while under supervision of an adult staff person.
 2. Family child day care homes may be allowed on the second story if one of the following conditions exists:
 - 2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or
 - 2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
 - 2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or

painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

NEW SECTION

WAC 51-51-1004 Section R1004—Factory-built fireplaces.

R1004.1.1 Emission Standards for Factory-built Fireplaces. After January 1, 1997, no new or used factory-built fireplace shall be installed in Washington state unless it is certified and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

R1004.1.2 Emission Standards for Certified Masonry and Concrete Fireplaces. After January 1, 1997, new certified masonry or concrete fireplaces installed in Washington state shall be tested and labeled in accordance with procedures and criteria specified in the Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington state department of ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

NEW SECTION

WAC 51-51-2000 Chapter 20—Boilers and water heaters. Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC.

SECTION M2001—BOILERS, is not adopted.

SECTION M2002—OPERATING AND SAFETY CONTROLS, is not adopted.

SECTION M2003—EXPANSION TANKS, is not adopted.

NEW SECTION

WAC 51-51-2401 Section G2401 (101)—General.

G2401.1 (101.2) Application. This chapter covers those fuel-gas piping systems, fuel-gas utilization equipment and related accessories, venting systems and combustion air con-

figurations most commonly encountered in the construction of one- and two-family dwellings and structures regulated by this code.

EXCEPTIONS: 1. As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions of the *International Existing Building Code*.

2. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

Coverage of piping systems shall extend from the point of delivery to the outlet of the equipment shutoff valves (see "Point of delivery"). Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.

The omission from this chapter of any material or method of installation provided for in the *International Fuel Gas Code* shall not be construed as prohibiting the use of such material or method of installation. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories, venting systems and combustion air configurations not specifically covered in these chapters shall comply with the applicable provisions of the *International Fuel Gas Code*.

Gaseous hydrogen systems shall be regulated by Chapter 7 of the *International Fuel Gas Code*.

This chapter shall not apply to the following:

1. Liquefied natural gas (LNG) installations.
2. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
3. Except as provided in Section G2412.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
4. Portable LP-gas equipment of all types that is not connected to a fixed fuel piping system.
5. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
6. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.

NEW SECTION

WAC 51-51-2415 Section G2415 (404)—Piping system installation.

G2415.4 (404.4) Piping through foundation wall. Underground piping, where installed below grade through the outer foundation or basement wall of a building, shall be encased in a protective pipe sleeve. The annular space between the gas piping and the sleeve shall be sealed.

Existing walls shall be core drilled and sealed with an approved mechanical seal.

G2415.8 (404.8) Protection against corrosion. Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner, and cathodically protected in accordance with NACE RP-01-69. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Ferrous metal exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the code official. Where dissimilar metals are joined underground, an insulation coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

NEW SECTION

WAC 51-51-2439 Section G2439 (614)—Clothes dryer exhaust.

G2439.5.3 Protection required. Clothes dryer exhaust ducts shall be protected by a steel plate or clip not less than 1/16 inch (1.59 mm) in thickness and of sufficient width to fully protect the duct. Plates or clips shall be placed on the finish face of all framing members which the clothes dryer exhaust duct passes through when there is less than 1 1/4 inch (32 mm) of framing material between the duct and the finish face. Plates or clips shall also be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct.

NEW SECTION

WAC 51-51-2802 Section P2802—Water heaters used for space heating.

P2802.1 Protection of potable water. Piping and components connected to a water heater for space heating applications shall be suitable for use with potable water in accordance with Chapter 29. Water heaters that will be used to supply potable water shall not be connected to a heating system or components previously used with nonpotable water heating appliances. Chemicals for boiler treatment shall not be introduced into the water heater.

Water heaters used for space heating only are prohibited.

NEW SECTION

WAC 51-51-4300 Chapter 43—Referenced standards.

**Washington State Building Code Standard 31-2
STANDARD TEST METHOD FOR PARTICULATE EMISSIONS
FROM FIREPLACES**

(Insert following page 524)

See Section R1004.1, *International Residential Code Standard* is located in *International Building Code*, Chapter 35

**WSR 03-18-078
PROPOSED RULES
BUILDING CODE COUNCIL**

[Filed August 29, 2003, 2:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Adoption of chapter 51-52 WAC (adoption and amendment of the 2003 Edition of the International Mechanical Code). Repeal of chapter 51-42 WAC (adoption and amendment of the 1997 Edition of the Uniform Mechanical Code).

Purpose: To consider whether to adopt, or adopt and amend, the 2003 Edition of the International Mechanical Code.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule includes adoption of the 2003 Edition of the International Mechanical Code (IMC) published by the International Code Council (ICC) and repeal of the 1997 Edition of the Uniform Mechanical Code (UMC) published by the International Conference of Building Officials (ICBO). The rule specifies NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code) to be the standards for liquefied petroleum gas installations. Existing state amendments are being carried forward into the new code to assure continued provision of safety and flexibility greater than the published version.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, Olympia, Washington 98504-8350, (360) 725-2970; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule follows the legislative directive of SHB 1734 which amended RCW 19.27.031 to designate the International Mechanical Code as replacement for the Uniform Mechanical Code. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code). The proposed rule will adopt by reference

the 2003 Edition of the IMC and repeal the 1997 Edition of the UMC, which is no longer being updated. The rule will also carry forward existing state amendments into the new code to assure continued provision of safety and flexibility greater than the published version.

This adoption will keep the Washington state codes current with industry and national standards. Existing amendments are carried over from the UMC into the IMC to provide for specific application of the new code in Washington state.

Proposal Changes the Following Existing Rules: The 1997 Edition of the UMC is being updated by adopting the 2003 Edition of the IMC. With the repeal of chapter 51-42 WAC (adopting the UMC), chapter 51-52 WAC has been designated for adoption of the IMC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests, with no new state amendments being included. No economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler
for Stan Price
Chairman

Chapter 51-52 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE

NEW SECTION

WAC 51-52-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-52-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining

the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-52-003 International Mechanical Code. The 2003 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

NEW SECTION

WAC 51-52-004 Conflict between International Mechanical Code and State Energy Code chapter 51-11 WAC. In the case of conflict between the duct sealing or insulation requirements of Section 601 or Section 604 of this code and the duct sealing or insulation requirements of chapter 51-11 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

NEW SECTION

WAC 51-52-005 Conflict between International Mechanical Code and State Ventilation and Indoor Air Quality Code chapter 51-13 WAC. In the case of conflict between the Group R ventilation requirements of this code and the Group R ventilation requirements of chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Ventilation and Indoor Air Quality Code shall govern.

NEW SECTION

WAC 51-52-007 Exceptions. The exceptions and amendments to the International Mechanical Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The following referenced codes published by the International Code Council are not adopted as part of the State Building Code: ICC Electrical Code, International Plumbing Code, International Energy Conservation Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Existing Building Code, and International Urban-Wildland Interface Code. When referenced, as appropriate, these references shall mean the National Electric Code (as adopted and amended by the state of Washington), the Uniform Plumbing Code (as adopted and

amended by the state of Washington), the Washington State Energy Code, or other locally adopted code if applicable.

NEW SECTION

WAC 51-52-008 Implementation. The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-52-0101 Section 101—General.

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

- EXCEPTIONS:**
1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
 2. Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.
 3. The standards for liquefied petroleum gas installations shall be the 2001 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

101.5 Other authorities. In addition to the International Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington utilities and transportation commission.

NEW SECTION

WAC 51-52-0202 Section 202—General definitions.

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s·m²·Pa) or less with openings gasketed or sealed; and
2. Openable windows and doors meeting the air leakage requirements of the *International Energy Conservation Code*, Section 502.1.4; and
3. Caulking or sealants are applied to areas such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings; or
4. Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code, chapter 51-11

WAC, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

NEW SECTION

WAC 51-52-0504 Section 504—Clothes dryer exhaust.

504.6.3 Protection required. Clothes dryer exhaust ducts shall be protected by a steel plate or clip not less than 1/16 inch (1.59 mm) in thickness and of sufficient width to fully protect the duct. Plates or clips shall be placed on the finish face of all framing members which the clothes dryer exhaust duct passes through when there is less than 1 1/4 inch (32 mm) of framing material between the duct and the finish face. Plates or clips shall also be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct.

NEW SECTION

WAC 51-52-0601 Section 601—General.

601.2 Air movement in egress elements. Exit access corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

- EXCEPTIONS:**
1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
 2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
 3. Where located within tenant spaces of one thousand square feet (93 m²) or less in area, utilization of corridors for conveying return air is permitted.
 4. Where such air is part of an engineered smoke control system.
 5. Corridors conforming to the International Building Code in Group I occupancies.
 6. Corridors serving residential occupancies shall be permitted to be supplied without specific mechanical exhaust subject to the following:
 - 6.1 The supply air is one hundred percent outside air; and
 - 6.2 The units served by the corridor have conforming ventilation independent of the air supplied to the corridor; and
 - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or
 - 6.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

601.3 Contamination prevention. Exhaust ducts under positive pressure, chimneys, and vents shall not extend into or pass through ducts or plenums.

- EXCEPTION:** Exhaust ducts conveying environmental air shall be permitted to pass through a duct or plenum provided that:
1. The duct is maintained under sufficient negative pressure to prevent leakage of the exhaust air to the surrounding duct or plenum; or

2. If maintained under a positive pressure with respect to the surrounding duct or plenum, the exhaust duct will be sealed to prevent leakage; or
3. The surrounding air stream is an exhaust air stream not intended for recirculation to the building and cross-contamination of the two air streams will not create a hazardous condition.

NEW SECTION**WAC 51-52-1000 Chapter 10—Boilers, water heaters and pressure vessels.**

1002.2 Water heaters utilized for space heating. Water heaters utilized both to supply potable hot water and provide hot water for space-heating applications shall be listed and labeled for such applications by the manufacturer and shall be installed in accordance with the manufacturer's installation instructions and the plumbing code.

Water heaters used for space heating only are prohibited.

SECTIONS 1003 THROUGH 1011, are not adopted.

Boilers and Unfired Pressure Vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC.

NEW SECTION**WAC 51-52-21000 International Fuel Gas Code.**NEW SECTION**WAC 51-52-21404 Section 404—Piping system installation.**

404.4 Piping through foundation wall. Underground piping, where installed below grade through the outer foundation or basement wall of a building, shall be encased in a protective pipe sleeve. The annular space between the gas piping and the sleeve shall be sealed.

Existing walls shall be core drilled and sealed with an approved mechanical seal.

404.8 Protection against corrosion. Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner, and cathodically protected in accordance with NACE RP-01-69. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Ferrous metal exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the code official. Where dissimilar metals are joined underground, an insulation coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

NEW SECTION**WAC 51-52-22000 National Fuel Gas Code.**NEW SECTION**WAC 51-52-22006 Chapter 6—Gas piping installation.**

6.1.3 Protection Against Corrosion. Metallic gas piping in contact with earth or other material that could corrode the piping shall be protected against corrosion in an approved manner, and cathodically protected in accordance with NACE RP-01-69. When dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders. Uncoated threaded or socket welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur.

6.1.5 Piping Through Foundation Wall. Underground piping, where installed through the outer foundation or basement wall of a building, shall be encased in a protective pipe. The space between the gas piping and the building shall be sealed to prevent the entry of gas or water.

Existing walls shall be core drilled and sealed with an approved mechanical seal.

WSR 03-18-079

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 29, 2003, 2:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Adoption of chapter 51-54 WAC (adoption and amendment of the 2003 Edition of the International Fire Code). Repeal of chapter 51-44 WAC (Adoption and amendment of the 1997 Edition of the Uniform Fire Code) and chapter 51-45 WAC (adoption and amendment of the 1997 Uniform Fire Code Standards).

Purpose: To consider adoption and amendment of the 2003 Edition of the International Fire Code.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule includes adoption of the 2003 Edition of the International Fire Code (IFC) published by the International Codes Council (ICC), and repeal of the 1997 Edition of the Uniform Fire Code (UFC) published by the International Council of Building Officials (ICBO). Existing state amendments are being carried forward into the new codes to assure continued provision of safety and flexibility greater than the published versions.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, Olympia, Washington 98504-8350, (360) 725-2964; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference the 2003 Edition of the IFC and repeal the 1997 Edition of the UFC, which is no longer being updated. The rule will also carry forward existing state amendments into the IFC as applicable to assure continued provision of safety and flexibility greater than the published versions. An additional amendment is proposed based on national studies in response to recent tragedies involving night club fires.

Proposal Changes the Following Existing Rules: The 1997 Edition of the UFC is being updated by adopting the 2003 Edition of the IFC. With the repeal of chapters 51-44 and 51-45 WAC, a new WAC number has been designated, chapter 51-54 WAC.

An additional new amendment is being proposed to Section 903.2.1.2 that would require automatic fire sprinklers in any Group A-2 occupancy with an occupant load greater than 100. This is reduced from the existing threshold of 300.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. No economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler
for Stan Price
Council Chair

Chapter 51-54 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE

NEW SECTION

WAC 51-54-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-54-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the State Building Code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-54-003 International Fire Code. The 2003 edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions.

NEW SECTION

WAC 51-54-007 Exceptions. The exceptions and amendments to the International Fire Code contained in the provisions of chapter 19.27 RCW shall apply in case of conflict with any of the provisions of these rules.

The following referenced codes published by the International Code Council are not adopted as part of the State Building Code: ICC Electrical Code, International Plumbing Code, International Energy Conservation Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Existing Building Code, and International Urban-Wildland Interface Code. When referenced, as appropriate, these references shall mean the National Electrical Code (as adopted and amended by the state of Washington), the Uniform Plumbing Code (as adopted and amended by the state of Washington), the Washington State Energy Code, or other locally adopted code if applicable.

The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW or

chapter 37, Laws of 1998 (SB 6168). "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

The provisions of this code do not apply to explosives or explosive materials. Explosives and explosive materials shall be governed by chapter 296-52 WAC.

The provisions of this code do not apply to fireworks. Fireworks shall be governed by chapter 212-17 WAC.

NEW SECTION

WAC 51-54-008 Implementation. The International Fire Code adopted by chapter 51-54 WAC shall become effective in all counties and cities of this state on July 1, 2004.

NEW SECTION

WAC 51-54-0100 Chapter 1—Administration.

105.6.17 Flammable or combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the department of transportation (DOT) nor does it apply to piping systems.

2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To place temporarily out-of-service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater

hazard than that for which the tank was designed and constructed.

8. To manufacture, process, blend or refine flammable or combustible liquids.

9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

10. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of marine craft and special equipment at commercial, industrial, governmental or manufacturing establishments.

NEW SECTION

WAC 51-54-0200 Chapter 2—Definitions.

SECTION 202 GENERAL DEFINITIONS.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

ELECTRICAL CODE is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

[B] FAMILY CHILD DAY CARE HOME is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

[B] EDUCATIONAL GROUP E. Educational Group E Occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 of the IBC and have occupant loads of less than 100, shall be classified as Group A-3 Occupancies.

Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

EXCEPTION: Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R3.

[B] INSTITUTIONAL GROUP I. Institutional Group I Occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for

penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in Section 313.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Licensed Care Group LC.

Group I-3. (Remains as printed in the IFC.)

Group I-4. Day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Family child day care homes licensed by the Washington state department of social and health services for the care of 12 or fewer children shall be classified as Group R3.

[B] RESIDENTIAL GROUP R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Vacation timeshare properties
- Hotels (nontransient)
- Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of 12 or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living

facilities including more than five but not more than 16 occupants, excluding staff.

EXCEPTION: Adult family homes, family child day care homes and foster family care homes shall be classified as Group R-3.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.

[B] LICENSED CARE GROUP LC. Licensed Care Group LC includes the use of a building, structure, or portion thereof, for the business of providing licensed care to clients in one of the following categories regulated by either the Washington department of health or the department of social and health services:

1. Adult residential rehabilitation facility.
2. Alcoholism intensive inpatient treatment service.
3. Alcoholism detoxification service.
4. Alcoholism long-term treatment service.
5. Alcoholism recovery house service.
6. Boarding home.
7. Group care facility.
8. Group care facility for severely and multiple handicapped children.
9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I-2 Occupancy.

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 51-54-0300 Chapter 3—General precautions against fire.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

308.3.4 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031 (3).

308.3.5 Religious ceremonies. Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

308.3.7 Group A Occupancies. Open-flame devices shall not be used in a Group A Occupancy.

EXCEPTIONS: 1. Open-flame devices are allowed to be used in the following situations:

- 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.
 - 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.
 - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.
2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.
 3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

NEW SECTION

WAC 51-54-0500 Chapter 5—Fire service features.

SECTION 503 FIRE APPARATUS ACCESS ROADS.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with local'y adopted street, road, and access standards.

503.1.1 Buildings and facilities, is not adopted.

503.1.2 Additional access, is not adopted.

503.1.3 High-piled storage, is not adopted.

503.2 Specifications. This section is not adopted.

503.3 Marking. This section is not adopted.

503.4 Obstruction of fire apparatus access roads. This section is not adopted.

NEW SECTION

WAC 51-54-0900 Chapter 9—Fire protection systems.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

EXCEPTION: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

3. Throughout all newly constructed Group E Occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum

water supply meeting the requirements of NFPA 13 shall be required. The fire code official may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, fire walls shall define separate buildings.

EXCEPTIONS: 1. Portable school classrooms, provided aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (1465 m²); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.

2. Group E Day Care.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Section 504.2, 506.3, and Table 601 of the building code.

[B] 903.2.10.3 Buildings over 75 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 75 feet (22 860 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS: 1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

907.10.1 Visible alarms. Visible alarms notification appliances shall be provided and shall be listed for their purpose. Visible alarm systems shall comply with NFPA 72.

[B] 909.6.3 Elevator shaft pressurization. Where elevator shaft pressurization is required to comply with Exception 5 of Section 707.14.1, the pressurization system shall comply with the following.

909.6.3.1 Elevator shafts shall be pressurized to not less than 0.10 inch water column relative to atmospheric pressure. Elevator pressurization shall be measured with the elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.

909.6.3.2 The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

909.6.3.3 Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.

909.6.3.4 Elevator shaft pressurization air intakes shall be located in accordance with Section 909.10.3. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

909.6.3.5 The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

909.6.3.6 Hoistway venting required by IBC Section 3004 need not be provided for pressurized elevator shafts.

909.6.3.7 Elevator machine rooms required to be pressurized by IBC Section 3006.3 need not be pressurized where separated from the hoistway shaft by construction in accordance with IBC Section 707.

909.6.3.8 Special inspection shall be required in accordance with Section 909.18.8.3 and IBC Section 1704.

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 51-54-1000 Chapter 10—Means of egress.

[B] 1009.3 Stair treads and risers. Stair riser heights shall be 7 1/2 inches (190 mm) maximum and 4 inches (102 mm) minimum. Stair tread depths shall be 10 inches (254 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 0.375 inch (9.5 mm). Winder treads shall have a minimum tread depth of 11 inches (279 mm) measured at a right angle to the tread's leading edge at a point 12 inches (305 mm) from the side where the treads are narrower and a minimum tread depth of 10 inches (254 mm). The greatest winder tread depth at the 12-inch (305 mm) walk line within any flight of stairs shall not exceed the smallest by more than 0.375 inch (9.5 mm).

EXCEPTIONS: 1. Circular stairways in accordance with Section 1009.7.
2. Winders in accordance with Section 1009.8.
3. Spiral stairways in accordance with Section 1009.9.
4. Aisle stairs in assembly seating areas where the stair pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1024.11.2.
5. In occupancies in Group R-3, as applicable in Section 1001.1, within dwelling units in occupancies in Group R-2, as applicable in Section 1001.1, and in occupancies in Group U, which are accessory to an occupancy in Group R-3 as applicable in Section 1001.1, the maximum riser height shall be 7.75 inches (197 mm) and the minimum tread depth shall be 10 inches (254 mm), the minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
6. See the *International Existing Building Code* for the replacement of existing stairways.

[B] 1009.13 Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²)

PROPOSED

or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of Section 1009.

[B] 1010.8 Handrails. Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides complying with Section 1009.11. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs.

[B] 1024.11 Assembly aisle walking surfaces. Aisles with a slope not exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a ramp having a slip-resistant walking surface. Aisles with a slope exceeding one unit vertical in eight units horizontal (12.5-percent slope) shall consist of a series of risers and treads that extends across the full width of aisles and complies with Sections 1024.11.1 through 1024.11.3.

EXCEPTION: When provided with fixed seating, aisles in Group A-1 Occupancies shall be permitted to have a slope not steeper than one unit vertical in five units horizontal (20-percent slope).

[B] 1024.13 Handrails. Ramped aisles having a slope exceeding one unit vertical in 15 units horizontal (6.7-percent slope) and aisle stairs shall be provided with handrails located either at the side or within the aisle width.

EXCEPTIONS: 1. Handrails are not required for ramped aisles having a gradient no greater than one unit vertical in five units horizontal (20-percent slope) and seating on both sides.
2. Handrails are not required if, at the side of the aisle, there is a guard that complies with the graspability requirements of handrails.

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 51-54-3000 Chapter 30—Compressed gasses.

3006.1 General. Compressed gases at hospitals and similar facilities intended for inhalation or sedation including, but not limited to, analgesia systems for dentistry, podiatry, veterinary and similar uses shall comply with this section in addition to other requirements of this chapter.

EXCEPTION: All distribution piping, supply manifolds, connections, regulators, valves, alarms, sensors and associated equipment shall be in accordance with the Plumbing Code.

3006.4 Medical gas systems. This section is not adopted.

NEW SECTION

WAC 51-54-3300 Chapter 33—Explosives and fireworks.

3301.1 Scope. The possession, manufacture, storage, handling, sale and use of explosives and explosive materials shall be governed by chapter 296-52 WAC and local ordinances consistent with chapter 296-52 WAC. The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 212-17 WAC and local ordinances consistent with chapter 212-17 WAC.

NEW SECTION

WAC 51-54-3400 Chapter 34—Flammable and combustible liquids.

3402.1 Definitions.

MOTOR VEHICLE. For the purposes of this chapter, the term motor vehicle includes, but is not limited to, a vehicle, machine, tractor, trailer, or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles. For reference, see 49 CFR Pt. 171.8 (October 1994).

3404.2.7.10.1 Leaking tank disposition. Leaking tanks shall be handled in accordance with WAC 173-360-325.

3404.2.7.11 Tank lining. Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. Lining of leaking underground storage tanks shall be done in accordance with the provisions of WAC 173-360-325.

3404.2.8.7 Arrangement. Tanks shall be listed for above-ground use, and each tank shall be in its own vault.

EXCEPTION: Below-grade vaults may contain a maximum of three tanks.

Compartmentalized tanks shall be allowed and shall be considered as a single tank. Adjacent vaults shall be allowed to share a common wall. The common wall shall be liquid and vapor tight and shall be designed to withstand the load imposed when the vault on either side of the wall is filled with water.

3404.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with Section 3404.2 and Sections 3404.2.11.1 through 3404.2.11.5.2. Corrosion protection shall comply with WAC 173-360-305.

3405.4.1 Unit with a capacity of 60 gallons or less. Solvent distillation units used to recycle Class I, II or III-A liquids having a distillation chamber capacity of 60 gallons or less shall be listed, labeled and installed in accordance with Section 3405.4 and UL 2208.

EXCEPTIONS: 1. Solvent distillation units installed in dry-cleaning plants in accordance with Chapter 12.
2. Solvent distillation units used in continuous through-put industrial processes where the source of heat is remotely supplied using steam, hot water, oil or other heat transfer fluids, the temperature of which is below the autoignition point of the solvent.
3. Approved research, testing and experimental processes.

3406.5.4 Dispensing from tank vehicles and tank cars. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 3406.5.4.1 through 3406.5.4.5.

3406.5.4.1 Marine craft and special equipment. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment when approved by the fire code official, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks.
2. The operation is not performed where the public has access or where there is unusual exposure to life and property.
3. The dispensing line does not exceed 50 feet in length.
4. The dispensing nozzle is approved.
5. Each premises is issued a separate permit in accordance with Section 105.6.17.

3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with the following: (Those sections not noted here remain unchanged.)

6. Mobile fueling shall not take place within 15 feet of streets, alleys, public ways, buildings, property lines, combustible storage or storm drains.

EXCEPTIONS: 1. The distance to storm drains can be eliminated if an approved storm drain cover or an approved equivalent that will prevent any fuel from reaching the drain is in place prior to fueling or home being placed within 15 feet of the drain. When placement of a storm drain cover will cause the accumulation of excessive water or difficulty in safely conducting the fueling, it shall not be used and the fueling shall not take place within 15 feet of a drain.

2. The distance to storm drains can be eliminated for drains that direct intake to approved oil-water separators.

12. Fuel delivery vehicles shall be equipped with clean-up supplies in accordance with the department of ecology's *Stormwater Management Manual for Western Washington*, Volume IV - Source Control BMP (Publication No. 99-14). Such supplies shall be readily available for employment by the operator at all times.

17. Fuel dispensing is prohibited within 25 feet of any source of ignition.

25. Operators shall place a drip pan or absorbent, in good condition, under each fuel fill opening prior to and during all dispensing operations. Drip pans shall be liquid-tight. The pan or absorbent shall have a capacity of at least 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their persons an absorbent pad capable of capturing diesel foam overfills. Except during fueling, the nozzle shall face upwards and an absorbent pad shall be kept under the nozzle to prevent drips. Contaminated absorbent pads shall be disposed of regularly in accordance with local, state and federal requirements.

26. All persons and parties with an interest in the property (i.e., property owner, lessor, real estate company, property manager as well as operators of the property) must give consent in writing to allow the mobile fueling to occur on the property. Managers, lessees, renters and other persons can-

not solely give permission. Each person or party must indicate that they are under the risk of spills.

WSR 03-18-080

PROPOSED RULES

BUILDING CODE COUNCIL

[Filed August 29, 2003, 2:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-027.

Title of Rule: Amendment of chapters 51-56 and 51-57 WAC (adoption and amendment of the 2003 Edition of the Uniform Plumbing Code and Plumbing Code Standards).

Purpose: To consider amendments and adoption of the 2003 Edition of the Uniform Plumbing Code and Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of the 2003 Edition of the Uniform Plumbing Code and Standards, with amendments (including Appendices A, Sizing the Water Supply System, B Explanatory notes on combination waste and vent systems, and I, Installation Standards). Amendments providing greater safety and flexibility than the published version include expanded options for relief valve drains and water hammer arrestors.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, Olympia, Washington 98504-8350, (360) 725-2970; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will update the state code by referencing the 2003 Edition of the Uniform Plumbing Code and Uniform Plumbing Code Standards (UPC), published by the International Association of Plumbing and Mechanical Officials. Amendments are proposed to (a) coordinate the existing state amendments with the updated UPC, (b) retain some of the existing language from the 2000 Edition of the UPC where it was felt necessary to protect public health, and (c) introduce some additional options for residential water heater drains to increase code flexibility.

Proposal Changes the Following Existing Rules:

Chapter 51-56 WAC:

1. The following sections contain editorial changes for consistency within this code and with other model codes, and to correct references and dates: Sections 003, 008, 102.4, 413.0, 501, 502, 301.1.3, 314.5.1, 512-525, 603.

2. **Section 007:** Clarification that codes referenced in the model code must be specifically adopted by the council or local jurisdictions or the pertinent state code will take precedence.

3. **Section 208:** The existing state amendment is deleted; the conflict with the Mechanical Code no longer exists.

4. **Section 301.1.1:** The existing state amendment is deleted. Code change at the national level makes the language equivalent to the existing state code.

5. **Section 316.1.6:** The existing state amendment is deleted. Code change at the national level makes the language equivalent to the existing state code.

6. **Section 505:** Chapter 5 was reformatted in 2003. Existing Section 509 was relocated to Section 505 in the model code. The state amendment to this section is retained.

7. **Section 508.5:** An exception was added to allow residential water heater discharge to the drip pan.

8. **Section 509:** (See Section 505.) Access and Working Space was retained from the existing code and moved to this location. These provisions were not present in the 2003 version.

9. **Section 603.4.11:** This new amendment specifies air gaps or RP backflow device for potable water connections to boilers for consistency with state drinking water regulations.

10. **Section 604.1:** Editorial change to coordinate the existing state amendment to include new materials present in 2003 UPC.

11. **Section 608.5:** This new amendment allows alternatives for the termination of residential water heater relief valves. See also Section 508.5.

12. **Section 609.10.2:** This new amendment allows water hammer arresters to be installed in concealed locations if allowed by the manufacturer's specifications.

13. **Section 1101:** This proposal moves the storm draining requirements found in Appendix M back into Chapter 11. These are existing state amendments to the Storm Drainage provisions.

14. **Section Chapter 13:** This chapter was reformatted to coordinate with NFPA 99. Since that was the intent of the existing state amendments, many of them were no longer needed. Editorial changes were made to coordinate with language in the 2003 edition.

15. **Section 1313.3:** Clarification to direct user to the Department of Health regulations for med gas inlets/outlets.

16. **Section 1331:** Editorial change to section title to coordinate with existing language. Section 1331.1.1 also specifies that the vendor cannot perform verification.

17. **Chapter 14:** The existing state amendment to Chapter 14 was reformatted to be more user-friendly.

18. **Appendix M:** See Chapter 11.

Chapter 51-57 WAC:

1. **Sections 003, 008:** These sections maintain existing statewide amendments, correcting section references and

dates. Appendix B, Explanatory Notes on Combination Waste and Vent Systems, is proposed for adoption.

2. **Section 20200:** A new amendment is proposed Installation Standard 20-200 to add an exception to allow use of products designed to be used without primer.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will update the adoption of model codes to stay current with national standards for the benefit of industry and Washington state interests. No adverse economic impact on small business was identified.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on October 10, 2003, at 10:00 a.m.; and at the Holiday Inn Select/Renton, One Grady Way South, Renton, WA, on October 17, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 26, 2003, TDD (360) 753-7427 or (360) 725-2967.

Submit Written Comments to: Stan Price, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, by October 17, 2003.

Date of Intended Adoption: November 21, 2003.

August 7, 2003

Tim Nogler

for Stan Price
Council Chair

Chapter 51-56 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2000)) 2003 EDITION OF THE UNIFORM PLUMBING CODE

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-003 Uniform Plumbing Code. The ((2000)) 2003 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters ((11;)) 12 and 15 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-007 Exceptions. The exceptions and amendments to the ((uniform)) model codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

Codes referenced which are not adopted through RCW 19.27.031 shall not apply unless specifically adopted by the authority having jurisdiction. When referenced, as appropriate, such references shall mean the International Building Code (as adopted and amended by the state of Washington), the International Fire Code (as adopted and amended by the state of Washington), the International Mechanical Code (as adopted and amended by the state of Washington), the Washington State Energy Code, or other locally adopted code if applicable.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-008 Implementation. The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, ~~((2002))~~ 2004, unless local government residential amendments have been approved by the state building code council.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0100 Chapter 1—Administration.

101.4.1.4 Conflict Between Codes. Delete paragraph.

102.4 Appeals. All persons shall have the right to appeal a decision of the ~~((administrative))~~ authority having jurisdiction. The jurisdiction shall have a board of appeals to hear and rule on Plumbing Code appeals. Members of the board shall be appointed by the jurisdiction. Decisions by the board shall be reported to the jurisdiction and administered by the ~~((administrative))~~ authority having jurisdiction.

103.1.3 Certification. State rules and regulations concerning certification shall apply.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0200 Chapter 2—Definitions.

205.0 Certified Backflow Assembly Tester - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

~~((208.0 Flammable Vapor or Fumes is the concentration of flammable constituents in air that exceeds 10 percent of its lower flammability limit (LFL).))~~

218.0 Plumbing System – Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0300 Chapter 3—General regulations.

~~((301.1.1 Approvals. Unless otherwise provided for in this code, all materials, fixtures or devices used or entering into the construction of plumbing systems, or parts thereof, shall be submitted to the administrative authority for approval and shall conform to approved nationally recognized standards, and shall be free from defects. All pipe, fittings, traps, fixtures, material and devices used in a plumbing system shall be listed or labeled by a listing agency or shall be approved by the administrative authority.))~~

301.1.3 Standards. Standards listed or referred to in this chapter ~~((and Table 14-1))~~ or other chapters cover materials ~~((that))~~ which will conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used ~~((only))~~ by special permission of the ~~((administrative))~~ authority having jurisdiction after the ~~((administrative))~~ authority having jurisdiction has been satisfied as to their adequacy in accordance with Section 301.2.

311.4 Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

313.6 No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed outside the conditioned space shall be insulated to a minimum R-3.

313.7 All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

~~((316.1.6 Solvent Cement Plastic Pipe Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with this code and the manufacturer's installation instructions.))~~

~~ABS pipe and fittings shall be cleaned and then joined with listed solvent cement(s).~~

~~CPVC and PVC pipe and fittings shall be cleaned and joined with listed primer(s) and solvent cement(s).))~~

314.5.1 In Seismic Design Categories C, D, E and F hubless cast iron piping in sizes 5 inches and larger suspended in exposed locations over public or high traffic areas, pipe over 4 feet in length shall be provided with support on both sides of the coupling.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.

402.0 Water-Conserving Fixtures and Fittings.

402.1 The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

402.2 Application. This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

402.3 Water Efficiency Standards.

402.3.1 Standards for Vitreous China Plumbing Fixtures.

402.3.1.1 The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

402.3.1.2 The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

- EXCEPTIONS:**
1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

402.3.1.3 The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

402.3.1.4 No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

402.3.1.5 This section does not apply to fixtures installed before the effective date of this Section, that are removed and

relocated to another room or area of the same building after the effective date of this Section.

402.3.2 Standards for Plumbing Fixture Fittings.

402.3.2.1 The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1996	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings

402.3.2.2 The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

402.3.2.3 The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

402.4 Metering Valves. Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

- EXCEPTIONS:**
1. Where designed and installed for use by persons with a disability.
 2. Where installed in day care centers, for use primarily by children under 6 years of age.

402.5 Implementation.

402.5.1 The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

402.5.2 No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

Sections 402.6 through 402.9 are not adopted.

412.2 Location of Floor Drains. Floor drains shall be installed in the following areas:

412.2.1 Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

PROPOSED

PROPOSED

412.2.2 Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

413.0 Minimum Number of Required Fixtures. For minimum number of plumbing fixtures required, see Building Code chapter 29 and Table ((29-A)) 2902.1.

Sections 413.1 through 413.7 and Table 4-1 are not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0500 Chapter 5—Water heaters.

501.0 General. The regulations of this chapter shall govern the construction, location, and installation of fuel burning and

other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the ((administrative)) authority having jurisdiction. A list of accepted gas equipment standards is included in Table 14-1.

Water heaters used for space heating only are prohibited.

TABLE 5-1^{1,3}

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating ² , Gallons	42	54	54	54	67	67	80	67	80	80	80

- Notes: ¹The first hour rating is found on the "Energy Guide" label.
- ²Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.
- ³For replacement water heaters, see Section 101.4.1.1.1.

- ~~((502.1)) 502.2 Chimney – Delete definition.~~
- ~~((502.2)) 502.3 Chimney ((Connector)), Factory-Built – Delete definition.~~
- ~~502.4 Chimney, Masonry – Delete definition.~~
- ~~502.5 ((Direct Vent Appliance)) Chimney, Metal – Delete definition.~~
- ~~502.7 ((Unusually Tight Construction)) Direct Vent Appliance – Delete definition.~~
- ~~502.8 ((Vent)) Flue Collar – Delete definition.~~
- ~~502.9 ((Vent Collar)) Gas Vent, Type B – Delete definition~~
- ~~502.10 Gas Vent, Type L – Delete definition.~~
- ~~502.11 Vent – Delete definition.~~
- ~~((502.10)) 502.12 Vent Connector – Delete definition.~~
- ~~((502.11)) 502.13 Venting System – Delete definition.~~
- ~~((502.12 Venting Systems Types – Delete definition.))~~

504.1 Inspection of Chimneys or Vents. Delete paragraph.

~~((505.0 Gas Fired Water Heater Approval Requirements.~~

~~505.1 Gas fired water heaters shall conform to approved recognized applicable standards or to other standards acceptable to the administrative authority. Each such water heater shall bear the label of an approved testing agency, certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards.~~

~~505.2 Except when reconditioned by the manufacturer or the manufacturer's approved agent in accordance with its original approval requirements and reinstalled at its original location, each reconditioned water heater shall be tested for safety and~~

~~conformity to approved standards, and shall bear the label of an approved testing agency certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards. Such label shall also state clearly that the water heater has been reconditioned, and shall give the name and address of the reconditioner. Every person applying for a permit to install a used or reconditioned water heater shall clearly state on the application for permit that such equipment is used or reconditioned.~~

~~505.3 Gas storage type water heaters shall be provided with, in addition to the primary temperature controls, an over temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.)~~

505.1 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.

EXCEPTIONS: 1. Direct vent water heaters.

- 2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.
- 3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.

506.2 All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable

standards for such devices and a combination temperature and pressure relief valve.

507.0 Combustion Air. For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through ((507.5)) 507.10 are not adopted.

~~((509.0 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.~~

- EXCEPTIONS:**
1. ~~Direct vent water heaters.~~
 2. ~~Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.~~
 3. ~~Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.~~

~~Where not prohibited by other regulations, water heaters may be located under a stairway or landing.))~~

508.5 Relief Valve Discharge. Discharge from a relief valve into a water heater pan shall be prohibited.

EXCEPTION: One- and two-family dwellings.

Sections 508.6 through 508.9 are not adopted.

508.12 Delete entire section.

508.18 Venting of Flue Gases - Delete entire section.

Sections 508.20 through 508.24.5 are not adopted.

509.0 Access and Working Space.

509.1 Every water heater installation shall be accessible for inspection, repair, or replacement. The appliance space shall be provided with an opening or doorway of sufficient size to remove the water heater. In no case shall such opening or doorway be less than 24 inches in width. Such access shall be continuous and shall be one or any combination of the following means:

(1) By an opening or door, and passageway not less than 2 feet in width and large enough to permit removal of the water heater, but not less than 30 inches in height. Stairways and ramps leading to or part of such passageways shall comply with the building code.

(2) Every attic, roof, mezzanine, or platform more than 8 feet above the ground or floor level shall be made accessible by a stairway or ladder permanently fastened to the building. Such a ladder or stairway shall not be more than 18 feet in length between landings and not less than 14 inches in width. Such a ladder shall have rungs spaced not more than 14 inches center to center and not less than 6 inches from the face of the wall. Each stile is to extend 30 inches above the surface to be reached, or as high as possible, if height is limited. Permanent ladders for water heater access need not be provided at parapets or walls less than 30 inches in height.

EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single story portion of a Group R or U Occupancy.

(3) By a trap door or opening and passageway not less than 30 inches by 30 inches, but in no case smaller than the water heater. The passageway shall be continuous from the trap door or opening to the water heater. The trap door or opening shall be located not more than 20 feet from the water heater.

(4) Every passageway to an attic water heater shall have an unobstructed solid continuous flooring not less than 24 inches wide from the trap door or opening to the water heater. If the trap door or opening is more than 8 feet above the floor, a stairway or ladder permanently fastened to the building shall be provided. Such stairway or ladder shall lead directly to the edge of the trap door or opening and shall comply with the provisions of this section.

EXCEPTION: A portable ladder may be used for access for water heaters in attics on the single-story portion of a Group R or U Occupancy.

(5) By an unobstructed catwalk not less than 24 inches wide. Access to the catwalk shall be by ladder or stairs complying with the provisions of this section.

509.2 Attic and underfloor water heater locations shall be provided with an electric outlet and lighting fixture at or near the water heater. The lighting fixture shall be controlled by a switch located adjacent to the opening or trap door.

509.3 An unobstructed solidly floored working surface not less than 30 inches in depth and width shall be provided immediately in front of the firebox access opening. A door opening into such space shall not be considered an obstruction.

Sections 509.3.1 through 509.3.4 are not adopted.

Sections 510.1 through 511.2.25 are not adopted.

512.0 ((~~Venting of Water Heaters.~~) **Direct Vent Equipment.** Delete entire section.

~~((513.0 Limitations. Delete entire section.~~

~~514.0 Vent Connectors. Delete entire section.~~

~~515.0 Location and Support of Venting System. Delete entire section.~~

~~516.0 Length Pitch and Clearance. Delete entire section.~~

~~517.0 Vent Termination. Delete entire section.~~

~~518.0 Area of Venting System. Delete entire section.~~

~~519.0 Multiple Appliance Venting. Delete entire section.~~

~~520.0 Existing Venting System. Delete entire section.~~

~~521.0 Draft Hoods. Delete entire section.~~

~~522.0 Gas Venting into Existing Masonry Chimneys. Delete entire section.~~

~~523.0 Chimney Connectors. Delete entire section.~~

~~524.0 Mechanical Draft Systems. Delete entire section.~~

~~525.0 Venting Through Ventilating Hoods and Exhaust Systems. Delete entire section.))~~

Chapter 5, Part II is not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-0600 Chapter 6—Water supply and distribution.

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The ~~((administrative))~~ authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

603.3.3 For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the ~~((administrative))~~ authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the ~~((administrative))~~ authority having jurisdiction.

603.4.6.1 Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Reduced pressure backflow preventer.
- (4) A double check valve may be allowed when approved by the water purveyor and the ~~((administrative))~~ authority having jurisdiction.

(5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the ~~((administrative))~~ authority having jurisdiction.

603.4.11 Potable Water Make Up Connections to Steam or Hot Water Boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

603.4.13 Potable Water Supply to Carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the ~~((administrative))~~ authority having jurisdiction for the specific use.

603.4.18.1 Except as provided under Sections 603.4.18.2 and 603.4.18.3, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, CPVC, galvanized malleable iron, galvanized wrought iron, galvanized steel, PEX or other approved materials. Except as provided in Section 604.13, asbestos-cement, ~~((CPVC,))~~ PE, PVC, ~~((or))~~ PEX-AL-PEX or PE-AL-PE water pipe ~~((materials))~~ manufactured to recognized standards may be used for cold water building supply distribution systems outside a building. ~~((CPVC,))~~ PEX-AL-PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized standards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the ~~((administrative))~~ authority having jurisdiction.

~~((604.13))~~ **604.14** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

608.5 Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

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In one- and two-family dwellings, the following locations shall be approved for the termination of a relief valve:

1. To a water heater drip pan of approved design, provided the pan is drained with pipe and fittings of the same size and material as required for the relief valve drain.
2. To an approved, properly installed clotheswasher standpipe receptor, laundry tray, floor drain, floor sink, hub drain, area drain or catch basin.
3. On grade concrete garage floors.
4. Other locations meeting the requirements of this section or as approved by the authority having jurisdiction.

609.10.2 Mechanical Devices. When listed mechanical devices are used, the manufacturer's specifications as to location and method of installation shall be followed.

610.4 Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

NEW SECTION

WAC 51-56-1100 Chapter 11—Storm drainage.

1101.3 Material Uses. Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0.

1101.12.0 Cleanouts.

1101.12.1 Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

1101.12.2 Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

1101.12.3 Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

1101.12.4 Approved manholes may be installed in lieu of cleanouts when first approved by the authority having jurisdiction. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

1108.0 Controlled-Flow Roof Drainage. This section is not adopted.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.

~~((1302 Medical Gas and Vacuum Piping Systems. The installation of medical gas and vacuum piping systems shall be in accordance with the requirements of this chapter and/or the appropriate standards adopted by the administrative authority, for additional standards see Table 14-1. The administrative authority shall require evidence of the competency of the installers.))~~

Part II Medical Gas and Vacuum Systems

1309.0 Scope.

1309.1 The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment ~~((for safe use))~~ in ~~((patient care))~~ hospitals, clinics, and other health care facilities.

1309.2 The purpose of this chapter is to provide minimum requirements for the design, installation, testing and verification of medical gas, medical vacuum systems, and related permanent equipment, from the central supply system to the station outlets or inlets.

~~((1310.0 Definitions.~~

~~1310.1 Building Supply—The pipe from the source of supply to a building or structure.~~

~~1310.2 Critical Care Area—An area in a medical facility where special care is provided, including intensive care units, coronary care units, recovery rooms, and respiratory care units.~~

~~1310.3 Installer Performance Testing—Testing conducted by the installer or representative prior to system verification using oil-free, dry nitrogen as stated in Chapter 14.~~

~~1310.4 Manifold—A device for connecting outlets of one or more gas cylinders to the central piping system for that specific gas.~~

~~1310.5 Medical Air—Compressed air used in a medical facility.~~

~~1310.6 Medical Gas—Gases used in a medical facility, including oxygen, nitrous oxide, nitrogen, carbon dioxide, helium, medical air, and mixtures of these gases. Standards of purity apply.~~

~~1310.7 Medical Gas System—A system consisting of a central supply system (manifold, bulk, or compressors), including control equipment and piping extending to station outlets in the facility where medical gases may be required.~~

~~1310.8 Medical Vacuum System—A system consisting of central vacuum-producing equipment with vacuum switches and operating controls, shutoff valves, alarm warning sys-~~

tems, gauges, and a network of piping extending to and terminating with station inlets at locations where patient suction may be required. Includes surgical vacuum systems, waste anesthesia gas disposal (as scavenging systems), and bedside suction systems.

1310.9 Purge, Flow—The removal of oxygen from a system by oil-free dry nitrogen during brazing.

1310.10 Purge, System—The removal of nitrogen from a system with the medical gas required for that system.

1310.11 SCFM—Standard cubic feet per minute, the unit measure for a volume of gas at standard conditions (68 degrees F (20 degrees C) and 1 atmosphere of pressure).

1310.12 Special Hazard Area—An area, such as a kitchen or electrical switch gear room.

1310.13 Station Inlet—An inlet in a vacuum piping system at which the user makes connections and disconnections.

1310.14 Station Outlet—An outlet point in a medical gas piping system at which the user makes connections and disconnections.

1310.15 System Verification—Testing conducted by a qualified party other than the installer or material vendor after the installer performance testing and prior to the medical gas system being put into service.

1310.16 Use Point—A room or area within a room, where medical gases are dispensed to a patient for medical purposes.

1310.17 User Outlet—See station outlet.

1310.18 Valve, Isolation—A valve which isolates one piece of equipment from another.

1310.19 Valve, Riser—A valve at the base of a vertical riser, which isolates that riser.

1310.20 Valve, Service—A valve serving horizontal piping extending from a riser to a station outlet or inlet.

1310.21 Valve, Source—A single valve at the source which controls a number of units that make up the total source.

1310.22 Valve, Zone—A valve which controls the gas or vacuum to a particular area.

1311.3 The administrative authority shall require evidence of the competency of the installers.

1311.4 Delete paragraph.

1313.0 System Installation and Installer Performance Testing.

1313.1 Medical gas and medical vacuum systems shall be designed and installed in accordance with the requirements of this chapter and the installation requirements of this code, specifically Chapter 14 of this code.

1313.2 A report of completion of the installer performance testing which includes the specific items in Chapter 14 shall be furnished to the administrative authority prior to system verification.

1314.0 System Verification.

1314.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in Chapter 14. This verification shall be accomplished by an independent third party verification agency which is approved by the administrative authority.

1314.2 A report which includes at least the specific items in Chapter 14 shall be furnished to the administrative authority prior to final acceptance of the system.

Sections 1315 through 1331 are not adopted.) **1313.3 Minimum Station Outlets/Inlets.** Station outlets and inlets for medical gas and medical vacuum systems shall be provided as listed in WAC 246-320-525.

1331.0 System Verification.

1331.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in section 1331.2.

1331.1.1 Verification tests shall be performed only after all tests required in section 1329.0, Installer Performed Tests, have been completed.

Testing shall be conducted by a party technically competent and experienced in the field of medical gas and vacuum pipeline testing and meeting the requirements of ANSI/ASSE Standard 6030, Medical Gas Verifiers Professional Qualifications Standard.

Testing shall be performed by a party other than the installing contractor or material vendor.

When systems have been installed by in-house personnel, testing shall be permitted by personnel of that organization who meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-56-1400 Chapter 14—Referenced standards.

TABLE 14-1

Standards for Materials, Equipment, Joints and Connections

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
AHAM DW 1-92	Household Electric Dishwashers	Appliances	
AHAM DW 2PR 86	Plumbing Requirements for Household Dishwashers	Appliances	
AHAM FWD 1-83	Food Waste Disposers	Appliances	
AHAM HLW 2 PR 86	Plumbing Requirements for Home Laundry Equipment Appliances		
ANSI A13.1-81(R93)	Scheme for the Identification of Piping Systems-Piping		
ANSI A21.10-93	Ductile Iron and Gray Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as AWWA C110)	Piping, Ferrous	
ANSI A21.11-90	Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings (same as AWWA C111)	Piping, Ferrous	
ANSI A21.51-91	Ductile Iron Pipe, Centrifugally Cast, for Water (same as AWWA C151)	Piping, Ferrous	
ANSI A21.53-88	Ductile Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as AWWA C153)	Piping, Ferrous	
ANSI A40.3-93	Stainless steel	Piping, Ferrous	
ANSI A106.6-70	Vitrified Clay Pipe (now CSA-A60.1M1976(C1992))	Piping, Nonmetallic	
ANSI A106.6-77	Silver brazing joints for wrought and cast bronze-solder joint fittings	Joints	
ANSI A112.14.1-75 (R90)	Backwater Valves	Valves	
ANSI A112.19.5-79	Trim for Water-Closet Bowls, Tanks and Urinals	Fixtures	
ANSI A112.21.2M-83	Roof Drains	DWV Components	
ANSI A118.10-93	Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installations	Fixtures	
ANSI B2.1-90	Pipe Threads (Except Dryseal) (replaced by ASME B1.20.1-98)	Joints	
ANSI B125.1-84	Steel pipe (galvanized)	Piping, Ferrous	
ANSI B125.2-72	Steel pipe (galvanized)	Piping, Ferrous	
ANSI Z21.10.1a-94	Gas Water Heaters—Volume I—Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	
ANSI Z21.10.1b-92	Gas Water Heaters—Volume I—Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	

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((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ANSI Z21.10.3-90-	Gas Water Heaters—Volume III—Storage, with Input Ratings Above 75,000 Btu per Hour, Circulating and Instantaneous Water Heaters-	Appliances	
ANSI Z21.10.3a-94-	"	Appliances	
ANSI Z21.10.3b-92-	"	Appliances	
ANSI Z21.12-90-	Draft Hoods-	Appliances	
ANSI Z21.13-91-	Gas Fired Low Pressure Steam and Hot Water Boilers and Addenda-	Appliances	
ANSI Z21.15-92	Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves-	Valves	
ANSI Z21.22a-90-	Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems-	Valves	
ANSI Z21.24-93-	Metal Connectors for Gas Appliances	Appliances	
ANSI Z21.41-89	Quick Disconnect Devices for Use with Gas Fuel	Joints	
ANSI Z21.56-98-	Gas Fired Pool Heaters	Swimming Pools and Spas	
ANSI Z21.69-1997-CSA-6.16-M97-	Connectors for Moveable Gas Appliances-	Appliances	
ANSI Z21.70-81	Earthquake Actuated Automatic Gas Shutoff Systems (withdrawn from ANSI June, 1992)-	Valves	
ANSI Z21.80-1997-CSA-6.22-M97	Line Pressure Regulators	Fuel Gas	
ANSI Z21.81-1997-CSA-6.25-M97-	Cylinder Connection Devices-	Fuel Gas	
ANSI Z21.86-CSA 2.32-M98-	Vented Gas Fired Space Heating Appliances-	Appliances	
ANSI Z34.1-93-	Certification—Third Party Certification Programs for Products, Processes, and Services-	Certification	
ANSI Z124.1-95-	Plastic Bathtub Units	Fixtures	
ANSI Z124.2-95-	Plastic Shower Receptors and Shower Stalls	Fixtures	
ANSI Z124.3-95-	Plastic Lavatories-	Fixtures	
ANSI Z124.4-96-	Plastic Water Closet Bowls and Tanks-	Fixtures	
ANSI Z124.5-97-	Plastic Toilet (Water Closet) Seats-	Fixtures	
ANSI Z124.6-97-	Plastic Sinks	Fixtures	
ANSI Z124.7-97-	Prefabricated Plastic Spa Shells-	Fixtures	
ANSI Z124.8-90-	Plastic Bathtub Liners-	Fixtures	
ANSI Z124.9-94-	Plastic Urinal Fixtures (Note 1)	Fixtures	
ANSI Z223.1-99	National Fuel Gas Code	Fuel Gas	
ARI 1010-84	Drinking Fountains and Self-Contained, Mechanically Refrigerated Drinking Water Coolers	Appliances	
ASHRAE 90.1-89	Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings	Miscellaneous	
ASME A112.1.2-96	Air Gaps in Plumbing Systems	Piping	
ASME A112.3.1-93	Stainless Steel Drainage Systems for Sanitary Storm and Chemical Application, Above and Below Ground (Note 1)	Piping, Ferrous	X
ASME A112.4.1-93	Water Heater Relief Valve Drain Tubes-	Appliances	

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASME A112.6.1M-97	Floor-Affixed Supports for Off the Floor Plumbing Fixtures for Public Use	Fixtures	
ASME A112.18.1M-96	Plumbing Fixture Fittings	Valves	
ASME A112.18.6-99	Flexible Water Connectors	Piping	
ASME A112.18.3-96	Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings (Note 8)	Valves	
ASME A112.19.1M-94	Enameled Cast Iron Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.2M-98	Vitreous China Plumbing Fixtures	Fixtures	
ASME A112.19.3M-87	Stainless Steel Plumbing Fixtures (Designed for Residential Use)	Fixtures	
ASME A112.19.4M-94	Porcelain-Enameled Formed Steel Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.6-95	Hydraulic Performance Requirements for Water Closets and Urinals	Fixtures	
ASME A112.19.7M-95	Whirlpool Bathtub Appliances	Fixtures	
ASME A112.19.8M-87	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances	Swimming Pools and Spas	
ASME A112.19.9M-91	Nonvitreous Ceramic Plumbing Fixtures	Fixtures	
ASME A112.21.1M-91	Floor Drains (Note 1)	DWV Components	
ASME A112.21.3M-85	Hydrants for Utility and Maintenance Use (Note 1)	Valves	
ASME A112.26.1M-84	Water Hammer Arresters	Piping	
ASME A112.36.2M-91	Cleanouts (Note 1)	DWV Components	
ASME B1.20.1-83 (R1992)	Pipe Threads, General Purpose (Inch)	Joints	
ASME B1.20.3-76 (R82/91/98)	Dryseal Pipe Threads, Inch	Joints	
ASME B16.1-89	Cast Iron Pipe Flanges and Flanged Fittings, Class 25, 125, 250, and 800	Piping, Ferrous	
ASME B16.3-92	Malleable Iron Threaded Fittings	Piping, Ferrous	
ASME B16.4-92	Gray Iron Threaded Fittings (includes Revision Services)	Piping, Ferrous	
ASME B16.5-88	Pipe Flanges and Flanged Fittings	Joints	
ASME B16.12-91	Iron Threaded Drainage Fittings (Note 1)	Piping, Ferrous	
ASME B16.15-85 (R1994)	Cast Bronze Threaded Fittings, Classes 125 and 250	Piping, Copper Alloy	
ASME B16.18-84	Cast Copper Alloy Solder Joint Pressure Fittings (Note 1)	Piping, Copper Alloy	
ASME B16.21-92	Nonmetallic Flat Gaskets for Pipe Flanges	Joints	
ASME B16.22-95	Wrought Copper and Copper Alloy Solder Joint Pressure Fittings Alloy	Piping, Copper	
ASME B16.23-92	Cast Copper Alloy Solder Joint Drainage Fittings - DWV Alloy	Piping, Copper	
ASME B16.24-91	Cast Copper Alloy Pipe Flanges and Flanged Fittings Alloy	Piping, Copper	

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ASME B16.26-88	Cast copper alloy fittings for flared copper tubes-Alloy	Piping, Copper	
ASME B16.29-86	Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings-DWV Alloy (Note-1)	Piping, Copper	
ASME B16.32-92	Cast Copper Alloy Solder Joint Fittings for Solvent Drainage Systems Alloy	Piping, Copper	
ASME B16.33-90	Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig.	Valves	
ASME B16.34-88	Valves—Flanged, Threaded and Welding End	Valves	
ASME B16.38-85	Large Metallic Valves for Gas Distribution (Manually Operated, NPS 2 1/2 to 12, 125 psig Maximum)	Valves	
ASME B16.39-86	Pipe Unions, Malleable Iron Threaded (Includes Revision (R1994) Services)	Piping, Ferrous	
ASME B16.47-90	Large Diameter Steel Flanges	Piping, Ferrous	
ASME B36.10M-85	Welded and Seamless Wrought Steel Pipe	Piping, Ferrous	
ASME Section IX	Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators	Certification	
ASSE 1001-90	Pipe Applied Atmospheric Type Vacuum Breakers	Backflow Protection	
ASSE 1002-86	Water Closet Flush Tank Ballcocks	Backflow Protection	
ASSE 1003-95	Water Pressure Reducing Valves for Domestic Water Supply Systems	Valves	
ASSE 1004-90	Backflow Prevention Requirements for Commercial Dishwashing Machines	Backflow Protection	
ASSE 1006-89	Residential Use Dishwashers	Appliances	
ASSE 1007-92	Home Laundry Equipment	Appliances	
ASSE 1008-89	Household Food Waste Disposer Units	Appliances	
ASSE 1009-90	Commercial Food Waste Grinder Units	Appliances	
ASSE 1010-98	Performance Requirements for Water Hammer Arrestors	Piping	
ASSE 1011-95	Hose Connection Vacuum Breakers	Backflow Protection	
ASSE 1013-93	Reduced Pressure Principle Backflow Preventers	Backflow Protection	
ASSE 1014-90	Hand Held Showers	Fixtures	
ASSE 1015-93	Double Check Backflow Prevention Assembly	Backflow Protection	
ASSE 1016-96	Individual, Thermostatic Pressure Balancing and Thermostatic Control Valves for Individual Fixtures	Valves	
ASSE 1017-86	Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use	Valves	
ASSE 1018-86	Trap Seal Primer Valves (water supply fed)	Valves	
ASSE 1019-95	Performance Requirements for Vacuum Breaker-Wall Hydrant, Freeze Resistant Automatic Draining Type	Backflow Protection	
ASSE 1020-90	Pressure Vacuum Breaker Assembly	Backflow Protection	
ASSE 1021-77	Dishwasher Air Gaps for Domestic Dishwasher Applications	Backflow Protection	

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ASSE 1023-79	Hot Water Dispensers Household Storage Type-Electrical	Appliances	
ASSE 1025-78	Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications	Valves	
ASSE 1028-81	Automatic Flow Controllers	Valves	
ASSE 1032-80	Dual Check Valve Type Backflow Preventers for Carbonated Beverage Dispensers—Post Mix-Types	Backflow Protection	X
ASSE 1034-81	Fixed Flow Restrictors	Piping	
ASSE 1035-95	Laboratory Faucet Backflow Preventer	Backflow Protection	
ASSE 1037-90	Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures	Backflow Protection	
ASSE 1052-94	Hose Connection Backflow Preventers	Backflow Protection	
ASSE 1055-97	Chemical Dispensing Systems	Backflow Protection	
ASSE 1056-95	Back Siphonage Backflow Vacuum Breakers	Backflow Protection	
ASSE 1062-97	Temperature Actuated, Flow Reduction Valves for Individual Fixture Fittings	Valves	
ASSE 1066-97	Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings (Note 9)	Valves	
ASSE 6000-98	Medical Gas Systems Installers, Inspectors and Verifiers	Certification	
ASTM A 47-90 (R95)	Ferritic Malleable Iron Castings	Piping, Ferrous	
ASTM A 53-96 (97)	Pipe, Steel, Black and Hot Dipped, Zinc-Coated-Welded, and Seamless	Piping, Ferrous	
ASTM A 74-98	Cast Iron Soil Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM A 120-84 [D]	Pipe, Steel, Black and Hot Dipped, Zinc-Coated, (Galvanized) Welded, and Seamless for Ordinary Uses (replaced by A 53)	Piping, Ferrous	
ASTM A 126-95	Gray Iron Castings for Valves, Flanges, and Pipe-Fittings	Piping, Ferrous	
ASTM A 197-87 (R-92)	Cupola Malleable Iron [Metric]	Piping, Ferrous	
ASTM A 312-93	Seamless and Welded Austenitic Stainless Steel Pipes	Piping, Ferrous	
ASTM A 377-95	Ductile Iron Pressure Pipe	Piping, Ferrous	
ASTM A 518-92a1	Corrosion-Resistant High-Silicon Iron Castings [Metric]	Piping, Ferrous	
ASTM A 536-84 (R-93)	Ductile Iron Castings	Piping, Ferrous	
ASTM A 653-96	Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process	Piping, Ferrous	
ASTM A 733-93	Welded and Seamless Carbon Steel and Austenitic Stainless Steel Pipe Nipples	Piping, Ferrous	
ASTM A 861-94a1	High-Silicon Iron Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM B 29-92	Pig Lead	Joints	
ASTM B 32-96	Solder Metal (Note 4)	Joints	
ASTM B 42-96	Seamless Copper Pipe, Standards Sizes	Piping, Copper-Alloy	

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ASTM B 43-96	Seamless Red Brass Pipe, Standards Sizes	Piping, Copper-Alloy	
ASTM B 75-95a	Seamless Copper Tube	Piping, Copper-Alloy	
ASTM B 88-96	Seamless Copper Water Tube	Piping, Copper-Alloy	
ASTM B 135-96	Seamless Brass Tube	Piping, Copper-Alloy	
ASTM B 152-97	Copper Sheet, Strip, Plate, and Rolled Bar	Miscellaneous	
ASTM B 251-97	General Requirements for Wrought Seamless Copper-Copper Alloy Tube	Piping, Copper-Alloy	
ASTM B 280-95a	Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	Piping, Copper-Alloy	
ASTM B 302-97	Threadless Copper Pipe	Piping, Copper-Alloy	
ASTM B 306-96	Copper Drainage Tube (DWV)	Piping, Copper-Alloy	
ASTM B 370-92 ^{e1}	Copper Sheet and Strip for Building Construction	Miscellaneous	
ASTM B 447-97	Welded Copper Tube	Piping, Copper-Alloy	
ASTM B 584-96	Copper Alloy Sand Casting for General Applications (Note 5)	Piping, Copper-Alloy	
ASTM B 587-96	Welded Brass Tube	Piping, Copper-Alloy	
ASTM B 641-93	Seamless and Welded Copper Distribution Tube (Type D)	Piping, Copper-Alloy	
ASTM B 642-88 [D]	Welded Copper Alloy UNS C21000 Water Tube (discontinued 1994)	Piping, Copper-Alloy	
ASTM B 687-96	Brass, Copper, and Chromium-Plated Pipe Nipples	Piping, Copper-Alloy	
ASTM B 716-93 [D]	Welded Copper Water Tube (discontinued 1994)	Piping, Copper-Alloy	
ASTM B 813-93	Liquid and Paste Fluxes for Soldering Applications of Copper and Copper Alloy Tube	Joints	
ASTM B 819-95	Seamless Copper Tube for Medical Gas Systems	Piping, Copper-Alloy	
ASTM B 828-92 ^{e1}	Making Capillary Joints by Soldering of Copper and Copper Alloy Tube and Fittings	Joints	
ASTM C 14-95	Concrete Sewer, Storm Drain and Culvert Pipe	Piping, Nonmetallic	
ASTM C 296-93	Asbestos-Cement Pressure Pipe	Piping, Nonmetallic	
ASTM C 412-94	Concrete Drain Tile	Piping, Nonmetallic	
ASTM C 425-96	Compression Joints for Vitriified Clay Pipe and Fittings	Joints	
ASTM C 428-92	Asbestos-Cement Nonpressure Sewer Pipe (Notes 6 & 7)	Piping, Nonmetallic	
ASTM C 443-94	Joints for Circular Concrete Sewer and Culvert Pipe, Using Rubber Gaskets	Joints	
ASTM C 478-96	Precast Reinforced Concrete Manholes Sections	Miscellaneous	

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ASTM C 564 95a	Rubber Gaskets for Cast Iron Soil Pipe and Fittings (Note 1)	Joints	
ASTM C 700 96	Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated	Piping, Nonmetallic	
ASTM C 1053 90 (R95)	Borosilicate Glass Pipe and Fittings for Drain, Waste and Vent (DWV) Applications (Note 1)	Piping, Nonmetallic	
ASTM C 1173 95	Flexible Transition Couplings for Underground Piping Systems	Joints	
ASTM C 1277 94	Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	Piping, Ferrous	
ASTM D 396 97	Specification for Fuel Oil	Miscellaneous	
ASTM D 1527 96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Sch. 40 and 80	Piping, Plastic	
ASTM D 1785 96a ¹	Poly(Vinyl Chloride) (PVC) Plastic Pipe Sch. 40, 80 and 120	Piping, Plastic	
ASTM D 1869 95	Rubber O-rings for Asbestos-Cement Pipe	Joints	
ASTM D 2104 95	Polyethylene (PE) Plastic Pipe, Sch. 40	Piping, Plastic	
ASTM D 2146 82 [D]	Polypropylene Plastic Molding and Extrusion Materials (replaced by ASTM D 4101)	Piping, Plastic	
ASTM D 2235 96a	Solvent cement for Acrylonitrile-Butadiene-Styrene (ABS) plastic pipe and fittings	Joints	
ASTM D 2239 96a	Polyethylene (PE) Plastic Pipe, (SDR-PR) Based on Controlled Inside Diameter	Piping, Plastic	
ASTM D 2241 96a	Poly(Vinyl Chloride) (PVC) Pressure-Rated pipe (SDR Series)	Piping, Plastic	
ASTM D 2282 96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM D 2321 89 (R95)	Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications	Piping, Plastic	
ASTM D 2447 95	Polyethylene (PE) Plastic Pipe, Sch. 40 and 80 Based on Controlled Outside Diameter	Piping, Plastic	
ASTM D 2464 96a	Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2465 73 [D]	Threaded Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2466 96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 40 (Note 1)	Piping, Plastic	
ASTM D 2467 96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2468 96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings (Sch. 40)	Piping, Plastic	
ASTM D 2469 76 [D]	Socket-Type Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2513 96a	Thermoplastic Gas Pressure Pipe Tubing, and Fittings (Note 1)	Piping, Plastic	

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ASTM D 2564-96a	Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems	Joints	
ASTM D 2609-96a	Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe (Note 1)	Piping, Plastic	
ASTM D 2657-96	Practice for Heating Fusion Joining of Polyolefin Pipe and Fittings	Joints	
ASTM D 2661-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2665-97a	Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings	Piping, Plastic	
ASTM D 2672-96a	Joints for IPS PVC Pipe Using Solvent Cement	Joints	
ASTM D 2680-95a	Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping	Piping, Plastic	
ASTM D 2729-96	Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2737-96a	Polyethylene (PE) Plastic Tubing	Piping, Plastic	
ASTM D 2740-89 e1 [D]	Poly (Vinyl Chloride) (PVC) Plastic Tubing (discontinued 1991)	Piping, Plastic	
ASTM D 2751-96	Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2846-96a	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Hot and Cold Water Distribution Systems	Piping, Plastic	
ASTM D 2855-96	Making Solvent-Cemented Joints with Poly(Vinyl Chloride) (PVC) Pipe and Fittings	Joints	
ASTM D 2996-95	Filament Wound Fiberglass (Glass-Fiber Reinforced Thermosetting Resin) pipe	Piping, Plastic	
ASTM D 3033-85 [D]	Type PSP Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (discontinued 1989)	Piping, Plastic	
ASTM D 3034-96	Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Piping, Plastic	
ASTM D 3036-73[D]	Poly (Vinyl Chloride) (PVC) Plastic Line Couplings (discontinued 1986)	Piping, Plastic	
ASTM D 3065-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Materials for Pipe and Fittings	Piping, Plastic	
ASTM D 3122-95	Solvent Cements for Styrene-Rubber (SR) Plastic Pipe and Fittings	Joints	
ASTM D 3139-96a	Joints for Plastic Pressure Pipes Using Flexible-Elastomeric Seals	Joints	
ASTM D 3140-90	Flaring Polyolefin Pipe and Tubing	Joints	
ASTM D 3212-96a	Joints for Drain and Sewer Plastic Pipes Using-Flexible Elastomeric Seals	Joints	
ASTM D 3298-81 [D]	Perforated Styrene-Rubber (SR) Plastic Drain-Pipe (discontinued 1989)	Piping, Plastic	
ASTM D 3311-94	Drain, Waste, and Vent (DWV) Plastic Fittings-Patterns (Note 1)	Piping, Plastic	

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ASTM D 3965-94	Rigid Acrylonitrile Butadiene Styrene (ABS) Compounds for Pipe and Fittings	Piping, Plastic	
ASTM D 4068-96 e1	Chlorinated Polyethylene (CPE) Sheeting for Concealed Water Containment Membrane	Fixtures	
ASTM D 4101-96a	Propylene Plastic Injection and Extrusion Materials	Miscellaneous	
ASTM D 4551-96	Poly(Vinyl Chloride) (PVC) Plastic Flexible Concealed Water Containment Membrane	Fixtures	
ASTM E 84-97a	Standard Test Method for Surface Burning Characteristics of Building Materials	Miscellaneous	
ASTM E 119-97	Standard Test Method for Fire Tests of Building Construction and Materials	Miscellaneous	
ASTM E 814-94b	Standard Test Method for Fire Tests of Through-Penetration Fire Stops	Miscellaneous	
ASTM F 402-93	Safe Handling of Solvent Cements, Primers, and Cleaners Used for Joining Thermoplastic Pipe and Fittings	Joints	
ASTM F 405-96	Corrugated polyethylene (PE) Tubing and Fittings	Piping, Plastic	
ASTM F 409-96a	Thermoplastic Accessible and Replaceable Plastic Tube and Tubular Fittings (Note 1)	Piping, Plastic	
ASTM F 437-96a	Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 438-96a	Socket Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 40	Piping, Plastic	
ASTM F 439-96b	Socket Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 441-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Sch. 40 and 80	Piping, Plastic	
ASTM F 442-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM F 443-77 e1 [D]	Bell End Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe, Schedule 40 (discontinued 1987)	Piping, Plastic	
ASTM F 480-95	Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR) Schedule 40 and Schedule 80	Piping, Plastic	
ASTM F 493-97	Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings	Joints	
ASTM F 628-96	Acrylonitrile Butadiene Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe with a Foam Core (Notes 1 & 3)	Piping, Plastic	
ASTM F 656-96a	Primers for Use in Solvent Cement Joints of Poly(Vinyl Chloride) (PVC) Plastic Pipe and Fittings	Joints	
ASTM F 667-95	Large Diameter Corrugated Polyethylene Tubing and Fittings	Piping, Plastic	
ASTM F 789-95a	Type PS 46 and type PS 115 Poly(Vinyl Chloride) (PVC) Plastic Gravity Flow Sewer Pipe and Fittings (Note 1)	Piping, Plastic	

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ASTM F 794-95a	Poly(Vinyl Chloride) (PVC) Profile Gravity-Sewer Pipe and Fittings Based on Controlled-Inside Diameter	Piping, Plastic	
ASTM F 810-93	Smoothwall Polyethylene (PE) Pipe for Use in-Drainage and Waste Disposal Absorption Fields	Piping, Plastic	
ASTM F 845-95	Plastic Insert Fittings For Polybutylene (PB) Tubing	Piping, Plastic	X
ASTM F 876-97	Crosslinked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 877-96a	Crosslinked Polyethylene (PEX) Plastic Hot and Cold Water Distribution Systems	Piping, Plastic	
ASTM F 891-96	Coextruded Poly(Vinyl Chloride) (PVC) Plastic Pipe with a Cellular Core	Piping, Plastic	
ASTM F 949-96a	Poly(Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings	Piping, Plastic	
ASTM F 1216-93	Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin Impregnated Tube	Piping, Plastic	
ASTM F 1281-98	Crosslinked Polyethylene/ Aluminum/ Crosslinked Polyethylene (PEX- Al PEX) Pressure Pipe	Piping, Plastic	X
ASTM F 1282-98	Polyethylene/ Aluminum/ Polyethylene (PE- Al- PE) Composite Pressure Pipe	Piping, Plastic	X
ASTM F 1412-96	Polyolefin Pipe and Fittings for Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1673-95	Polyvinylidene Fluoride (PVDF) Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1743-96	Rehabilitation of Existing Pipelines and Conduits by Pulled- In Place Installation of Cured- In Place Thermosetting Resin Pipe (CIPP)	Piping, Plastic	
ASTM F 1807-97	Metal Insert Fittings w/ Copper Crimp Ring for SDR-9 Crosslinked Polyethylene (PEX) tubing	Piping, Plastic	
ASTM F 1866-98	Poly (Vinyl Chloride) PVC Schedule 40 Drainage and DWV Fabricated Fittings	Piping, Plastic	
ASTM F 1960-99	Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1961-99	Metal Cold Flare Compression Fittings with Disk Springs for Cross-Linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1974-99	Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Crosslinked Polyethylene/Aluminum/Crosslinked Polyethylene Composite Pressure Pipe	Piping, Plastic	
AWS A5.8-92	Filler Metals for Brazing and Braze Welding Joints AWS B2.2-91 Brazing Procedure and Performance Qualification	Certification	
AWS B2.2-91	Brazing Procedure and Performance Qualification	Certification	

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AWWA C110	Ductile Iron and Gray Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as ANSI A21.10-93)	Piping, Ferrous	
AWWA C111	Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings (same as ANSI A21.11-90)	Piping, Ferrous	
AWWA C151	Ductile Iron Pipe, Centrifugally Cast, for Water (same as ANSI A21.51-91)	Piping, Ferrous	
AWWA C153	Ductile Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as ANSI A21.53-88)	Piping, Ferrous	
AWWA C203-91	Coal Tar Protective Coatings and Linings for Steel Water Pipelines—Enameled and Tape—Hot Applied Piping AWWA C213-96 Fusion Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C213-96	Fusion Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C215-94	Extruded Polyolefin Coatings for the Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C400-93	Asbestos-Cement Distribution Pipe, 4 in. Through 16 in. (100 mm Through 400 mm) for Water Distribution Systems	Piping, Nonmetallic	
AWWA C500-93	Metal Seated Gate Valves for Water Supply Service	Valves	
AWWA C504-88	Rubber Seated Butterfly Valves	Valves	
AWWA C507-91	Ball Valves, 6 in. Through 48 in. (152 mm Through 1200 mm)	Valves	
AWWA C510-92	Double Check Valve Backflow Prevention Assembly	Backflow Protection	
AWWA C511-92	Reduced Pressure Principle Backflow Prevention Assemblies	Backflow Protection	
AWWA C606-87	Grooved and Shouldered Joints	Joints	
AWWA C900-89	Polyvinyl Chloride (PVC) Pressure Pipe, 4 in. Through 12 in., for Water Distribution	Piping, Plastic	
AWWA C901-88	Polyethylene (PE) Pressure Pipe and Tubing, 1/2 in. (13 mm) Through 3 in. (76 mm), for Water	Piping, Plastic	
AWWA C902-88	Polybutylene (PB) Pipe, Tubing, and Fittings, 1/2 in. Through 3 in., for Water	Piping, Plastic	X
CABO A117.1-92	Specifications to Make Buildings and Facilities Accessible and Usable	Miscellaneous	
CISPI 301-97	Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications (Note 1)	Piping, Ferrous	
CISPI HSN-85	Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings	Joints	

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CISPI 310-97	Couplings for Use in Connection with Hubless-Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications	Joints	
FS A A 51145C	Flux, Soldering, Nonelectronic, Paste and Liquid	Joints	
FS K65.59 71	Acrylonitrile Butadiene Styrene (ABS) sewer-pipe and fittings	Piping, Plastic	
FS M265-811	Acrylonitrile Butadiene Styrene (ABS) Sch. 40-plastic drain, waste and vent pipe and fittings	Piping, Plastic	
FS O F 499D 85	Flux brazing	Joints	
FS O F 506C 72 (D)	Flux, soldering	Joints	
FS OO L 201 f 70	Shower pans sheet lead, grade B, 4 lb. min.	Miscellaneous	
FS QQ R 571C 69 [D]	Copper and nickel alloys (rods)	Miscellaneous	
FS TT S 1732 71	Seal compound pipe joint and thread	Joints	
FS WW P 325B 76	Lead pipe and bends	Piping	
FS WW P 521F 77	Copper alloy (bronze) unions	Piping, Copper-Alloy	
FS WW P 541 E Gen.1980	Plumbing fixtures, general specification	Fixtures	
FS WW U 516A 74(b)	Copper alloy (bronze) unions	Piping, Copper-Alloy	
FS WW V 54d	Valve, Gate, Bronze (125, 150 and 200 Pound, Screwed Flange, Solder End, for Land Use)	Valves	
FS WW V 58b	Valves, Gate, Cast Iron; 125 and 250 Pound, Screwed and Flanged (for Land Use)	Valves	
IAPMO IS 1 91 e1	Nonmetallic Building Sewers	Piping, Nonmetallic	
IAPMO IS 2 90	Tile Lined Roman Bathtubs	Fixtures	
IAPMO IS 3 93 e1	Copper Plumbing Tube, Pipe and Fittings	Piping, Copper-Alloy	
IAPMO IS 4 96	Tile Lined Shower Receptors (and Replacements)	Fixtures	
IAPMO IS 5 92 e1	ABS Building Drain, Waste, and Vent Pipe and Fittings	Piping, Plastic	
IAPMO IS 6 95	Hubless Cast Iron Sanitary and Rainwater Systems	Piping, Ferrous	
IAPMO IS 7 90 e1	Polyethylene (PE) cold Water Building Supply	Piping, Plastic	
IAPMO IS 8 95 e1	PVC Cold Water Building Supply and Yard Piping	Piping, Plastic	
IAPMO IS 9 95 e1	PVC Building Drain, Waste and Vent Pipe Fittings	Piping, Plastic	
IAPMO IS 11 87 e1	ABS Sewer Pipe and Fittings	Piping, Plastic	
IAPMO IS 12 93 e1	Polyethylene (PE) for Gas Yard Piping	Piping, Plastic	
IAPMO IS 13 91 e1	Protectively Coated	Pipe Piping	
IAPMO IS 15 82	Asbestos Cement Pressure Pipe for Water Service and Yard Piping	Piping, Nonmetallic	
IAPMO IS 16 84	Low Pressure Air Test for Building Sewers	Piping	
IAPMO IS 18 85 e1	Extra Strength Vitrified Clay Pipe in Building Drains	Piping, Nonmetallic	

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO IS 20-98	CPVC Solvent Cemented Hot and Cold Water Distribution Systems	Piping, Plastic	
IAPMO IS 21-89-e1	Welded Copper and Copper Alloy Water Tube	Piping, Copper Alloy	
IAPMO IS 26-99	Trenchless Polyethylene (PE) Pipe for Sewer Laterals	Piping, Plastic	
IAPMO PS 1-99	Prefabricated Septic Tanks	DWV Components	
IAPMO PS 2-89	Cast Brass and Tubing P-Traps	Piping, Copper Alloy	
IAPMO PS 4-99	Drains for Prefabricated and Precast Showers	Fixtures	
IAPMO PS 7-84	Tubing Trap Wall Adapters	DWV Components	
IAPMO PS 9-84	Diversion Tees and Twin Waste Elbows	DWV Components	
IAPMO PS 13-89	Testing and Rating Procedure for Grease Traps (Note 2)	DWV Components	
IAPMO PS 14-99	Flexible Metallic Water Connectors	Piping	
IAPMO PS 16-97	Subdrains for Built Up Shower Pans	Fixtures	
IAPMO PS 23-89	Dishwasher Drain Airgaps	Backflow Protection	
IAPMO PS 25-84	Fittings for Joining Polyethylene Pipe for Water Service and Yard Piping	Joints	
IAPMO PS 31-95	Backflow Prevention Assemblies	Backflow Protection	
IAPMO PS 34-96	Polyethylene Encasement Sleeve for Potable Water Pipe and Tubing	Piping	
IAPMO PS 36-90	Lead-Free Sealing Compounds for Threaded Joints	Joints	
IAPMO PS 37-90	Black Plastic PVC or PE Pressure Sensitive Corrosion Preventive Tape	Piping	
IAPMO PS 38-99	ABS and PVC Backwater Valves	DWV Components	
IAPMO PS 39-91	Testing Mechanical Fittings Composed of Multiple Components For Various Fitting Configuration For Use With Thermoplastic Gas Pressure Pipe	Fuel Gas	
IAPMO PS 40-91	Anodeless Transition Riser for Use with Polyethylene and PVC Gas Yard Piping	Fuel Gas	
IAPMO PS 41-99	Copper and Other Metallic Roof/Deck/Balcony Drains	DWV Components	
IAPMO PS 42-96	Pipe Alignment and Secondary Support Systems	Piping	
IAPMO PS 43-91	Cushioned Bathtubs And Whirlpool Bathtub Appliances	Fixtures	
IAPMO PS 44-92	Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground	Joints	
IAPMO PS 45-91	Bathtub Three-Way Diverter Valves with Backflow Protection	Valves	
IAPMO PS 47-99	Plastic Roof Drains	DWV Components	
IAPMO PS 48-92	Material Safety Data Verification For Plumbing Products	Miscellaneous	
IAPMO PS 49-92	Backflow Prevention Requirements for Fixture-Fittings with Hose Connected Singular Moveable Outlets	Backflow Protection	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the-UPC
IAPMO PS 50-92	Dual Flush Devices For Water Closets	Fixtures	
IAPMO PS 51-98	Plastic and Metallic Expansion Joints	Joints	
IAPMO PS 52-99	Sumps and Sewage Ejector Tanks	DWV Components	
IAPMO PS 53-92	Grooved Mechanical Pipe Couplings and Grooved End Fittings	Joints	
IAPMO PS 54-99	Metallic and Plastic Utility Boxes	Miscellaneous	
IAPMO PS 55-92	Bathwaste Strainer Drains	Fixtures	
IAPMO PS 57-92	PVC Hydraulically Actuated Diaphragm Type Water Control Valves	Valves	
IAPMO PS 58-92	Supports for Off the Floor Plumbing Fixtures With or Without Concealed Tanks	Fixtures	
IAPMO PS 59-92	Septic Effluent and Waste Water Diverter Valves	DWV Components	
IAPMO PS 60-96	Sewage Holding Tank Containing Sewage Ejector Pump for Direct Mounted Water Closet	DWV Components	
IAPMO PS 61-92	Fabricated Stainless Steel Security Water Closets	Fixtures	
IAPMO PS 62-93	Enameled Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 63-99	Plastic Leaching Chambers	DWV Components	
IAPMO PS 64-98	Pipe Flashings	Piping	
IAPMO PS 65-93	Airgap Units for Water Conditioning Equipment Installation	Backflow Protection	
IAPMO PS 66-93	Dielectric Waterway Fittings	Piping	
IAPMO PS 67-93	Early Closure Replacement Flappers or Early Closure Replacement Flapper With Mechanical Assemblies	Fixtures	
IAPMO PS 69-98	Plastic Bathwaste and Overflow Assemblies	Piping, Plastic	
IAPMO PS 70-93	Bathtub/Whirlpool Bathtubs with Pressure Sealed Doors	Fixtures	
IAPMO PS 71-93	Electronic Controlled Showers	Fixtures	
IAPMO PS 72-93	Valves with Atmospheric Vacuum Breakers	Valves	
IAPMO PS 73-93	Dental Vacuum Pumps	Miscellaneous	
IAPMO PS 74-99	Reinforced Flexible Water Connectors	Piping	
IAPMO PS 76-95	Ballecock or Flushometer Valve Tailpiece Trap Primers and Trap Primer Receptors/Adapters	DWV Components	
IAPMO PS 77-99	Electrohydraulic Water Closets	Fixtures	
IAPMO PS 78-95	Dual Flush for Electrohydraulic and Gravity 6 Liter (1.6 Gallons) Water Closet	Fixtures	
IAPMO PS 79-95	Multipoint Electronic Trap Primer	DWV Components	
IAPMO PS 80-95	Grease Interceptors and Clarifiers	DWV Components	
IAPMO PS 81-95	Precast Concrete Seepage Pit Liners and Covers	DWV Components	
IAPMO PS 82-95	Fiberglass (Glass Fiber Reinforced Thermosetting Resin) Fittings	Piping, Plastic	
IAPMO PS 83-95	Epoxy Coated Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 84-95	PVC Plastic Sanitary Floor Sinks	Fixtures	
IAPMO PS 85-95	Tools for Mechanically Formed Tee Connections in Copper Tubing	Piping	
IAPMO PS 86-95	Rainwater Diverter Valve for Nonroofed Area Slabs	DWV Components	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
IAPMO PS 87-95	Diverter and Shut-Off Valves for Pool/Spas	Valves	
IAPMO PS 88-95	Pre-Pressurized Potable Water Tanks	Miscellaneous	
IAPMO PS 89-95	Soaking and Hydrotherapy (Whirlpool) Bathtubs with Hydraulic Seatlift	Fixtures	
IAPMO PS 90-95	Elastomeric Test Caps/Cleanout Caps	DWV Components	
IAPMO PS 91-95	Plastic Stabilizers for Use with Plastic Closet-Bends	Piping, Plastic	
IAPMO PS 92-95	Heat Exchangers	Miscellaneous	
IAPMO PS 93-99	Water Closet Seats with Spray	Fixtures	
IAPMO PS 94-96	P-Trap, Supply Stop and Riser Insulated Protector	Miscellaneous	
IAPMO PS 95-98	Drain, Waste, and Vent Hangers and Plastic Pipe-Support Hooks	Piping	
IAPMO PS 96-96	Passive Direct Solar Water Heaters	Miscellaneous	
IAPMO PS 97-97	Mechanical Cast Iron Closet Flanges	Piping, Ferrous	
IAPMO PS 98-96	Prefabricated Fiberglass Church Baptistries	Fixtures	
IAPMO PS 99-96	Terrazzo Plumbing Fixtures	Fixtures	
IAPMO PS 100-96	Porous Filter Protector for Sub-Drain Weep Holes	DWV Components	
IAPMO PS 101-97	Suction Relief Valves	Valves	
IAPMO PS 102-97	Short Pattern Fixture Trap	DWV Components	
IAPMO PS 103-97	Water Heater Stands With or Without Pans	Appliances	
IAPMO PS 104-97	Pressure Relief Connection for Dispensing-Equipment	Valves	
IAPMO PS 105-97	Polyethylene Distribution Boxes	DWV Components	
IAPMO PS 106-98	Pre-Fabricated, Tileable Shower Receptors	Fixtures	
IAPMO PS 107-98	Aramid Reinforced Rubber Hose for Use in Non-potable Water Radiant Heating and Snowmelting	Piping, Plastic-	X
IAPMO PS 108-98	Grease Fire Suppression Systems	Appliances	
IAPMO PS 109-96	Rigid Unshielded Mechanical Couplings for Use with Plain-End Drain, Waste, and Vent (DWV)-Pipe and Plain-End Sewer Pipe	Joints	
IAPMO PS 110-99	PVC Cold Water Compression Fittings	Fittings	
IAPMO PS 111-99	PVC Cold Water Gripper Fittings	Fittings	
IAPMO PS 112-99	PVC Plastic Valves for Cold Water Distribution-Systems Outside a Building and CPVC Plastic-Valves for Hot and Cold Water Distribution Systems	Valves	
IAPMO PS 113-99	Hydraulically Powered Household Food Waster-Grinders	Appliances	
IAPMO PS 114-99	Remote, Floor-Box Industrial Water Supply, Air-Supply, Drainage	Miscellaneous	
IAPMO PS 115-99	Hot Water Demand or Automatic Activated Hot-Water Pumping Systems	Miscellaneous	
IAPMO PS 116-99	Hot Water Circulating Devices Which Do Not-Use a Pump	Miscellaneous	
IAPMO SPS 3-93	Skimmers (Spas, Hot-Tubs and Swimming Pools)	Swimming Pools and Spas	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
IAPMO SPS 4 89	Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)	Swimming Pools and Spas	
IAS LC 1 97	Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST) (same as CSA 6.26-M97)	Fuel Gas	X
MIL F 1183 H 83 [D]	Fittings, Pipe, Cast Bronze, Silver Brazing	Piping, Copper Alloy	
MIL F 18180C1	Flanges and Flanged Fittings, Pipe, Steel (150, 300, 400, 600, 900, 1500, and 2500 pounds)	Piping, Ferrous	
MIL P 17552	Pumps, Centrifugal, Water, Horizontal, General Service; and Pumps, Centrifugal Water, Horizontal, Boiler Feed; Electric Motor or Steam Driven	Pumps	
MIL P 21214B 92	Vertical sump pumps	Pumps	
SSPMA 85			
MIL P 21251C	Plumping Units, Sewage, Duplex, Automatic, Wet Pit Type	Pumps	
MIL P 22561 82(D)	Glass (standard cancelled per Department of Defense)	Miscellaneous	
MIL V 29193 80(D)	Pressurized flushing devices	Fixtures	
MIL P 52407	Pump, Centrifugal: Electric Motor Driven, Shallow (A) 1976 (D) Well (for Water)	Pumps	
MIL P 62156	Submersible, axial flow, electric motor driven	Pumps	
MIL P B 81 (D)	(1) 1983 (D)		
SSPMA 85	Sewage pumps	Pumps	
MSS SP 25 93	Standard Marking System for Valves, Fittings, Flanges and Unions	Piping	
MSS SP 42 90 (R95)	Class 150 Corrosion Resistant Gate, Globe, Angle and Check Valves with Flanged and Butt Weld Ends	Piping, Ferrous	
MSS SP 44 91	Steel Pipeline Flanges	Piping, Ferrous	
MSS SP 58 93	Pipe Hangers And Supports—Materials, Design and Manufacture	Piping	
MSS SP 67 90	Butterfly Valves	Valves	
MSS SP 70 90	Cast Iron Gate Valves, Flanged and Threaded Ends	Valves	
MSS SP 71 90	Cast Iron Swing Check Valves, Flanged and Threaded Ends	Valves	
MSS SP 72 92	Ball Valves with Flanged or Butt Welding Ends for General Service	Valves	
MSS SP 73 91	Brazing Joints for Wrought and Cast Copper Alloy Solder Joint Pressure Fittings	Joints	
MSS SP 78 87 (R92)	Cast Iron Plug Valves, Flanged and Threaded Ends	Valves	
MSS SP 80 87	Bronze Gate, Globe, Angle and Check Valves	Valves	
MSS SP 83 87	Steel Pipe Unions Socket Welding and Threaded	Piping, Ferrous	
MSS SP 84 [D]	Steel Valves—Socket Welding Ends and Threaded Ends (discontinued)	Valves	

((Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
NFPA 13R-1996	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	Miscellaneous	
NFPA 13D-1996	Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes	Miscellaneous	
NFPA 31-97	Installation of Oil Burning Equipment	Miscellaneous	
NFPA 54-96	National Fuel Gas Code	Fuel Gas	
NFPA 58-98	Storage and Handling of Liquefied Petroleum Gases	Fuel Gas	
NFPA 99-99 (Ch. 2 & 4)	Medical Gas Systems	Piping	
NFPA 99-99 (Ch. 2 & 4)	Gas and Vacuum Systems	Piping	
NFPA 211-96	Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances	Miscellaneous	
NFPA 8501-97	Single Burner Boiler Operation	Appliances	
NSF 3-96	Commercial Spray Type Dishwashing and Glasswashing Machines	Appliances	
NSF 12-93	Automatic Ice Making Equipment	Appliances	
NSF 14-98	Plastic Piping Components and Related Materials	Piping, Plastic	
NSF 18-96	Manual Food and Beverage Dispensing Equipment	Appliances	
NSF 24-96	Plumbing System Components for Manufactured Homes and Recreational Vehicles	Miscellaneous	
NSF 29-93	Chemical Feeders for Commercial Dishwashers	Appliances	
NSF 40-99	Residential Wastewater Treatment Systems	DWV Components	
NSF 41-98	Nonliquid Saturated Treatment Systems	DWV Components	
NSF 42-98	Drinking Water Treatment Units—Aesthetic Effects	Appliances	
NSF 44-98	Cation Exchange Water Softeners	Appliances	
NSF 46-97	Evaluation of Components and Devices Used in Wastewater Treatment Systems	DWV Components	
NSF 53-98	Drinking Water Treatment Units—Health Effects	Appliances	
NSF 58-98	Reverse Osmosis Drinking Water Treatment Systems	Appliances	
NSF 61-98	Drinking Water System Components—Health Effects	Miscellaneous	
NSF 62-97	Water Distillation Systems	Appliances	
NSPI 1-1991	Public Swimming Pools	Swimming Pools and Spas	
PDI G-101-85	Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data	DWV Components	
PDI WH 201-92	Water Hammer Arresters	Piping	
SAE J1670-93	Type "F" Clamps for Plumbing Applications	Joints	
SAMA LF6a	Medical Care Facility Brassware	Miscellaneous	
UL 80-96	Steel Inside Tanks for Oil Burner Fuel	Miscellaneous	
UL 103-95	Factory Built Chimneys for Residential Type and Building Heating Appliances	Miscellaneous	

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((Standard Number	Standard Title	Application	Indicate if Not-Approved in the UPC
UL 125-97	Valves for Anhydrous Ammonia and LP-Gas (Other than Safety-Relief)	Valves	
UL 132-97	Safety-Relief Valves for Anhydrous Ammonia and LP-Gas	Valves	
UL 144-99	LP-Gas Regulators	Valves	
UL 174-96	Household Electric Storage Tank Water Heaters	Appliances	
UL 343-97	Pumps for Oil-Burning Appliances	Pumps	
UL 352-97	Constant Level Oil Valves	Valves	
UL 378-93	Draft Equipment	Miscellaneous	
UL 399-93	Drinking Water Coolers	Appliances	
UL 430-94	Waste Disposers	Appliances	
UL 441-96	Gas Vents	Miscellaneous	
UL 443-95	Steel Auxiliary Tanks for Oil-Burner Fuel	Miscellaneous	
UL 499-97	Electrical Heating Appliances	Appliances	
UL 563-95	Ice Makers	Appliances	
UL 569-95	Pigtails and Flexible Hose Connectors for LP-Gas	Fuel Gas	
UL 723-96	Test for Surface-Burning Characteristics of Building Materials	Miscellaneous	
UL 726-95	Oil-Fired Boiler Assemblies	Appliances	
UL 732-95	Oil-Fired Storage Tank Water Heaters	Appliances	
UL 749-97	Household Dishwashers	Appliances	
UL 778-96	Motor-Operated Water Pumps	Pumps	
UL 834-95	Heating, Water Supply, and Power Boilers - Electric	Appliances	
UL 921-96	Commercial Electric Dishwashers	Appliances	
UL 1453-95	Electric Booster and Commercial Storage Tank Water Heaters	Appliances	
WAC 246-290-490	Washington State Department of Health Cross-Connection Control Requirements	Backflow Protection	
WQA-S-100-95	Household, Commercial and Portable Exchange-Water Softeners (replaced by NSF 44-98)	Appliances	
WQA-S-200-93	Household and Commercial Water Filters	Appliances	
WQA-S-300-91	Point-of-Use Low-Pressure Reverse Osmosis Drinking Water Systems	Appliances	
3-GP-28	Fuel Oil, Canadian Government Specification-Board	Miscellaneous	

Footnotes:

1. Although this standard is referenced in Table 14-1, some of the pipe, tubing, fittings, valves, or fixtures included in the standard are not acceptable for use under the provisions of the Uniform Plumbing Code.
2. PDI Standard G101 by reference.
3. Additional Requirements for Inner and Outer Layers.
4. See Section 316.1.3 for restriction.
5. Alloy C85200 for cleanout plugs.
6. Limited to domestic sewage.
7. Type II only.
8. Fixture fittings with hose connected singular moveable outlets shall have two check valves and an atmospheric vacuum breaker.
9. ASSE 1066 is not intended to limit the maximum outlet temperature at point of use.
10. See section 315.0 for Trenching, Excavation, and Backfilling requirements when installing building drains and sewers. Engineers may wish to consult ASTM D2321 when preparing plans and specifications for sewer mains or specific projects.)

Add the following standard to those listed in Table 14-1:

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
WAC 246-290-490	Washington State Department of Health Cross-connection Control Requirements	Backflow Protection	

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-56-201300 Appendix M—Storm drainage.

Chapter 51-57 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF APPENDIX A, B AND APPENDIX I OF THE ((2000)) 2003 EDITION OF THE UNIFORM PLUMBING CODE

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-57-003 Uniform Plumbing Code Standards. The ((2000)) 2003 edition of the Uniform Plumbing Code Standards (Appendixes A, B and I), published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

AMENDATORY SECTION (Amending WSR 02-01-114, filed 12/18/01, effective 7/1/02)

WAC 51-57-008 Implementation. The Uniform Plumbing Code Standards adopted by chapter 19.27 RCW shall become effective in all counties and cities of this state on July 1, ((2002)) 2004, unless local government residential amendments have been approved by the state building code council.

NEW SECTION

WAC 51-57-202000 Installation standard 20-200—CPVC solvent cemented hot and cold water distribution systems.

301.1.1 Materials. Materials shall comply with the following:

Materials	ASTM Std
Raw Material - CPVC 23447-B	D1784-95
IPS pipe Sch 40 (1/2 in., 3/4 in., and 1 in.)	F 441-89 ¹
Sch 80 (1/2 in. - 2 in.)	F 441-94
Tubing SDR 11 (1/2 in. - 2 in.)	D2846-93

Materials	ASTM Std
Fittings Sch 40 (1/2 in., 3/4 in., and 1 in.)	F 438-93
Sch 80 (1/2 in. - 2 in.)	F 439-93a
Tube Fittings (1/2 in. - 2 in.)	D2846-93

Primer. Listed primers shall be used that are compatible with the type of listed CPVC cement and pipe used. The primer shall be a true solvent for CPVC, containing no slow-drying ingredient. Cleaners shall not be allowed to be used as a substitute or equivalent for a listed primer.

EXCEPTION: Listed solvent cements that do not require the use of primer shall be permitted for use with CPVC pipe and fittings, manufactured in accordance with ASTM D2845 (1/2 in. - 2 in.).

**WSR 03-18-083
PROPOSED RULES
BOARD OF ACCOUNTANCY**
[Filed August 29, 2003, 2:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-01-102.

Title of Rule: WAC 4-25-530 Fees.

Purpose: To increase the initial, renewal and reinstatement fee charged to CPA applicants, CPAs, and CPA firms to cover the fiscal costs associated with the implementation of the revisions to chapter 18.04 RCW passed through the 2003 legislative session (SHB 1211); to increase the fees charged to take the uniform certified public accountant (CPA) examination; and to reduce the fee the agency charges to provide copies of public record.

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3), 18.04.195(7), 18.04.205(4), 18.04.215(8), 18.04.350 (2)(a), and 42.17.260(8).

Statute Being Implemented: RCW 18.04.065, 18.04.105(3), 18.04.195(7), 18.04.205(4), 18.04.215(8), 18.04.350 (2)(a), and 42.17.260(8).

Summary: Increases the initial, renewal and reinstatement fee charged to CPA applicants, CPAs, and CPA firms to cover the fiscal costs associated with the implementation of the revisions to chapter 18.04 RCW passed through the 2003 legislative session (SHB 1211); increases the fees charged to take the uniform certified public accountant (CPA) examination; reduces the fee the agency charges to provide copies of public record.

Reasons Supporting Proposal: (1) The 2003 Washington state legislature amended the Public Accountancy Act (SHB 1211). The board needs to increase fees to cover the fiscal

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costs associated with the implementation of the changes to chapter 18.04 RCW including oversight and enforcement related to the self-reporting of enforcement actions by other regulatory bodies. The 2003 Washington state legislature authorized the board to increase fees during the 2003-05 fiscal biennium in excess of the fiscal growth factor as provided in RCW 43.135.055, if the increases are necessary to fully fund the cost of administering the bill.

(2) The CPA examination is moving to a computerized-based format in 2004. The increases to the fees charged to take the CPA examination are necessary to cover the costs associated with:

- Education and evaluation and exam administration vendor.
- Testing center's delivery and proctoring of examination.
- American Institute of CPAs' (AICPA) test development, delivery, and testing.
- National State Boards of Accountancy's (NASBA) Nationwide Database Gateway fee to ensure candidates are registered only in Washington state.
- Board expenses to respond to candidate questions and perform oversight on vendors.

The proposed changes also include an increase in the administrative fees charged by the vendor contracting with the board for the administration of the examination. Including the increase now will eliminate the need for additional rule making in 2006 therefore reducing costs.

(3) Statute (RCW 42.17.280(8)) sets the amount an agency may charge for copying public records absent a statement of the actual per page cost. The board needs to reduce the fee it currently charges for copies to align with statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, Olympia, Washington, (360) 586-0163.

Name of Proponent: Primarily the Washington State Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board's goals with all of its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Specifically RCW 18.04.065 directs the board to "set its fees at a level adequate to pay the costs of administering this chapter" (that is, chapter 18.04 RCW, the Accountancy Act).

Proposal Changes the Following Existing Rules: (1) Increases the initial application fee \$30.

(2) Increase the renewal fee \$30.

(3) Increases the reinstatement fee \$30.

(4) Decreases the charge for providing public records from \$0.50/page to \$0.15/page for records exceeding fifty pages.

(5) Separates the charges for the CPA examination into section fees and administrative fees.

(6) Increases the fees charged to take the examination; for example, the current fee for a first-time applicant to take all sections of the examination is \$284; under the proposal the same candidate will pay \$584.50 to take all sections of the examination.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Hilton Seattle Airport and Conference Center, 17620 Pacific Highway South, SeaTac, WA, on October 30, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 24, 2003, TDD (800) 833-6384 or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by October 17, 2003.

Date of Intended Adoption: October 31, 2003.

August 15, 2003
Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 02-22-083, filed 11/5/02, effective 12/31/02)

WAC 4-25-530 Fees. The board shall charge the following fees:

((1))	CPA examination applications:	
(a)	First time	\$284
(b)	Reexamination, four sections	\$259
(c)	Reexamination, two sections	\$182
(d)	Reexamination, one section	\$154
(e)	Administration of examination for out-of-state applicants	\$110
(2)	Initial individual license, practice privilege, individual license through reciprocity, or registration as a resident nonlicensee firm owner	\$300
(3)	Renewal of license, certificate, practice privilege, or registration as a resident nonlicensee firm owner	\$200
(4)	CPA firm license and renewal fee (sole proprietorships with no employees are exempt)	\$200
(5)	Amendment to firm license	\$25
(6)	Copies of records, per page exceeding fifty pages	\$0.50
(7)	Printed listing of CPA exam candidates	\$75
(8)	Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners and CPA exam candidates	\$75

PROPOSED

(9) Applications for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner	\$450
(10) Replacement CPA wall document	\$50
(11) Quality assurance review program fee (includes monitoring reviews for up to two years)	\$400
(12) Late fee	\$100
(13) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(14) Application for certificateholder to convert to a license	\$0)
(1) <u>Initial application for individual license, practice privilege, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner</u>	\$330
(2) <u>Renewal of individual license, certificate, practice privilege, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner</u>	\$230
(3) <u>Application for certificateholder to convert to a license</u>	\$0
(4) <u>Application for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner</u>	\$480
(5) <u>Quality assurance review program fee (includes monitoring reviews for up to two years)</u>	\$400
(6) <u>Late fee</u>	\$100
(7) <u>Amendment to firm license</u>	\$25
(8) <u>Copies of records, per page exceeding fifty pages</u>	\$0.15
(9) <u>Printed listing of CPA exam candidates</u>	\$75
(10) <u>Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners; computer diskette of CPA exam candidates; or computer diskette of firms</u>	\$75
(11) <u>Replacement CPA wall document</u>	\$50
(12) <u>Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)</u>	\$35

(13) <u>CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.</u>		
(a) <u>Section fees:</u>		
(i) <u>Auditing and attestation</u>	\$144.50	
(ii) <u>Financial accounting and reporting</u>	\$136.00	
(iii) <u>Regulation</u>	\$119.00	
(iv) <u>Business environment and concepts</u>	\$110.50	
(b) <u>Administrative fees:</u>		<u>1/1/04 - 12/31/06</u> <u>After 1/1/07</u>
(i) <u>First-time candidate - Four sections</u>	\$84.50	\$92.95
(ii) <u>First-time candidate - Three sections</u>	\$81.00	\$89.10
(iii) <u>First-time candidate - Two sections</u>	\$77.00	\$84.70
(iv) <u>First-time candidate - One section</u>	\$73.00	\$80.30
(v) <u>Reexam candidate - Four sections</u>	\$82.50	\$90.75
(vi) <u>Reexam candidate - Three sections</u>	\$74.00	\$81.40
(vii) <u>Reexam candidate - Two sections</u>	\$65.00	\$71.50
(viii) <u>Reexam candidate - One section</u>	\$56.00	\$61.60

Note: The board may waive late filing fees for good cause.

WSR 03-18-084
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
 (By the Code Reviser's Office)
 [Filed September 2, 2003, 8:19 a.m.]

WAC 246-455-070 and 246-455-090, proposed by the Department of Health in WSR 03-05-024 appearing in issue 03-05 of the State Register, which was distributed on March 5, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 03-18-085**WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION**

(By the Code Reviser's Office)

[Filed September 2, 2003, 8:20 a.m.]

WAC 260-72-010, proposed by the Horse Racing Commission in WSR 03-05-070 appearing in issue 03-05 of the State Register, which was distributed on March 5, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-18-086**WITHDRAWAL OF PROPOSED RULES
HEALTH CARE AUTHORITY**

(By the Code Reviser's Office)

[Filed September 2, 2003, 8:20 a.m.]

WAC 182-25-030 and 182-25-035, proposed by the Health Care Authority in WSR 03-05-094 appearing in issue 03-05 of the State Register, which was distributed on March 5, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-18-091**PROPOSED RULES
STATE BOARD OF HEALTH**

[Filed September 2, 2003, 11:34 a.m.]

Supplemental Notice to WSR 03-12-089.

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.

Other Identifying Information: This supplemental notice adds sections relating to connection to sewer, areas of special concern, departmental review of septic tanks, and the state advisory committee that apply to LOSS but were left out of the original draft. It also makes other technical corrections.

Page 2 [WAC 246-272B-01001], added definition for areas of special concern; page 5 [WAC 246-272B-01001], added definition for "Residential sewage"; page 8, added new

section WAC 246-272B-07001 Connection to sewer; page 17, deleted WAC 246-272B-11501 (2)(h), because it refers to conventional gravity systems (All LOSS use pressure); page 18, added WAC 246-272B-11501(4), brings in language from chapter 246-272 WAC directing the department to review and approve septic tanks; page 22, addressed an erroneous cross reference to WAC 246-272-09001 by inserting the referenced language; page 24, added new section WAC 246-272B-21501 Areas of special concern; and page 25, added new section WAC 246-272B-24001 State advisory committee.

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, Yakima Convention Center, 10 North Eighth Street, Yakima, WA 98901, on October 15, 2003, at 11:20 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper by October 8, 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 October 8, 2003.

Date of Intended Adoption: October 15, 2003.

September 2, 2003

Don Sloma

Executive Director

PROPOSED

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 jurisdiction 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.

"Areas of special concern" means an area of definite boundaries delineated through public process, where a local health officer, or the department in consultation with the health officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

"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

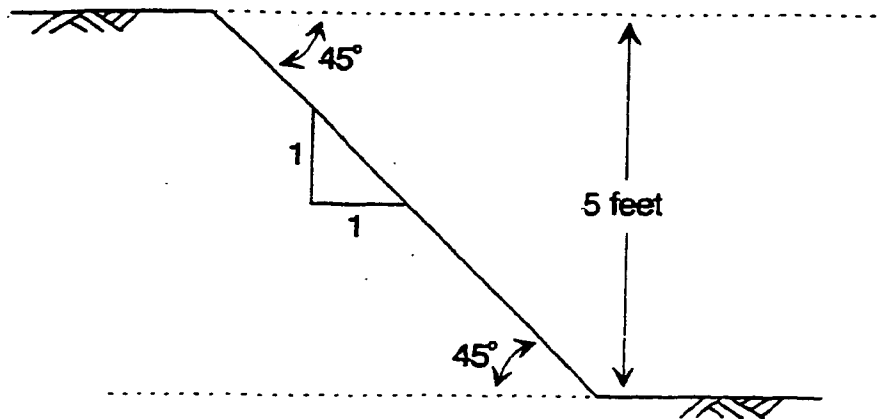
(c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"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.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"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:

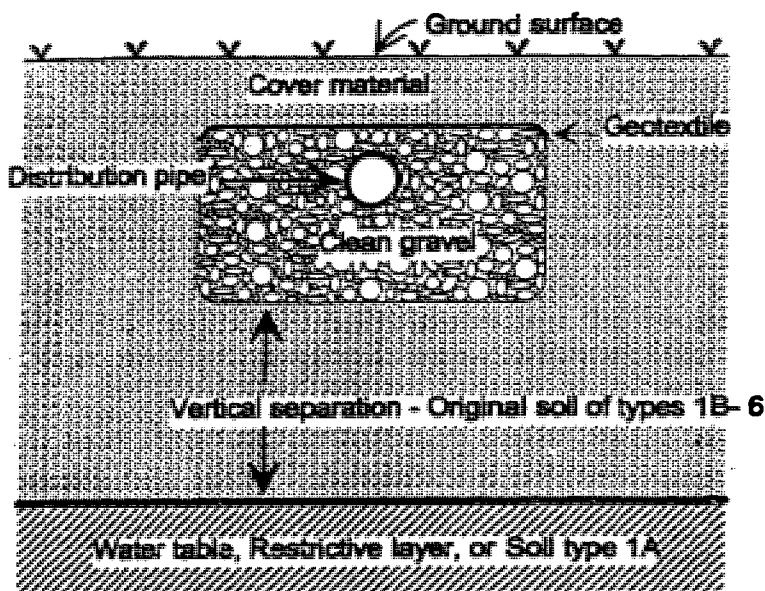
(a) A single family residence;

(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-07001 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the

local health officer upon the failure of an existing large on-site sewage system may:

- (a) Require hook-up to a public sewer system; or
 - (b) Permit the repair or replacement of the LOSS only if a conforming system can be designed and installed.
- (2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the LOSS under WAC 246-272B-18501 and connect the residence or other facility to a public sewer system when:
- (a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and
 - (b) The sewer utility allows the sewer connection.
- (3) Local boards of health may require a new development to connect to a public sewer system to protect public health.

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:

PROPOSED

(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:			
Downgradient ⁷	30 ft.	5 ft.	N/A
Upgradient ⁷	10 ft.	N/A	N/A
Downgradient 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

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
Downgradient 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 upgradient.

⁷The item is downgradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is upgradient 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 movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

PROPOSED

(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:

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

PROPOSED

PROPOSED

(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 nongravel 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.

(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.

(4) The department shall:

(a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks;

(b) Review septic tanks, pump chambers, and holding tanks approving those satisfying the design and construction standards developed by the department.

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.

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.

PROPOSED

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;

(XV) Existing encumbrances, such as listed in WAC 246-272B-11001 (2)(a)(vii) and legal access documents if any component of the LOSS is not on the lot where the sewage is generated; 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:

PROPOSED

- (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-21501 Areas of special concern. (1)

The local health officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

- (a) Shellfish protection districts or shellfish growing areas;
- (b) Sole source aquifers designated by the U.S. Environmental Protection Agency;
- (c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington Growth Management Act, RCW 36.70A.170;
- (d) Designated public water supply wellhead protection areas;
- (e) Upgradient areas directly influencing water recreation facilities designated for swimming in natural waters

with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(f) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas delineated by the Federal Emergency Management Agency; and

(i) Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

(2) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

(a) Additional location, design, and/or performance standards for OSS;

(b) Larger land areas for new development;

(c) Prohibition of development;

(d) Additional operation, maintenance, and monitoring of OSS performance;

(e) Requirements to upgrade existing OSS;

(f) Requirements to abandon existing OSS; and

(g) Monitoring of ground water or surface water quality.

(3) Within areas of special concern, to reduce risk of system failures, a person approved or designated by the local health officer shall:

(a) Inspect every OSS at least once every three years;

(b) Submit the following written information to both the local health officer and the property owner within thirty days following the inspection:

(i) Location of the tank;

(ii) Structural condition of the tank, including baffles;

(iii) Depth of solids in tank;

(iv) Problems detected with any part of the system;

(v) Maintenance needed;

(vi) Maintenance provided at time of inspection; and

(vii) Other information as required by the local health officer.

(c) Immediately report failures to the local health officer.

NEW SECTION

WAC 246-272B-24001 State advisory committee.

The department shall:

(1) Maintain an on-site sewage advisory committee to:

(a) Make recommendations concerning departmental policy and regulations;

(b) Review program services; and

(c) Provide input to the department regarding the on-site sewage program;

(2) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and

(3) Convene meetings as needed.

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 03-18-092
PROPOSED RULES
DEPARTMENT OF HEALTH**
[Filed September 2, 2003, 11:36 a.m.]

Original Notice.

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

Title of Rule: Miscellaneous facility licensing and certificate of need review fees; amending WAC 246-310-990 Certificate of need review fees, 246-320-990 Acute care hospital fees, 246-322-990 Private psychiatric hospital fees, 246-324-990 Alcoholism hospital fees, 246-325-990 Adult residential rehabilitation center fees, 246-326-990 Alcoholism treatment facility fees, 246-329-990 Childbirth center fees, 246-335-990 In-home services fees, and 246-380-990 Survey fees for institutions and facilities.

Purpose: These sections establish the respective fees for the facilities and certificate of need applications shown below to cover full operating costs.

Statutory Authority for Adoption: RCW 43.70.250 and 70.38.105(5).

Statute Being Implemented: RCW 43.70.250/70.38.105 (5).

Summary: The amendments increase the fees for the programs shown below by percentages within the increase allowable within I-601; WAC 246-310-990, 246-325-990, 246-326-990, 246-329-990, 246-335-990 and 246-380-990 is 3.2%; and WAC 246-320-990, 246-322-990 and 246-324-990 is 3%.

Reasons Supporting Proposal: RCW 43.70.250 and 70.38.105(5) authorizes the department to charge fees sufficient to cover the full cost of program operations. The department is requesting fee increases within limits established by I-601.

Name of Agency Personnel Responsible for Drafting: Yvette Harrison, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2928; Implementation and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal amends fees for the programs shown above. The increase is anticipated to fully maintain program as required by statute through fiscal year 2004.

Proposal Changes the Following Existing Rules: The proposal increases the programs shown above by increases allowable within I-601.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.020(3) exempts fees from the small business economic impact statement requirements.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing, Room 152, 310 Israel Road S.E., Tumwater, WA 98501, on October 8, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Yvette Harrison by October 1, 2003, TDD (800) 833-6368 or (360) 236-2928.

Submit Written Comments to: Yvette Harrison, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, www3.doh.wa.gov/policyreview, fax (360) 236-2901, by October 8, 2003.

Date of Intended Adoption: October 17, 2003.

September 2, 2003

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 03-07-096, filed 3/19/03, effective 4/19/03)

WAC 246-310-990 Certificate of need review fees. (1) An application for a certificate of need under chapter 246-310 WAC must include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) If more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	\$((12,964)) <u>13,379.00</u>
Amendments to Issued Certificates of Need	\$((8,171)) <u>8,432.00</u>
Emergency Review	\$((5,259)) <u>5,427.00</u>
Exemption Requests	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	\$((5,259)) <u>5,427.00</u>
• Bed Banking/Conversions	\$((856)) <u>883.00</u>
• Determinations of Nonreviewability	\$((1,222)) <u>1,261.00</u>

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PROPOSED

Facility/Project Type	Review Fee
• Hospice Care Center	\$((1,101)) <u>1,136.00</u>
• Nursing Home Replacement/Renovation Authorizations	\$((1,101)) <u>1,136.00</u>
• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	\$((1,101)) <u>1,136.00</u>
• Rural Hospital/Rural Health Care Facility	\$((1,101)) <u>1,136.00</u>
Extensions	
• Bed Banking	\$((489)) <u>505.00</u>
• Certificate of Need/Replacement Renovation Authorization Validity Period	\$((489)) <u>505.00</u>
Home Health Agency	\$((15,654)) <u>16,155.00</u>
Hospice Agency	\$((13,942)) <u>14,388.00</u>
Hospice Care Centers	\$((8,171)) <u>8,432.00</u>
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	\$((25,684)) <u>26,506.00</u>
Kidney Disease Treatment Centers	\$((15,900)) <u>16,409.00</u>
Nursing Homes (Including CCRCs and TCUs)	\$((29,354)) <u>30,293.00</u>

(2) The fee for amending a pending certificate of need application is determined as follows:

(a) If an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) If an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) If an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand three hundred (~~nine~~) fifty-one dollars must accompany the amendment application.

(3) If a certificate of need application is returned by the department under WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) If an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) If an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) If an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions are non-refundable.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of (~~eighty-four~~) eighty-six dollars and (~~thirty~~) eighty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-322-990 Private psychiatric hospital fees. Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~fifty-one~~) fifty-three dollars and (~~eighty-five~~) forty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

PROPOSED

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of ~~((fifty-one))~~ fifty-three dollars and ~~((eighty-five))~~ forty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of ~~((fifty-one))~~ fifty-three dollars and ~~((eighty-five))~~ forty cents for each licensed bed space.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred ~~((twenty-eight))~~ thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-326-990 Fees. Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred ~~((twenty-eight))~~ thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-329-990 Fees. Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred ~~((thirty))~~ forty-seven dollars and eighty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

AMENDATORY SECTION (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of one thousand five hundred forty-eight dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows:

(c) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$(1,500.00)) <u>1,548.00</u>	\$(750.00)) <u>774.00</u>	\$(450.00)) <u>464.40</u>	5 or less	\$(500.00)) <u>516.00</u>
6 to 15	\$(2,110.00)) <u>2,177.50</u>	\$(790.00)) <u>815.30</u>	\$(815.00)) <u>841.10</u>	6 to 10	\$(1,000.00)) <u>1,032.00</u>
16 to 50	\$(2,400.00)) <u>2,476.80</u>	\$(1,174.99)) <u>1,212.60</u>	\$(875.00)) <u>903.00</u>	11 to 15	\$(1,500.00)) <u>1,548.00</u>
51 to 100	\$(3,025.00)) <u>3,121.80</u>	\$(1,882.29)) <u>1,942.50</u>	\$(1,025.00)) <u>1,057.80</u>	16 to 20	\$(2,000.00)) <u>2,064.00</u>
101 or more	\$(3,115.00)) <u>3,214.70</u>	\$(1,980.00)) <u>2,043.40</u>	\$(1,100.00)) <u>1,135.20</u>		

(d) For multiple service category licenses:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee

for each additional service category (home care, hospice care center); and

(e) A change of ownership fee of one hundred ~~((fifty))~~ fifty-four dollars and eighty cents for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

PROPOSED

(2) The department may charge and collect from a licensee a fee of seven hundred ~~((fifty))~~ seventy-four dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies:

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of twenty-five dollars and eighty cents per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

Annual Fee
Per Facility

(b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars and thirty cents times the population count.

(c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Annual Fee Per Facility
(1) Food Service	
(a) As defined in WAC 246-215-009(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dock-side food establishments directly providing food for the Washington state ferry system.	\$ ((550)) <u>567.60</u>
(b) Food service establishments or concessions that do not prepare potentially hazardous foods.	\$ ((276)) <u>284.80</u>
(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.	
(2) State institutions or facilities.	
(a) Institutions or facilities operating a food service: The annual fee shall be nine dollars times the population count plus five hundred ((fifty)) <u>sixty-seven</u> dollars <u>and sixty cents</u> . The population count shall mean the average daily population for the past twelve months (January through December).	

**WSR 03-18-103
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)
[Filed September 2, 2003, 5:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-041.

Title of Rule: WAC 388-865-0500 series "inpatient evaluation and treatment facilities."

Purpose: The Mental Health Division is revising these rules to be consistent with rules being developed for residential treatment facilities by the Department of Health. Current rules, WAC 388-865-0501 through 388-856-0565 will be repealed. The subject matter of these rules is being revised and reorganized for clarity, and will be adopted as new rules in the WAC 388-865-0500 series.

Statutory Authority for Adoption: RCW 71.05.560 and 71.34.800.

Statute Being Implemented: Chapters 71.05 and 71.34 RCW.

Summary: These rules are being revised for clarity and to be consistent with the rules being developed for residential treatment facilities by the Department of Health. In addition, program standards specific to long-term inpatient treatment for children that had previously been in Department of Health chapter 246-323 WAC have been moved to the Mental Health Division.

Reasons Supporting Proposal: Treatment standards are more appropriate for regulation by the mental health program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Burns Peterson, P.O. Box 45320, Olympia, WA 98504, (360) 902-0843.

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: These changes are intended to result in improved delivery of services to DSHS clients. See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes are improvements for clarity and do not have an economic impact to small businesses or small nonprofits compared to current rules for these facilities.

RCW 34.05.328 does not apply to this rule adoption. The department finds that this rule does not meet the definition of a significant legislative rule in RCW 34.05.328 (5)(c)(iii), and the provisions of this statute do not apply.

Hearing Location: Blake Office Building East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not sooner than October 22, 2003.

August 26, 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 03-19 issue of the Register.

WSR 03-18-104

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 2, 2003, 5:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-11-087.

Title of Rule: WAC 388-310-0800 WorkFirst—Support services and 388-310-1800 WorkFirst—Post-employment services.

Purpose: The proposed amendment will eliminate the transitional work expense from authorized WorkFirst support services. It will also reduce the amount that can be spent on different support services and reduce the length of time for support services in post-employment from one year down to six months. These changes are needed to keep WorkFirst support services expenditures within the amount budgeted.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04.050, and 74.08A.340.

Summary: The rules eliminate the transitional work expense, reduce the limits on some categories of support services and reduce post-employment support services from one year down to six months.

Reasons Supporting Proposal: This change is necessary to save federal TANF funds that [are] currently being over-expended. If we over-expend federal funds, we must use general state funds to make up the over expenditure. We do not have the authority to do this because funds have not been appropriated from the 2003-2004 budget for this purpose.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, 1009 College S.E., Lacey, WA 98504, (360) 413-3247.

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: Rule: WAC 388-310-0800 WorkFirst—Support services and 388-310-1800 WorkFirst—Post-employment services.

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules change the types of financial services that WorkFirst clients are eligible to receive, and are needed to keep WorkFirst support services expenditures within the amount budgeted.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 7, 2003.

Date of Intended Adoption: Not earlier than October 8, 2003.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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:

PROPOSED

PROPOSED

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the (~~two-week~~) required participation before the sanction is lifted (WAC 388-310-1600);

(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~~) six months 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:

- 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)) \$75 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)) \$250 per program year	x	x	
License/fees(/liability insurance)	((\$600)) \$130 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

(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 a transitional work expense?~~

~~(a) A transitional work expense is a special type of support services that is only paid once in a lifetime. It is 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 qualify for the second payment of five hundred dollars you must meet the following conditions:~~

- ~~(i) Have not received a TANF/SFA grant or diversion cash assistance (DCA) for three months after you stopped your TANF/SFA grant; and~~
- ~~(ii) 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.

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

(a) You can obtain post employment services by:

- (i) Asking for a referral from the local community service office;
- (ii) Contacting community or technical colleges; or
- (iii) Contacting the employment security department.

Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

- (i) Are a mandatory participant (that is, you currently receive TANF or SFA benefits);
- (ii) Used to receive TANF or SFA benefits; or
- (iii) Have never been on TANF or SFA.

(3) Who provides post employment services and what kind of services do they provide?

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English as a second language training, or
- (vi) Preemployment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

- (a) Working connections childcare if you meet the criteria for this program (described in chapter 388-290 WAC).
- (b) Other support services, such as help in paying for transportation or work expenses.
- (c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment service, support services and childcare?

You may qualify for post employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

- (i) All types of post employment services, unless you are in sanction status;
- (ii) Tuition assistance from the community and technical college system;
- (iii) WorkFirst support services; and
- (iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

(i) Employment retention services (help with keeping a job) for up to ~~((twenty-four))~~ twelve months after exiting TANF or SFA.

(ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to ~~((twenty-four))~~ twelve months after exiting TANF or SFA.

(iii) Tuition assistance or preemployment training from the community and technical college system;

(iv) Working connections childcare assistance; and/or

(v) WorkFirst support services for up to ~~((twelve))~~ six months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or preemployment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

(6) **What if I lose my job while I am receiving post employment services?**

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

(a) The employment security department will provide you with reemployment services.

(b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

WSR 03-18-105
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 2, 2003, 5:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-048.

Title of Rule: WAC 388-474-0012 What is a state supplemental payment and who can get it?

Purpose: To amend the rule to add additional categories of SSI recipients who can get a state supplemental payment.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

Summary: This proposed rule notifies the public of a change in the state supplemental payment program (SSP) to include two additional categories of supplemental security income (SSI) recipients who will begin getting a state supplemental payment in November 2003.

Reasons Supporting Proposal: The state is federally mandated to expend \$28.9 million every year as a supplemental payment to SSI recipient or those who are SSI eligible except for income. State supplemental payments must

remain within a payment range that will not cause resource ineligibility problems for those who get the payment. To keep the payments within an acceptable range, the size of the population who can get an SSP must be increased. The state needs to expand the base of SSI recipients who can get an SSP to be in compliance with the total federal spending mandate. Failure to fully expend the \$28.9 million could result in federal sanctions to state Medicaid funding.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, 1009 College S.E., Lacey, WA 98504, (360) 413-3074.

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

Rule is necessary because of federal law, 20 C.F.R. Sections 416.2095-.2099.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-474-0012 What is a state supplemental payment and who can get it?

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal rules mandated by Title 20 of the Code of Federal Regulations Part 416.2095 regarding how a person qualifies to be eligible for state supplemental payments.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., October 7, 2003.

Date of Intended Adoption: Not earlier than October 8, 2003.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-03-114, filed 1/21/03, effective 2/23/03)

WAC 388-474-0012 What is a state supplemental payment and who can get it? (1) The state supplemental payment (SSP) is a state-paid cash assistance program for

certain clients who the Social Security Administration determines are eligible for Supplemental Security Income (SSI).

(2) You can get an SSP if:

(a) You are a grandfathered SSI recipient under WAC 388-474-0001;

(b) You are an individual with an ineligible spouse under WAC 388-474-0001; ((or))

(c) You receive SSI because you are age sixty-five or older under WAC 388-474-0001;

(d) You receive SSI because you are blind under WAC 388-474-0001; or

(e) You are determined eligible for SSP by the division of developmental disabilities (see WAC 388-825-525 and 388-825-535).

WSR 03-18-106

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed September 2, 2003, 5:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-078.

Title of Rule: Chapter 388-880 WAC, Sexual predator program—Special commitment—Escorted leave.

Purpose: In accordance with RCW 71.09.040(4), the department is amending the evaluation sections of chapter 388-880 WAC, and any related rules, that refer to "evaluations, evaluation criteria, evaluation preparation, and other procedures" to determine if a person meets the definition of a sexually violent predator pursuant to chapter 71.09 RCW.

Statutory Authority for Adoption: RCW 71.09.040(4).

Statute Being Implemented: RCW 71.09.040(4).

Summary: Proposed rule relates to evaluation processes for possible civil commitment and (1) authorize the secretary or designee to enter agreements with other agencies/entities to implement rule; (2) clarify qualifications for out-of-state professional evaluators; (3) remove unused categories of evaluators; (4) specify bases, content, and form of evaluations; (5) clarify conditions for sexual predator program admission; and (6) align terminology with statute.

Reasons Supporting Proposal: Proposed rule allows interagency and intradepartmental cooperation to streamline the evaluation process and reduce costs.

Name of Agency Personnel Responsible for Drafting: Cynthia Alexander, DSHS, Office of Administrative Resources, Blake East, 4500 10th S.E., Lacey, (360) 664-6073 and Lee E. Mosley, SCC Administrative Office, Steilacoom, (253) 589-7352; Implementation and Enforcement: Kim Acker, DOC Headquarters, Olympia, (360) 664-9001 and Dan Yanisch, SCC Administrative Office, Steilacoom, (253) 589-7352.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No small business impact. Cost savings to the state is anticipated.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is intended to support a cooperative relationship between governmental and prosecutorial agencies with the purpose of reducing duplication of evaluations leading to possible court commitment to determine whether those persons meet the definition of a sexually violent predator under chapter 71.09 RCW.

The changes also place in rule a standard set of sources and bases for evaluations. The effects are expected to be: (1) Courts will have a consistent model upon which to base an order for evaluations; (2) a single qualified professional will provide an evaluation meeting the needs of each cooperating agency/entity; and (3) the state will realize savings in efficiency and cost by avoiding duplicative evaluations formerly done at various steps in the process leading to a commitment hearing.

Proposal Changes the Following Existing Rules:

- The title of the rule is amended to better reflect its contents.
- Certain categories of evaluators were never used and have been removed.
- Licensure for out-of-state evaluators was added to relevant definitions, consistent with state licensure requirements.
- A subsection related to the commitment process is simplified and moved by deletion and addition, to a more logical location in the rule.
- Terms specifying detention and commitment are clarified as court-detained and court-committed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No more than minor costs to small business will occur; therefore, no small business economic impact statement is necessary under the statute.

RCW 34.05.328 applies to this rule adoption. This rule is considered significant because it makes significant changes to existing rule. A cost benefit analysis has been prepared pursuant to RCW 34.05.328. A copy of this document is available by contacting Lee Mosley, Policy Analyst, Special Commitment Center, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 589-7352, e-mail moslele@dshs.wa.gov.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 21, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-

PROPOSED

6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 21, 2003.

Date of Intended Adoption: Not earlier than October 22, 2003.

August 28, 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 03-19 issue of the Register.

PROPOSED

WSR 03-18-108
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed September 2, 2003, 5:21 p.m.]

Supplemental Notice to WSR 03-12-067.

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

Title of Rule: Chapter 388-532 WAC, Family planning services; amending WAC 388-532-050 Definitions, amending and renamed WAC 388-532-100 Client eligibility; new sections WAC 388-532-001 Purpose, 388-532-110 Provider requirements, 388-532-120 Covered services, 388-532-130 Noncovered services, and 388-532-140 Reimbursement and payment limitations. New family planning only program 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.

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

Statute Being Implemented: RCW 74.09.800.

Summary: This is a supplemental CR-102. The text proposed here differs somewhat from the text proposed under WSR 03-12-067 on which a public hearing was held on July 8, 2003. Based on comments received the department has revised the proposed rules. There are changes in the wording of definitions and editorial changes in the covered and non-covered services sections. 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;
- Rules for the Family Planning Only program;
- Covered family planning services; and
- Reimbursement limitations.

Reasons Supporting Proposal: 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:** D. Larsen-Mills, 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; and 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 businesses.

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 listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on October 7, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 3, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 7, 2003.

Date of Intended Adoption: Not earlier than October 8, 2003.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

FAMILY PLANNING SERVICES

NEW SECTION

WAC 388-532-001 Purpose. The department of social and health services (DSHS) informs eligible clients about available family planning services. This chapter contains the medical assistance administration's (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 through the use of contraceptives.

"Contraceptive" For the purposes of this chapter means a device, drug or product used to prevent pregnancy.

"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, contraceptives, and educational services which enable individuals 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. In order to be reimbursed by MAA for family planning services:

(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) Services such as laboratory exams, tests and procedures, and 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 all FDA-approved contraceptives, 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 all FDA-approved contraceptives, 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 or other similar screenings as identified in published billing instructions for Family Planning Services); 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 PROGRAM

NEW 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. In order to be reimbursed by MAA for family planning services:

(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) Services such as laboratory exams, tests and procedures, and screening 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 on all FDA-approved contraceptives, 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 03-18-124**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed September 3, 2003, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-135.

Title of Rule: Chapter 16-401 WAC, Nursery inspection fees and chapter 16-350 WAC, Registration and certification of fruit tree planting stock.

Purpose: This proposal amends WAC 16-401-050 by increasing the current fruit tree and fruit tree related ornamental nursery stock assessment rate from 1% to 2%. In addition, this proposal amends WAC 16-350-045 application and fees, by deleting the specific assessment amount since it is specified in WAC 16-401-050 and correcting an erroneous RCW reference. Finally, this proposal amends both sections of rule by increasing their clarity and readability.

Statutory Authority for Adoption: Chapters 15.13, 15.14, and 34.05 RCW.

Statute Being Implemented: Chapters 15.13 and 15.14 RCW.

Summary: During the 2003 legislative session, the Washington state legislature authorized the Washington State Department of Agriculture to increase fees in excess of the fiscal growth factor in order to ensure that fees cover the full cost of the program. The Fruit Tree Advisory Committee, comprised of fruit tree nursery dealers, serves to advise the director in the administration of the fruit tree certification and nursery improvement program. At its August 6, 2002, meeting, the committee recommended that the department increase the fruit tree material assessment from 1% to 2%.

Reasons Supporting Proposal: This proposal will allow the department to respond to the recommendation of the fruit tree nursery industry to double the current assessment rate. Doubling the assessment rate would generate additional revenue of \$200,000 per year, which would be adequate to meet

the needs of the fruit tree certification program for the foreseeable future. This proposal will allow WSDA to continue to facilitate the movement of virus-tested fruit trees in domestic and international markets and assist in keeping the state's orchards free of harmful virus diseases.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 16-401-050 Annual assessment—Fruit tree material, establishes the rate of assessment on fruit trees and fruit tree related ornamental nursery stock. This assessment funds the fruit tree certification program that is responsible for facilitating the movement of virus-tested fruit trees in domestic and international markets and assisting the state's orchards to remain free of harmful virus diseases. This proposal would generate enough revenue to meet program needs for the foreseeable future.

Proposal Changes the Following Existing Rules: The proposal amends WAC 16-401-050 by increasing the current fruit tree and fruit tree related ornamental nursery stock assessment rate from 1% to 2%. In addition, this proposal amends WAC 16-350-045 Application and fees, by deleting the specific assessment amount since it is specified in WAC 16-401-050 and correcting an erroneous RCW reference. Finally, this proposal amends both sections of rule by increasing their clarity and readability.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. Analysis of the economic effects of the proposed rule amendments demonstrate that the changes will not be more than a minor cost on the regulated industry and, therefore, an SBEIS is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State University Tree Fruit Research and Extension Center, 1100 North Western Avenue, Wenatchee, WA 98801, conference room inside main entrance, on October 7, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by September 23, 2003, TDD (360) 902-1996.

Submit Written Comments to: Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2094, e-mail hgonzales@agr.wa.gov, by October 7, 2003.

Date of Intended Adoption: October 21, 2003.

September 3, 2003

Mary A. Martin Toohey
Assistant Director

PROPOSED

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, an annual assessment of ~~((one))~~ two percent is established on the gross ~~((sale))~~ wholesale price of ~~((the wholesale market value for))~~ all fruit trees~~((;))~~ and fruit tree related ornamental ~~((trees; fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation))~~ nursery stock produced in Washington~~((;))~~ and sold within the state or shipped from the state ~~((by any licensed nursery dealer, is established)).~~

AMENDATORY SECTION (Amending WSR 00-19-036, filed 9/12/00, effective 10/13/00)

WAC 16-350-045 Application and fees. (1) The applicant must provide the department with all information documenting the eligibility of all registered and certified stock and must allow the department to take samples for indexing or testing purposes.

(2) An application for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of \$100.00 plus \$1.00 for each registered seed tree.

(3) The application fee will apply toward the ~~((one per cent))~~ annual assessment on the gross ~~((sale))~~ wholesale price of ~~((the wholesale market value for))~~ all fruit trees~~((;))~~ and fruit tree related ornamental~~((s; and fruit tree rootstock))~~ nursery stock produced in Washington and sold within the state or shipped from the state ~~((of Washington by any licensed nursery dealer))~~ during any license period, as set forth in RCW ~~((15.13.130))~~ 15.13.310. No refund of the application fee will be allowed.

PROPOSED

WSR 03-18-010
EXPEDITED RULES
WASHINGTON STATE PATROL

[Filed August 21, 2003, 3:29 p.m.]

Title of Rule: Repealing WAC 204-10-040 Motorcycle helmets.

Purpose: SSB 5335 removed the authority of the Washington State Patrol (under RCW 46.37.530) to adopt rules for protective helmets, thereby invalidating WAC 204-10-040.

Other Identifying Information: The United States Department of Transportation has outlined the standards for motorcycle helmets in the Code of Federal Regulations (C.F.R.) 49 Section 571.218. A link to this standard is on the WSP website (www.wsp.wa.gov) for the public to view.

Statutory Authority for Adoption: RCW 46.37.005.

Summary: The motorcycle helmets rule outlined Federal Motor Vehicle Safety Standard 218. A link to this standard can now be found on the WSP website (www.wsp.wa.gov). Legislature removed the authorization for the Washington State Patrol to adopt rules concerning the standards for protective helmets in SSB 5335.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ms. Christine Fox, 210 11th Avenue S.W., Room G21, Olympia, WA 98504-2614, (360) 753-3697.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The repeal of WAC 204-10-040 would conform to the changes proposed by the passing of SSB 5335, in chapter 97, Laws of 2003.

Proposal Changes the Following Existing Rules: This rule-making action proposes to repeal WAC 204-10-040 as explained 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 AND THEY MUST BE SENT TO Ms. Christine Fox, Washington State Patrol, Equipment and Standards Review Unit, P.O. Box 42614, Olympia, WA 98504-2614, AND RECEIVED BY November 4, 2003.

August 20, 2003
 Ronal W. Serpas
 Chief

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 204-10-040 Motorcycle helmets.

WSR 03-18-038
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed August 26, 2003, 3:30 p.m.]

Title of Rule: Point-of-sale transaction fee rule.

Purpose: Clarify documents subject to transaction fee.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.32.050 and chapter 389, Laws of 2003.

Summary: Transaction fee on all documents issued through automated licensing system.

Reasons Supporting Proposal: Specifically required by statutory change.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, 902-2444; 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: Transaction fee was formerly applicable to licenses. This statutory change makes the fee applicable to all documents issued through the automated licensing system.

Proposal Changes the Following Existing Rules: Change documents to which transaction fee applies.

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 November 3, 2003.

August 26, 2003
 Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION (Amending Order 00-81, filed 5/24/00, effective 6/24/00)

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational ~~((hunting and fishing licenses and if authorized by the commission pursuant to RCW 77.32.450(2), automated license system fees paid for second animals))~~ documents. The transaction fee shall be ten percent of the value of the ~~((license))~~ document transaction, excluding any applicable dealer fees except that for the period July 1, 2000, through June 30, 2006, the transaction fee shall be nine and one-half percent of the value of the ~~((license))~~ document transaction, excluding any applicable dealer fee.

EXPEDITED

WSR 03-16-047
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 31, 2003, 8:12 a.m., effective September 1, 2004]

Date of Adoption: July 29, 2003.

Purpose: The boarding home licensing rules (chapter 388-78A WAC) are being revised to make them more applicable to the residents currently living in boarding homes in order to improve the quality of care and services for them; to make the rules more consistent with current practices in boarding homes; and to focus the rule more on what occurs with residents. These rules place more emphasis on the boarding home assessing residents' needs, developing and implementing a negotiated service agreement, monitoring residents consistent with their service agreements, and providing a minimum level of services. These rules also expand the scope of services that are allowed in boarding homes. Upon the effective date of this order, all current sections of chapter 388-78A WAC will be repealed and be replaced with new rules in this chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-78A-010 Definitions, 388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications, 388-78A-030 Responsibilities and rights—Licensee and department, 388-78A-040 Administrator, 388-78A-045 Criminal history, disclosure, and background inquiries, 388-78A-050 Staff, 388-78A-055 Policies and procedures, 388-78A-060 HIV/AIDS education and training, 388-78A-070 Construction, 388-78A-080 Communication system, 388-78A-090 Water supply, 388-78A-100 Sewage and liquid waste disposal, 388-78A-110 Garbage and refuse disposal, 388-78A-120 Lighting, 388-78A-130 Heating—Temperature, 388-78A-140 Ventilation, 388-78A-150 Resident room—Room furnishings—Storage, 388-78A-160 Toilet rooms and bathrooms, 388-78A-170 Food and nutrition services, 388-78A-180 Day rooms, 388-78A-190 Laundry, 388-78A-200 Storage space, 388-78A-210 Stairs—Ramps, 388-78A-220 Guardrails—Handrails, 388-78A-230 Maintenance and housekeeping, 388-78A-240 Criteria for accepting and retaining residents, 388-78A-250 Resident rights, 388-78A-260 Resident services, 388-78A-265 Limited nursing services, 388-78A-268 Health care services—Resident-arranged, 388-78A-280 Notification—Change in resident's condition, 388-78A-290 Safety measures and quality assurance, 388-78A-300 Medication services, 388-78A-310 Resident register, 388-78A-320 Resident health record, 388-78A-330 Adult day care, 388-78A-335 Residents—Dementia care, 388-78A-340 Exemptions, and 388-78A-990 Fees.

Statutory Authority for Adoption: RCW 18.20.090.

Other Authority: Chapter 18.20 RCW.

Adopted under notice filed as WSR 03-03-018 on January 7, 2003.

Changes Other than Editing from Proposed to Adopted Version:

WAC 388-78A-0020 Definitions.

- Deleted definition of "aged person" because it was replaced by "resident."

- Changed the definition of "boarding home" to be consistent with RCW 18.20.020 as amended by SSB 5579.
- Changed definition of "domiciliary care" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Added definition of "general responsibility for the safety and well-being of the resident" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Changed definitions of "harm" and "independent living unit" to improve clarity.
- Deleted definition of "intermittent nursing services" because it is not used in final rule, which simply addresses nursing services in general.
- Changed definition of "medication administration" as recommended and to be more consistent with RCW 69.41.010.
- Deleted definition of "noteworthy change" as recommended. The concept of this type of change is now reflected in WAC 388-78A-0350.
- Changed definition of "recurring problem" and "uncorrected problem" to address changes in licenses between initial citation and subsequent citations, and specified the time frames considered when addressing "recurring problems."
- Changed the definition of "serious problem" for added clarity.
- Changed the definition of "resident" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Changed the definition of "respite care" to reflect use of the term "resident" versus "aged person."

WAC 388-78A-0030 Applicability.

- Added provisions to when a boarding home license is and is not required consistent with RCW 18.20.030 as amended by SSB 5579.

WAC 388-78A-0050 Resident characteristics.

- Subsection (1), changed in response to comments to include requirements for specialty training.
- Subsection (2), changed in response to comments to clarify when a registered nurse must specifically determine and document a resident's condition is stable and predictable.

WAC 388-78A-0070 Initial assessment.

- Subsection (1), changed in response to comments to clarify the assessment must result in an "adequate" understanding rather than a "comprehensive" understanding.

PERMANENT

- Subsection (2), changed in response to comments to clarify, and to specify boarding homes may meet a resident's needs by arranging for services from outside resources.
- Subsection (3), changed the use of "care plan" to "service agreement."

WAC 388-78A-0080 Timing of initial assessment.

- Changed in response to comments to allow 5 calendar days to complete an assessment for emergency admissions.

WAC 388-78A-0090 Qualified assessor.

- Subsection (1)(c), changed in response to comments so a nurse acting consistent with chapter 18.79 RCW may complete an initial assessment.
- Subsection (1)(e), changed the effective date to 2004.

WAC 388-78A-0100 Assessment topics.

- Subsection (10), changed in response to comments to focus more on personal identity, rather than cultural or ethnicity, and to recognize some individuals may not be comfortable or willing to disclose personal information or preferences.

WAC 388-78A-0110 On-going assessments.

- Subsection (2), changed to clarify the extent of an on-going assessment, when it is necessary, and eliminated the term "noteworthy change," but referenced WAC 388-78A-0350 to reflect how on-going assessments are linked to monitoring residents' well being.

WAC 388-78A-0130 Service agreement planning.

- Changed in this section, and throughout the rule in response to comments, from the term "negotiated care plan" to "negotiated service agreement."
- Subsection (4)(a), deleted reference to noteworthy and significant changes and referred to WAC 388-78A-0350.
- Subsection (6)(a) and (f), edited for clarity.
- Subsection (7)(c), corrected in response to comments so documentation is made in the resident's record.

WAC 388-78A-0140 Negotiated service agreement contents.

- Subsection (1)(a), edited for clarity in response to comments.
- Subsection (1)(c), the term "intermittent nursing services" was deleted throughout the rule.
- Subsection (2)(a) and (b), deleted since they implied the boarding home would need to supervise the provision of services by outside resources, contrary to SSB 5579.

- Subsection (8), added in response to comments to include emphasis on not permitting boarding homes to ask or require residents to sign waivers of rights.

WAC 388-78A-0150 Signing negotiated service agreement.

- Changed term to "negotiated service agreement."

WAC 388-78A-0160 Basic boarding home services.

- Subsection (1), changed to reflect requirements of SSB 5579.
- Changed term to "negotiated service agreement."
- Reorganized, edited for clarity, and separated assistance with activities of daily living from other basic services to reflect requirements of SSB 5579.
- Added statutory reference to RCW 69.41.010 for self-administration of medication.
- Clarified in response to comments that services may be provided on both a scheduled and non-scheduled basis.
- Clarified disclosure requirement in response to comments by referencing WAC 388-78A-0690.

WAC 388-78A-0170 Activities.

- Changed term to "negotiated service agreement."

WAC 388-78A-0180 Medication services.

- Subsection (1)(a) and (b), edited in response to comments, to clarify.

WAC 388-78A-0200 Medication refusal.

- Edited in response to comments, to clarify, and to allow for physicians' directions on how to respond to medication refusals.

WAC 388-78A-0210 Nonavailability of medications.

- Edited in response to comments to clarify and require notification within a reasonable time.

WAC 388-78A-0230 Storing, securing, and accounting for medications.

- Subsection (3), edited in response to comments to clarify what drugs must be inventoried.

WAC 388-78A-0250 Medication organizers.

- Subsection (1)(a), changed in response to comments so a resident must understand the use of a medication instead of requiring the resident to be "fully knowledgeable" of the medication before a nurse may fill the resident's medication organizer.
- Subsection (3), edited to clarify that residents are allowed to receive other medication assistance or administration and still be able to use a medication organizer for those medications they could self-administer or direct others to administer.

WAC 388-78A-0270 Food and nutrition services.

- Subsection (1)(c)(i), changed in response to comments to permit menus to be delivered to residents' rooms instead of posting the menus.

- Subsection (1)(c)(vi), changed in response to comments so a three-week menu cycle would not be required for breakfasts when there were a variety of choices.
- Subsection (1)(f), edited to clarify where the boarding home must record alternate choices in entrees.
- Subsection (2)(a)(iii), edited to clarify the diet manual must be reviewed and updated as necessary.
- Subsection (3), added in response to comments to clarify boarding homes may provide special diets at a resident's request and consistent with the resident's negotiated service agreement.
- Subsection (4)(b)(i) and (ii), changed the effective date to 2004.
- Subsection (4)(b)(i)(B) and (4)(b)(ii)(C), changed so dishwashing operations and temperatures reflect current standards.

WAC 388-78A-0280 Need to provide nursing services.

- Clarified in response to comments that providing nursing services is an optional service for boarding homes.
- Subsection (1), clarified that residents who need nursing services must receive the required services or be discharged from the boarding home.
- Subsection (2), deleted the requirement for a registered nurse to coordinate resident-arranged nursing care.

WAC 388-78A-0290 Tube feeding.

- Changed term to "negotiated service agreement" and deleted "intermittent" from nursing services.

WAC 388-78A-0300 Supervision of nursing services.

- Deleted "intermittent" from nursing services.

WAC 388-78A-0310 Responsibilities of nursing supervisor.

- Clarified the supervising nurse in the boarding home is only required to supervise nursing services provided by the boarding home.
- Subsection (3)(b), changed term to "negotiated service agreement."
- Subsection (3)(d), deleted the requirement for a registered nurse to coordinate outside health care.

WAC 388-78A-0320 Resident-arranged services.

- Subsection (1), edited to clarify the boarding home must allow resident-arranged services from health care practitioners.
- Subsection (1)(b), edited to emphasize residents have a right to arrange their own health care, by adding a reference to chapter 70.129 RCW.

- Subsection (3), clarified a registered nurse does not need to coordinate a resident's health care with boarding home services, and consistent with SSB 5579, the boarding home is not required to supervise resident-arranged services.

WAC 388-78A-0330 Coordination of health care services.

- Subsection (1), clarified consistent with SSB 5579 that the boarding home must coordinate a resident's external health care according to the resident's negotiated service agreement.
- Subsection (2)(c), deleted because it is not different from subsection (2) in substance.
- Subsection (6)(c), changed term to "negotiated service agreement."
- Subsection (7), changed to specify required actions.

WAC 388-78A-0340 Implementation of negotiated service agreement.

- Changed term to "negotiated service agreement."

WAC 388-78A-0350 Monitoring residents' well-being.

- Changed term to "negotiated service agreement."
- Edited to remove the term "noteworthy changes," and more clearly describe when changes require an assessment beyond an initial evaluation and when changes need to be documented.

WAC 388-78A-0360 Adult day care.

- Subsection (2)(a), deleted required specific day care services since day care is an optional service.
- Subsection (2)(b) and (c), edited for consistency in format.
- Subsection (2)(e), deleted references to the types of furniture that were required.
- Subsection (2)(i), deleted in response to comments received specific record-keeping requirements.

WAC 388-78A-0370 Dementia care.

- Changed term to "negotiated service agreement."

WAC 388-78A-0380 Restricted egress.

- Changed term to "negotiated service agreement."
- Subsections (2) and (4), edited for clarity and consistency in format.
- Subsections (6) and (7), changed the effective date to 2004.

WAC 388-78A-0410 Content of resident records.

- Changed term to "negotiated service agreement."
- Subsection (7), clarified that "orders" included directions for what to do when a resident refused prescribed treatments, medications and diets.
- Subsection (8), clarified in response to comments received that the boarding home does not need to document nursing services provided by outside resources.

- Subsection (9)(d), deleted use of term "noteworthy changes."

WAC 388-78A-0430 Record retention.

- Subsection (2), clarified a resident's inactive record must remain on the boarding home premises as long as the resident remains in the boarding home.
- Subsections (3) and (4), clarified a distinction between "closed records" and "inactive records," and how closed records must be handled.

WAC 388-78A-0440 Resident review of records.

- Subsection (2), added in response to comments to specify requirements regarding photocopying residents' records.

WAC 388-78A-0460 Staff.

- Changed term to "negotiated service agreement."
- Subsection (2)(c) and (e), clarified in response to comments received, issued related to appropriate qualifications and credentials.
- Subsection (2)(i), clarified that references are for "resident-care staff persons."
- Subsection (3)(b), deleted in response to comments received, "...to the satisfaction of the department."

WAC 388-78A-0480 TB tests.

- Subsection (1)(a), clarified in response to comments received that the TB test must be initiated within three days of hiring.

WAC 388-78A-0510 Specialized training for dementia.

- Subsection (2), edited for clarity.

WAC 388-78A-0520 Administrator qualifications.

- Changed the effective date to 2004.
- Changed American Association of Housing and Services for the Aging to American Association of Homes and Services for the Aging.
- Clarified that department-recognized national accreditation health or personal care organizations may endorse administrator training programs, as well as directly provide them.

WAC 388-78A-0560 Administrator responsibilities.

- Subsection (5)(a), edited for clarity.

WAC 388-78A-0580 Use of home health/home care.

- Edited for clarity.

WAC 388-78A-0605 Pets.

- Subsection (1), added requirement for boarding homes to disclose their policies regarding pets to potential and current residents.
- Subsection (2)(c)(ii), deleted because residents must be advised of the boarding home's policies on pets.

WAC 388-78A-0635 Reporting fires and incidents.

- Subsection (1), edited for clarity in response to comments received about certain types of fires in boarding homes.
- Subsection (2), edited for clarity in response to comments received.

WAC 388-78A-0650 Services by resident for boarding home.

- Changed term to "negotiated service agreement."

WAC 388-78A-0670 Resident use of electronic monitoring.

- Subsection (2)(d), edited for clarity.

WAC 388-78A-0680 Safety measures and disaster preparedness.

- Changed term to "negotiated service agreement."
- Changed the effective date to 2004.
- Subsection (1), changed to be consistent with chapter 18.20 RCW as amended by SSB 5579.
- Subsection (2)(c)(iii), added to protect residents during the course of an investigation.

WAC 388-78A-0690 Disclosure of services.

- Subsection (3), edited to clarify that all boarding homes must notify all residents of their rights under applicable state and federal laws regarding all health care decision-making.

WAC 388-78A-0700 Timing of disclosure.

- Subsection (2)(c), edited for clarity in response to comments received.

WAC 388-78A-0760 Licensee's responsibilities.

- Subsection (2)(b)(i), edited to clarify that posting a boarding home license should include posting any conditions on the license.
- Subsection (2)(b)(ii)(B), deleted in response to comments received, the requirement to notify residents of the local legal services program.

WAC 388-78A-0770 Change in licensee.

- Subsection (2)(a), edited for clarity.

WAC 388-78A-0800 Building requirements.

- Retitled section.
- New subsections added in response to comments received to allow for certain exemptions to the licensing rules.

WAC 388-78A-0830 Required reviews of building plans.

- Subsection (1)(a) and (b), edited in response to comments received, for clarification and accuracy.
- Subsection (2)(e), edited so rule remains accurate if building code changes.

WAC 388-78A-0860 Changing use of rooms.

- Subsection (1)(c), added in response to comments received to require boarding homes to provide additional documentation requested by construction review services.

WAC 388-78A-0900 Area for nursing supplies and equipment.

- Deleted "intermittent" from nursing services.
- Changed the effective date to 2004.

WAC 388-78A-0910 Communication system.

- Changed the effective date to 2004.

WAC 388-78A-0940 Sewage and liquid waste disposal.

- Subsections (2) and (3), edited to add clarifying references to relevant WAC.

WAC 388-78A-0960 Lighting.

- Subsection (1), edited for clarity.
- Subsection (2), added in response to comments received specifications for reading room lighting.

WAC 388-78A-0970 Heating-cooling—Temperature.

- Changed the effective date to 2004.
- Subsection (1), changed in response to comments received regarding current standard of 70 degrees.

WAC 388-78A-0990 Resident room—Room furnishings-storage.

- Changed the effective date to 2004.
- Subsection (1)(j), edited in response to comments received to clarify each resident should have his/her own storage area.

WAC 388-78A-1010 Toilet rooms and bathrooms.

- Changed the effective date to 2004.
- Subsections (5) and (6), added "...or fraction thereof" in response to comments received.
- Subsection (8)(c), edited for clarity.

WAC 388-78A-1020 Laundry.

- Changed the effective date to 2004.
- Subsection (3), edited in response to comments received, to clarify washing machines must have a continuous supply of hot water.

WAC 388-78A-1070 Maintenance and housekeeping.

- Changed the effective date to 2004.
- Subsection (1)(e)(i), edited for clarity.

WAC 388-78A-1120 Responsibilities during inspections.

- Subsection (1)(a), edited for clarity by deleting reference to financial records and adding reference to statutory provisions.
- Subsection (1)(b)(iv), edited to clarify that schedules only need to be retained for six months.

WAC 388-78A-1130 Communication during inspections.

- Subsection (2)(b) and (c), edited for clarity in response to comments received regarding when staff persons may be present during interviews and investigations.

WAC 388-78A-1160 Authorized enforcement remedies.

- Reorganized and edited for clarity, including statutory authority for civil fines up to \$3000 ((2)).
- Subsection (1)(f), added enforcement remedy of imposing a limited stop placement per SSB 5579.

WAC 388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies.

- Retitled section.
- Subsection (1)(a)(iv), deleted the word "application."
- Subsection (1)(g), clarified in response to comments received, a person would have to knowingly permit illegal acts before enforcement remedies would be imposed for this reason.
- Subsection (3), added reference to WAC 388-78A-1200 for other circumstances resulting in discretionary enforcement remedies.

WAC 388-78A-1180 Circumstances resulting in required enforcement remedies.

- Retitled section and edited for clarity.
- Added statutory references to RCW 18.20.185 and [18.20].190.
- Subsection (2), added another circumstance for which the statute requires an enforcement remedy.

WAC 388-78A-1190 Statutorily required enforcement remedies: Denial, suspension, revocation, or nonrenewal of license.

- Retitled section.
- Subsection (1)(e) and (f), deleted from rule in response to comments received, but provisions remain in RCW 18.20.200 and [18.20].210 for licensing actions for failure to repay student loans and for failure to pay child support or violating visitation orders. Additionally, the relationship between the person involved, and the licensed entity, is not clear in statute.

WAC 388-78A-1200 Other circumstances resulting in discretionary enforcement remedies.

- Retitled section and edited for clarity.
- Subsection (1)(c), included civil penalties per RCW 18.20.190 (2)(c).
- Subsection (2), imposition of limited stop-placement was added per SSB 5579.
- Subsections (2), (3), and (4), clarified less serious enforcement remedies could also be imposed for more serious problems.

- Subsection (4)(f), added another circumstance for which license revocation could be imposed .

WAC 388-78A-1210 Informal dispute resolution.

- Subsections (1) and (2), deleted to be consistent with chapter 18.20 RCW as amended by SSB 5579.

WAC 388-78A-1220 Appeal rights.

- Subsection (1), edited for clarity.

WAC 388-78A-1230 Fees.

- Subsection (2)(a) and (b), edited for clarity.

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 125, Amended 0, Repealed 39.

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 39.

Effective Date of Rule: September 1, 2004.

July 29, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-78A WAC**BOARDING HOME LICENSING RULES****GENERAL****NEW SECTION**

WAC 388-78A-0010 Purpose. This chapter is written to implement chapter 18.20 RCW, to promote the safety and well being of boarding home residents, to specify standards for boarding home operators, and to further establish requirements for the operation of boarding homes.

NEW SECTION

WAC 388-78A-0020 Definitions. "Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse,

mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) "**Mental abuse**" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(2) "**Physical abuse**" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints.

(3) "**Sexual abuse**" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual.

(4) "**Exploitation**" means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

(5) "**Financial exploitation**" means the illegal or improper use of the property, income, resources, or trust funds of the resident by any person for any person's profit or advantage.

"**Activities of daily living**" means those tasks related to basic personal care such as bathing; toilet use, including perineal care; dressing; personal hygiene, including grooming; locomotion, including transferring; and eating.

"**Adult day care**" means care and services provided to individuals on the boarding home premises for a period of less than twenty-four continuous hours and does not involve an over-night stay.

"**Ambulatory**" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) "**Nonambulatory**" means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

(2) "**Semi-ambulatory**" means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

"**Applicant**" means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a boarding home license.

"**Bathing fixture**" means a bathtub, shower or sit-down shower.

"**Bathroom**" means a room containing at least one bathing fixture.

"**Board**" means, in the definition of boarding home, the provision of meal service and lodging.

"**Boarding home**" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more residents after July 1, 2002. However, a boarding home that is licensed to provide

board and domiciliary care to three to six residents on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. **"Boarding home"** does not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of Housing and Urban Development.

"Building code" means the building codes and standards adopted by the Washington State Building Code Council.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services or equipment.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may impact the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care":

(1) Means:

(a) Assistance with activities of daily living provided by the boarding home either directly or indirectly by contract; or

(b) Assuming general responsibility for the safety and well-being of the resident; or

(c) Intermittent nursing services, if provided by the boarding home.

(2) Does not include general observation or preadmission assessment for the purposes of transitioning to a licensed care setting.

"Enforcement remedy" means one or more of the department's responses to a boarding home's noncompliance with chapter 18.20 RCW and this chapter, authorized by RCW 18.20.190.

"Exploitation" - see definition of **"abuse."**

"Food service worker" means according to chapter 246-217 WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" does not include:

(1) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or

(2) Services customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW. Such services do not include care or supervision.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including but not limited to bacteria, viruses, protozoans, and fungi.

"Independent living unit" means an apartment, condominium or other self-sufficient dwelling unit occupied by a nonresident individual or individuals not receiving domiciliary care directly, or indirectly by contract, from the boarding home.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Infirmity" means a disability that materially limits normal activity without requiring inpatient medical or nursing care. An infirmity may be based on conditions, including but not limited to physical handicap, mental illness, developmental disability, mental confusion, disability or disturbance.

"Licensee" means the person, as defined in this chapter, to whom the department issues the boarding home license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care and their roommates count towards the licensed resident bed capacity. Adult day care clients do not count towards the licensed resident bed capacity.

"Manager" means the person, as defined in this chapter, providing services under a management agreement.

"Management agreement" means a written, executed agreement between the licensee and the manager regarding the provision of certain services in a boarding home.

"Maximum facility capacity" means the maximum number of individuals that the boarding home may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents and respite care residents and adult day care clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms; or

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-0270; or

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-1010; or

(d) For boarding homes licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC 388-78A-1030; or

(e) For boarding homes licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC 388-78A-1030.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by a person legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of a boarding home in accordance with chapter 246-888 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Neglect" means:

(1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-0020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **"Licensed practical nurse"** (LPN); or

(2) **"Registered nurse"** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication," means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of a boarding home:

(1) **"Recurring problem"** means that the department has cited the boarding home for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(c) When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that boarding home if any person affiliated with the new licensee was affiliated with the prior licensee at the same boarding home. A person is considered affiliated with the licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, or majority owner of the applying entity.

(2) **"Serious problem"** means:

(a) There has been a violation of a WAC or RCW, and

(b) Significant harm has actually occurred to a resident, or

(c) It is likely that significant harm or death will occur to a resident.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When a change in licensees occurs, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensees.

"Prospective resident" means an individual who demonstrates an interest, intends, or applies to move into a boarding home but has not signed an admission agreement or moved in.

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Resident" means:

(1) An individual who:

(a) Lives in a boarding home, including those receiving respite care;

(b) Is not related by blood or marriage to the operator of the boarding home; and

(c) By reason of age or disability, receives domiciliary care provided either directly, or indirectly by contract, by the boarding home.

(2) The roommates of individuals who require domiciliary care.

"Resident-care staff person" means any boarding home employee, temporary employee, volunteer, or contractor who provides hands-on personal care or nursing care to a resident, including but not limited to cuing, reminding, or supervision of a resident on behalf of a boarding home, except **"resident-care staff person"** does not include volunteers who are supervised by an employee, temporary employee or contractor who is on the premises and is quickly and easily available to the volunteer while the volunteer is performing volunteer activities.

"Resident's representative" means:

(1) An individual legally appointed, or designated by the resident in writing, to act in the resident's behalf; or

(2) If the resident is not competent, an individual authorized to provide informed consent on behalf of the resident consistent with RCW 7.70.065.

"Respite care" means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-0380;

(2) **"Chemical restraint"** means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

(3) **"Physical restraint"** means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) **"Sleeping room"** means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) **"Resident living room"** means the common space in a resident unit that is not a sleeping room, bathroom or closet.

"Significant change" means a change in a resident's health status or physical, emotional or mental functioning that requires the intervention of a physician, a physician assistant as defined in WAC 246-918-005, or an advanced registered nurse practitioner as defined in WAC 246-840-299.

"Special needs" means a developmental disability, mental illness, or dementia.

"Stable and predictable condition" means the resident's clinical and behavioral status is known through initial and on-going assessments to be nonfluctuating and consistent, and does not require the frequent presence and frequent

evaluation of a registered nurse. As long as the boarding home has the capacity to meet the resident's identified needs, a resident in a stable and predictable condition also includes:

(1) A terminally ill resident, whose deteriorating condition is predictable; and

(2) A resident with an acute, time-limited illness of brief duration.

"Staff person" means any boarding home employee, temporary employee, volunteer, or contractor, whether employed or retained by the licensee or any management company.

"Toilet" means a disposal apparatus fitted with a seat and flushing device used for urination and defecation.

"Volunteer" means an individual who regularly provides planned and organized services within the boarding home without reimbursement, but does not mean an individual who visits residents socially or provides occasional entertainment.

"Vulnerable adult" means **"vulnerable adult"** as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

NEW SECTION

WAC 388-78A-0030 Applicability. (1) A person must have a boarding home license issued by the department under chapter 18.20 RCW and this chapter if the person advertises as, or operates, or maintains a facility within Washington state that provides board and domiciliary care as defined in this chapter, except as otherwise exempted by RCW 18.20-170 and in subsection (2) of this section.

(2) A boarding home license is not required:

(a) For only providing housing or services that are customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW; or

(b) For only providing emergency assistance when that emergency assistance is not provided on a frequent or routine basis to any one nonresident individual and the nonresident individual resides in:

(i) Independent senior housing;

(ii) An independent living unit in a continuing care retirement community;

(iii) An independent living unit having common ownership with a licensed boarding home; or

(iv) Other similar living situations including those subsidized by the department of housing and urban development.

(c) When housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services provided by persons other than the boarding home or the boarding home's contractor.

(3) This section does not prohibit a boarding home from furnishing written information concerning available commu-

PERMANENT

nity resources to nonresident individuals or the individual's family members or legal representatives. The boarding home may not require the use of any particular service provider.

(4) For the purposes of this section, residents receiving domiciliary care, provided directly or indirectly by contract by the boarding home, are not considered nonresident individuals.

NEW SECTION

WAC 388-78A-0040 Other requirements. (1) The boarding home must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.

(2) The boarding home must have its building approved by the Washington State Fire Marshal, Fire Protection Bureau in order to be licensed.

NEW SECTION

WAC 388-78A-0050 Resident characteristics. The boarding home may accept and retain an individual as a resident in a boarding home only if:

(1) The boarding home can meet the individual's needs, including providing any specialized training to resident-care staff persons that may be required according to WAC 388-78A-0490 through 388-78A-0510;

(2) The individual's health care condition is stable and predictable, as determined jointly by the boarding home and the resident or the resident's representative if appropriate.

(a) When the resident requires the services of a licensed nurse on the boarding home premises, the registered nurse responsible for assessing the resident's nursing needs must specifically assess, determine and document in the resident's record if the resident's health care condition is stable and predictable.

(b) If the resident does not require the services of a licensed nurse on the boarding home premises, it is assumed the resident's condition is stable and predictable and a registered nurse does not need to assess and determine that the resident's health care condition is stable and predictable.

(3) The individual is ambulatory, unless the boarding home is approved by the Washington State Director of Fire Protection to care for semi-ambulatory or nonambulatory residents; and

(4) The individual meets the acceptance criteria the boarding home described in the boarding home's disclosure information.

NEW SECTION

WAC 388-78A-0060 Individuals in buildings prior to licensing. A person must ensure all of the following conditions are present if any individual moves into a planned boarding home prior to the department issuing a boarding home license:

(1) The prospective licensee does not represent or advertise the building as a licensed boarding home or other licensed facility;

(2) The prospective licensee does not provide any assistance with activities of daily living to the individuals living in the building whether directly or through a contractor;

(3) The prospective licensee does not provide any nursing services or other health care to individuals living in the building;

(4) The prospective licensee does not assume any responsibility for the safety or well-being of the individuals in the boarding home, other than those associated with customary landlord-tenant relations; and

(5) All of the individuals living in the building are either totally independent, or are able to make arrangements with community resources to meet their service needs without the assistance of the prospective licensee.

ASSESSMENT

NEW SECTION

WAC 388-78A-0070 Initial assessment. The boarding home must obtain sufficient information to be able to initially assess each prospective resident and enable staff persons:

(1) To gain an adequate understanding of the individual's:

- (a) Needs,
- (b) Capabilities, and
- (c) Preferences.

(2) To determine if the boarding home has the necessary resources or could arrange for them, including staff, facilities, and equipment to provide the required care and services; and

(3) To develop a preliminary service agreement that adequately addresses the individual's needs, capabilities, and preferences.

NEW SECTION

WAC 388-78A-0080 Timing of initial assessment. Except in cases of genuine emergency, the boarding home must ensure an initial assessment of the resident is completed before each prospective resident moves into the boarding home. The boarding home must ensure the initial assessment is completed within five calendar days of the resident moving into the boarding home when the resident moves in under emergency conditions.

NEW SECTION

WAC 388-78A-0090 Qualified assessor. (1) The boarding home must ensure the person responsible for completing an initial assessment of a prospective resident:

(a) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(b) Has a bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(c) Has a valid Washington state license to practice nursing consistent with chapter 18.79 RCW; or

(d) Is a physician with a valid state license to practice medicine; or

(e) Has three years of successful experience in a licensed boarding home, acquired prior to September 1, 2004, assessing prospective boarding home residents.

(2) The boarding home must ensure a registered nurse is responsible for the assessment of the nursing needs of each prospective resident who requires the services of a nurse while on the boarding home premises.

NEW SECTION

WAC 388-78A-0100 Assessment topics. The boarding home must obtain sufficient information to be able to assess the capabilities, needs and preferences for each prospective resident in the following areas, consistent with chapter 70.129 RCW:

(1) Individual's recent medical history, including, but not limited to:

(a) Health professional's diagnosis (unless the resident objects for religious reasons);

(b) Chronic, current, and potential skin conditions;

(c) Known allergies to foods, medications, or other considerations for providing care or services.

(2) Currently necessary and contraindicated medications and treatments for the individual, including:

(a) What prescribed medications, and what over-the-counter medications commonly taken by the individual, the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;

(b) What prescribed medications, and what over-the-counter medications commonly taken by the individual, the individual is able to self-administer when he/she has the assistance of a resident-care staff person; and

(c) What prescribed medications, and what over-the-counter medications commonly taken by the individual, the individual is not able to self-administer, and needs to have administered to him or her.

(3) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises. The boarding home must ensure a registered nurse is responsible for the nursing assessment of each current and prospective resident who requires a nursing assessment;

(4) Individual's sensory abilities, including:

(a) Vision, and

(b) Hearing.

(5) Individual's communication abilities, including:

(a) Modes of expression,

(b) Ability to make self understood, and

(c) Ability to understand others.

(6) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:

(a) History of substance abuse;

(b) History of harming self, others, or property or other conditions that may require behavioral intervention strategies;

(c) Individual's ability to leave the boarding home unsupervised; and

(d) Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home.

(7) Individual's special needs, by evaluating available information, or selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:

(a) Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;

(b) Developmental disability;

(c) Dementia, using the DSHS 13-692; or

(d) Other conditions affecting cognition, such as traumatic brain injury.

(8) Individual's level of personal care needs, including:

(a) Ability to perform activities of daily living;

(b) Medication management ability, including:

(i) The individual's ability to obtain and appropriately use over-the-counter medications; and

(ii) How the individual will obtain prescribed medications for use in the boarding home.

(9) Individual's activities, typical daily routines, habits and service preferences;

(10) Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort; and

(11) Who has decision making authority for the individual, including:

(a) The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;

(b) The presence of any legal document that establishes a current substitute decision maker; and

(c) The scope of decision-making authority of any substitute decision maker.

NEW SECTION

WAC 388-78A-0110 On-going assessments. The boarding home must:

(1) Complete a full re-assessment addressing the elements set forth in WAC 388-78A-0100 for each resident at least annually;

(2) Complete a limited assessment of a resident's identified problems and related issues:

(a) Consistent with the resident's change of condition as specified in WAC 388-78A-0350; or

(b) When the resident's negotiated service agreement no longer addresses the resident's current needs.

(3) Determine the qualifications of the staff person responsible for performing the on-going assessments of current residents in the boarding home;

(4) Ensure the staff person performing the on-going assessments is competent to perform them; and

(5) Ensure a registered nurse is responsible for the assessment or re-assessment of the nursing needs of each cur-

rent resident who requires the services of a licensed nurse while on the boarding home premises.

NEW SECTION

WAC 388-78A-0120 Resident participation in assessments. The boarding home must directly involve each resident or prospective resident, to the extent possible, along with any appropriate resident representative approved by the resident, in the assessment and re-assessment process in the boarding home.

NEGOTIATED SERVICE AGREEMENT

NEW SECTION

WAC 388-78A-0130 Service agreement planning. The boarding home must:

(1) Develop a preliminary negotiated service agreement, based upon discussions with the resident and the resident's representative if the resident has one, and the assessment of a qualified assessor, before a resident moves into a boarding home;

(2) Integrate the assessment information provided by the department's case manager into the negotiated service agreement for each resident whose care is partially or wholly funded by the department;

(3) Develop a negotiated service agreement for each resident by reviewing and updating each resident's preliminary negotiated service agreement, based upon additional information obtained after the resident moves in, within thirty days of the resident moving in;

(4) Review and update each resident's negotiated service agreement consistent with WAC 388-78A-0350:

(a) Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and

(b) Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.

(5) Review each resident's negotiated service agreement following a complete annual re-assessment and update the plan as necessary;

(6) Involve the following persons in the process of developing a negotiated service agreement to the extent they are willing and capable:

(a) The resident or prospective resident;

(b) The resident's representative, if the resident has one;

(c) The resident's family, if desired and approved by the resident;

(d) Other individuals the resident wants included;

(e) Any public or private case manager, if available; and

(f) Staff designated by the boarding home.

(7) Ensure:

(a) Individuals participating in developing the resident's negotiated service agreement:

(i) Discuss the resident's assessed needs, capabilities, and preferences; and

(ii) Negotiate and agree upon the care and services to be provided to support the resident.

(b) A registered nurse develops the nursing component of the negotiated service agreement for any resident who needs licensed nursing services on the boarding home premises; and

(c) Staff persons document in the resident's record the agreed upon plan for services.

NEW SECTION

WAC 388-78A-0140 Negotiated service agreement contents. The boarding home must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

(1) The care and services necessary to meet the resident's needs, including:

(a) The plan to monitor the resident and address interventions for risks to the resident's health and safety that were identified in the resident's assessment;

(b) The plan to provide assistance with activities of daily living;

(c) The plan to provide necessary nursing services, if provided by the boarding home;

(d) The resident's preferences for how services will be provided; and

(e) The plans to accommodate the resident's preferences.

(2) Clearly defined respective roles and responsibilities of the resident, the boarding home staff, and resident's family or other significant persons in meeting the resident's needs and preferences. If a person other than a resident-care staff person is to be responsible for providing care or services to the resident in the boarding home, the boarding home must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The boarding home may develop an alternate plan:

(a) Exclusively for the individual resident, or

(b) Based on standard policies and procedures in the boarding home.

(3) The times services will be delivered, including frequency and approximate time of day, as appropriate;

(4) The resident's preferences for activities and how those preferences will be supported;

(5) Appropriate behavioral interventions, if needed;

(6) A communication plan, if special communication needs are present; and

(7) The resident's ability to leave the boarding home premises unsupervised.

(8) The boarding home must not require or ask the resident or the resident's representative to sign any contract or agreement, including a negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

NEW SECTION

WAC 388-78A-0150 Signing negotiated service agreement. The boarding home must ensure that the negotiated service agreement is agreed to and signed at least annually by:

- (1) The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;
- (2) A representative of the boarding home duly authorized by the boarding home to sign on its behalf; and
- (3) Any public or private case manager for the resident, if available.

BOARDING HOME SERVICES

BASIC SERVICES

NEW SECTION

WAC 388-78A-0160 Basic boarding home services.

(1) The boarding home must assume general responsibility for each resident and promote each resident's health, well-being and safety consistent with the resident's negotiated service agreement.

(2) All boarding homes must provide to each resident, consistent with the resident's negotiated service agreement, assistance with:

(a) **Activities**—Arranging for social, recreational, religious, or other activities in the boarding home and in the community, based on the resident's assessed abilities and preferences;

(b) **Arranging transportation**—Assisting the resident with arranging transportation to medical appointments, but the boarding home is not required to directly provide transportation;

(c) **Functional aids and equipment**—Assisting the resident in obtaining and maintaining functional aids and equipment, including but not limited to glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;

(d) **Housework**—Maintaining safe, clean and comfortable personal living quarters for the resident;

(e) **Laundry**—Keeping the resident's clothing clean and in good repair, and providing on a weekly basis or more often as necessary to maintain cleanliness, clean towels, washcloths, bed sheets and pillow case;

(f) **Preparing for necessary health care services**—Cuing and monitoring the resident to follow instructions related to preparation for medical or laboratory services;

(g) **Self-administration of medication**—Self-administration (of medications) with assistance as described in RCW 69.41.010 and chapter 246-888 WAC;

(h) **Self-administration of treatments**—Assisting the resident with self-administration of prescribed treatments to the degree that does not require a licensed professional's intervention;

(i) **Therapeutic diets**—Providing prescribed modified and therapeutic diets and assisting the resident with following them.

(3) When a boarding home provides, either directly or indirectly, assistance with activities of daily living, the boarding home must provide to each resident, at a minimum, assistance as needed, with:

(a) **Bathing**—Including supervising the resident who is able to bathe when cued and encouraged, and steadying the resident getting in or out of the tub/shower, or washing areas

that are hard to reach, such as the residents' legs, feet, and back;

(b) **Dressing**—Including setting up clothes and cuing and monitoring the resident, donning and removing prostheses, and providing the physical assistance necessary for the resident to put on, fasten, and take off clothing;

(c) **Eating**—Cuing, encouraging, and supervising the resident as needed when the resident is eating, and assisting the resident with tasks that are difficult for the resident, such as cutting food or buttering bread;

(d) **Locomotion**—Assisting the resident with walking and wheelchair mobility, including cuing, monitoring, and providing standby assistance necessary to enable residents to take part in services and activities available in the boarding home, and to safely evacuate in emergencies;

(e) **Personal hygiene**—Assisting the resident with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs, including supervising the resident when the resident is performing the tasks, assisting the resident to care for his/her own appearance, and occasionally performing grooming tasks for the resident when the resident is unable to care for his/her own appearance;

(f) **Toilet use**—Assisting the resident with toileting, including guidance when the resident is able to care for his/her own toileting needs, helping the resident to and from the bathroom, assisting the resident with incontinent products, cuing the resident to wash hands, and performing occasional perineal care, but the boarding home is not required to provide continuous or routine perineal care; and

(g) **Transferring**—Monitoring and providing one-person standby assistance to the resident when the resident is able to assist in his/her own transfers including, but not limited to, getting into and out of bed, wheelchair, vehicle, and onto and off of a toilet/commode or shower chair.

(4) The boarding home must have the capacity to deliver the basic boarding home services on both a scheduled and a nonscheduled basis, and provide them as needed by residents.

(5) The boarding home must:

(a) Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or

(b) Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.

(6) The boarding home must ensure each resident is able to obtain individually preferred personal care items when:

(a) The preferred personal care items are reasonably available, and

(b) The resident is willing and able to pay for obtaining the preferred items.

(7) The boarding home may provide more extensive services than the basic boarding home services, consistent with state and federal law, the boarding home's disclosure statement as required by WAC 388-78A-0690 and 388-78A-0050.

ACTIVITIESNEW SECTION

WAC 388-78A-0170 Activities. The boarding home must:

(1) Provide space and staff support necessary for:

(a) Each resident to engage in independent or self-directed activities that are appropriate to the setting, consistent with the resident's assessed interests, functional abilities, preferences, and negotiated service agreement; and

(b) Group activities at least three times per week that may be planned and facilitated by resident-care staff persons consistent with the collective interests of a group of residents.

(2) Make available supplies and equipment necessary for activities described in subsection (1) of this section.

MEDICATIONSNEW SECTION

WAC 388-78A-0180 Medication services. (1) The boarding home must ensure the following residents receive their medications as prescribed, except as provided for in WAC 388-78A-0200:

(a) Each resident who requires medication assistance and his or her negotiated service agreement indicates the boarding home will provide medication assistance; and

(b) Each resident who requires medication administration and his or her negotiated service agreement indicates the boarding home will provide medication administration, if the boarding home provides medication administration services.

(2) The boarding home must provide medication assistance, consistent with applicable statutes and administrative rules, to residents who need and desire this service.

NEW SECTION

WAC 388-78A-0190 Prescribed medication authorizations. (1) The boarding home must have one of the following present in the boarding home before the boarding home may provide medication assistance or medication administration to a resident for prescribed medications:

(a) A prescription label completed by a licensed pharmacy,

(b) A written order from the prescriber,

(c) A facsimile or other electronic transmission of the order from the prescriber, or

(d) Written documentation by a nurse of a telephone order from the prescriber.

(2) The documentation required above in subsection (1) of this section must include the following information:

(a) The name of the resident,

(b) The name of the medication,

(c) The dosage and dosage frequency of the medication, and

(d) The name of the prescriber.

NEW SECTION

WAC 388-78A-0200 Medication refusal. (1) When a resident who is receiving medication assistance or medication administration services from the boarding home chooses to not take his or her medications, the boarding home must ensure:

(a) If there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, such staff person;

(i) Conducts an evaluation; and

(ii) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.

(b) If a staff person meeting the criteria in (a) of this subsection is not available to evaluate the condition of the resident and the significance of the medication, another staff person:

(i) Notifies the prescriber or primary care practitioner of the resident not getting his or her medication;

(ii) Informs the prescriber or primary care practitioner if the staff person is not a nurse; and

(iii) Does not exceed his or her scope of practice regarding any directives issued from the prescriber or primary care practitioner in response to the notification.

(2) The boarding home must comply with subsection (1)(a) through (b) of this section, unless the prescriber or primary care practitioner has provided the boarding home with:

(a) Specific directions for addressing the refusal of the identified medication;

(b) The boarding home documents such directions; and

(c) The boarding home is able to fully comply with such directions.

(3) When a resident who is receiving medication assistance or medication administration services chooses to not take his or her medications, the boarding home must:

(a) Respect the resident's right to choose to not take the medication; and

(b) Document the time, date and medication the resident did not take.

NEW SECTION

WAC 388-78A-0210 Nonavailability of medications. (1) When the boarding home has assumed responsibility for obtaining a resident's prescribed medications, the boarding home must obtain them in a correct and timely manner.

(2) When prescribed medications are not available for a resident requiring medication assistance or medication administration services from the boarding home and the responsibility for obtaining the resident's medications remains with the resident, the resident's family or other individual acting on behalf of the resident, the boarding home must ensure:

(a) If there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, such staff person conducts an evaluation and takes the appropriate action.

(b) If no such staff person meeting the criteria in (a) of this subsection is available to evaluate the significance of the resident not getting his or her medication, a staff person notifies the prescriber or primary care practitioner within a reasonable time that the medication is not available for the resident. The boarding home must ensure such staff person:

(i) Informs the prescriber or primary care practitioner if the staff person is not a nurse, and

(ii) Not exceed his or her scope of practice regarding any directives issued from the prescriber or primary care practitioner in response to the notification.

(3) The boarding home must review and modify as necessary the plan for obtaining the resident's prescribed medications with the resident and those responsible for obtaining the medications on the resident's behalf when medications are not available for the resident.

NEW SECTION

WAC 388-78A-0220 Alteration of medications. (1) The boarding home must provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident, except the boarding home may provide medications in an altered form when:

(a) The resident is unable or unwilling to take the medications in their normal form;

(b) The boarding home has documentation that a practitioner acting within his or her scope of practice has determined that it is safe and appropriate to alter the medication in a specified manner;

(c) The boarding home has informed the resident that the medication is being offered or administered in an altered form before taken by the resident; and

(d) The resident agrees to take the medications in the altered form.

(2) The boarding home must ensure any staff persons who alter medications in the boarding home are acting within their scope of practice and applicable statutes and rules regarding the practice of pharmacy and nursing.

NEW SECTION

WAC 388-78A-0230 Storing, securing, and accounting for medications. (1) The boarding home must secure medications for residents who are not capable of safely storing their own medications.

(2) The boarding home must ensure all medications under the boarding home's control are properly stored:

(a) In containers with pharmacist-prepared label or original manufacturer's label;

(b) Together for each resident and physically separated from other residents' medications;

(c) Separate from food or toxic chemicals;

(d) In a locked compartment that is accessible only to designated responsible staff persons or appropriate resident; and

(e) In environments recommended on the medication label.

(3) The boarding home must have two staff persons inventory and document no less than once per day, all drugs

stored by the boarding home described as schedule II and III drugs in chapter 246-887 WAC.

NEW SECTION

WAC 388-78A-0240 Resident controlled medications. (1) The boarding home must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.

(2) The boarding home must allow the following residents, who are capable of responsibly securing their own medications, to control and secure the medications that they self-administer, and the medications they direct others to administer:

(a) Residents who are capable of independently self-administering specific medications on their own; and

(b) Residents who are capable of safely directing others to administer their medications.

NEW SECTION

WAC 388-78A-0250 Medication organizers. (1) The boarding home must ensure no staff person other than a nurse fills medication organizers for residents. A nurse may fill a medication organizer for a resident only when:

(a) The resident understands the use of the medications that have been prescribed for him or her; and

(b) The resident is totally independent with self-administration of medications when using a medication organizer, except for the physical assistance required to fill the medication organizer, or the resident can safely direct others to administer his or her medications; and

(c) Staff persons have no further responsibility for:

(i) Storing the resident's medication; or

(ii) Providing any additional medication assistance to the resident beyond filling the medication organizer; or

(iii) Providing medication administration services to the resident.

(d) The medication organizer carries a label that clearly identifies:

(i) The name of the resident,

(ii) The name of the medications in the organizer, and

(iii) The frequency of the dosage.

(2) Consistent with subsections (1) and (3) of this section, the boarding home must not use a medication organizer for a resident, filled by anyone other than a licensed pharmacy, any time the boarding home is:

(a) Involved in storing the resident's medications;

(b) Providing medication assistance to the resident; or

(c) Providing medication administration services to the resident.

(3) A resident may use a medication organizer only when he or she stores and secures the medication organizer and is capable of either:

(a) Independently self-administering his or her own medications contained in the medication organizer, or

(b) Safely directing others to administer his or her medications contained in the medication organizer.

NEW SECTION

WAC 388-78A-0260 Family assistance with medication. (1) If the boarding home allows family assistance with medications and the resident and a family member(s) agree a family member will provide medication assistance or medication administration services to the resident, the boarding home must:

(a) Jointly develop a plan for medication assistance or medication administration with the resident and the responsible family member(s);

(b) Include a back-up plan in the event the family does not provide the medication services; and

(c) Clearly delineate and document in the resident's negotiated service agreement, each party's respective responsibilities.

(2) The boarding home must ensure that whenever a resident's family provides medication assistance or medication administration services, the resident's medications remain on the boarding home premises whenever the resident is on the boarding home premises.

FOODNEW SECTION

WAC 388-78A-0270 Food and nutrition services. (1) The boarding home must:

(a) Provide a minimum of three meals a day:

(i) At regular intervals;

(ii) With no more than fourteen hours between the evening meal and breakfast, unless the boarding home provides a nutritious snack between the evening meal and breakfast.

(b) Provide sufficient time and staff support for residents to consume meals;

(c) Ensure all menus:

(i) Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;

(ii) Indicate the date, day of week, month and year;

(iii) Include all food and snacks served that contribute to nutritional requirements;

(iv) Are retained at least six months;

(v) Provide a variety of foods; and

(vi) Are not repeated for at least three weeks, except that breakfast menus in boarding homes that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.

(d) Prepare on site, or provide through a contract with a food service establishment located in the vicinity and that meets the requirements of chapter 246-215 WAC, palatable, attractively served meals and nourishments that meet the current recommended Dietary Allowances established by the Food and Nutrition Board, National Research Council, adjusted for:

(i) Age, sex and activities, unless medically contraindicated; and

(ii) Individual and ethnic preferences to the extent reasonably possible.

(e) Substitute foods, when changes in the current day's menu are necessary, of equal nutrient value and record changes on the original menu;

(f) Make available and known to residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The boarding home is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;

(g) Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and

(h) Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.

(2) The boarding home must plan in writing, prepare on site or provide through a contract with a food service establishment located in the vicinity that meets the requirements of chapter 246-215 WAC, and serve as ordered:

(a) Resident specific, modified or therapeutic diets according to a diet manual, when and as prescribed by a health care practitioner. The boarding home must ensure the diet manual is:

(i) Available to and used by staff persons responsible for food preparation,

(ii) Approved by a dietitian, and

(iii) Reviewed and updated as necessary or at least every five years.

(b) Nutrient concentrates and supplements when prescribed in writing by a health care practitioner.

(3) The boarding home may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:

(a) Modified or therapeutic diets;

(b) Nutritional concentrates or supplements.

(4) The boarding home must manage food, and maintain any on site food service facilities in compliance with chapter 246-215 WAC, Food service sanitation, except the boarding home may:

(a) Serve home-canned jams, jellies and fruit with a pH of less than 4.6; and

(b) In boarding homes licensed for sixteen or fewer beds, use domestic or home-type kitchen appliances, provided that:

(i) If a home-type mechanical dishwasher was installed before September 1, 2004, the boarding home must:

(A) Operate it according to manufacturer directions; and

(B) Ensure the dishwasher is supplied with water heated to 155° F or more.

(ii) If a home-type mechanical dishwasher is installed after September 1, 2004, the boarding home must ensure the dishwasher has:

(A) A high temperature final rinse water at a minimum of 180° F measured by the gauge;

(B) A high temperature final rinse resulting in a minimum of 160° F measured at the surface of the utensil;

(C) A continuous supply of water heated to 155° F throughout its operating cycle; or

(D) An automatically dispensed approved concentration of chemical sanitizer as described in 21 C.F.R. Part 178.

(5) The boarding home must ensure employees working as food service workers obtain a food worker card according to chapter 246-217 WAC.

(6) The boarding home must ensure a resident obtains a food worker card according to chapter 246-217 WAC whenever:

- (a) The resident is routinely or regularly involved in the preparation of food to be served to other residents;
- (b) The resident is paid for helping to prepare food; or
- (c) The resident is preparing food to be served to other residents as part of an employment-training program.

HEALTH CARE SUPPORTS AND NURSING SERVICES

NEW SECTION

WAC 388-78A-0280 Need to provide nursing services. Nursing services are an optional service that a boarding home may provide. However, the boarding home must ensure:

(1) Each resident who requires nursing services in the boarding home either:

(a) Receives the nursing services according to his or her negotiated service agreement from:

- (i) The boarding home;
- (ii) Nursing resources acting on the boarding home's behalf; or

(iii) Resources external to the boarding home that have been arranged by the resident or a person acting on the resident's behalf, and coordinated with the boarding home as specified in WAC 388-78A-330.

(b) Is transferred or discharged to an appropriate setting consistent with RCW 70.129.110 if necessary nursing services are not provided in the boarding home.

(2) Needed nursing services are provided consistent with any disclosure statements made to the public.

NEW SECTION

WAC 388-78A-0290 Tube feeding. (1) The boarding home must provide nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:

- (a) Independently and safely manage:
 - (i) Maintenance of the tube insertion site;
 - (ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(b) Arrange for an outside resource to provide:

- (i) Maintenance of the tube insertion site;
- (ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(2) The boarding home is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage

or arrange for an outside resource to perform the tasks specified in subsection (1)(a) and (b) of this section.

NEW SECTION

WAC 388-78A-0300 Supervision of nursing services.

The boarding home must ensure a registered nurse supervises any nursing services the boarding home provides. In order to supervise the services, the boarding home may:

- (1) Hire a registered nurse on staff;
- (2) Contract directly with an individual registered nurse;

or

(3) Contract with an agency, organization or service to provide registered nurse supervision.

NEW SECTION

WAC 388-78A-0310 Responsibilities of nursing supervisor. The boarding home must ensure the registered nurse supervising any nursing services provided by the boarding home:

(1) Supervises the system of providing nursing services in the boarding home;

(2) Ensures nursing services and nurse delegation are provided consistent with applicable statutes and administrative rules, including, but not limited to:

- (a) Chapter 18.79 RCW, Nursing care;
- (b) Chapter 18.88A RCW, Nursing assistants;
- (c) Chapter 246-840 WAC, Practical and registered nursing;

(d) Chapter 246-841 WAC, Nursing assistants; and

(e) Chapter 246-888 WAC, Medication assistance.

(3) Ensures a registered nurse:

(a) Is responsible for the nursing assessments and reassessments of the nursing needs of current and prospective residents who require licensed nursing services on the boarding home premises;

(b) Develops or amends as necessary the nursing portion of the negotiated service agreements for residents who require licensed nursing services on the boarding home premises;

(c) Supervises the implementation of residents' nursing plans; and

(d) Is available in person, by pager, or by telephone and can respond to residents' needs on the boarding home premises as necessary, consistent with the boarding home's disclosure statement regarding the extent of nursing services the boarding home provides.

NEW SECTION

WAC 388-78A-0320 Resident-arranged services. (1)

The boarding home must allow a resident to arrange to receive on-site care and services from a practitioner, consistent with:

(a) Title 18 RCW regulating health care professions;

(b) Chapter 70.129 RCW, Long-term care resident rights;

(c) The boarding home's policies and procedures; and

(d) The boarding home's disclosure statement.

(2) The boarding home must coordinate resident-arranged health care services consistent with WAC 388-78A-0330.

(3) The boarding home is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person and the person is not directly or indirectly controlled or paid by the boarding home.

NEW SECTION

WAC 388-78A-0330 Coordination of health care services. (1) The boarding home must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

(2) The boarding home must develop, implement, and make known to residents the boarding home's policies regarding how the boarding home interacts with external health care providers, including:

(a) The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter 70.02 RCW; and

(b) How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

(3) The boarding home may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW 70.02.050 are met.

(4) If the conditions in RCW 70.02.050 are not met, the boarding home must request, but may not require, a resident to authorize the boarding home and the external health care provider to share the resident's health care information when:

(a) The boarding home becomes aware that a resident is receiving health care services from a source other than the boarding home; and

(b) The resident has not previously authorized the boarding home to release health care information to an external health care provider.

(5) When a resident authorizes the release of health care information or resident authorization is not required under RCW 70.02.050, the boarding home must contact the external health care provider and coordinate services.

(6) When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the boarding home's efforts to coordinate services, the boarding home must:

(a) Document the boarding home's actions to coordinate services;

(b) Provide notice to the resident of the risks of not allowing the boarding home to coordinate care with the external provider; and

(c) Address known associated risks in the resident's negotiated service agreement.

(7) When coordinating care or services, the boarding home must:

(a) Integrate relevant information from the external provider into the resident's assessment, and when appropriate, negotiated service agreement; and

(b) Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

SERVICE DELIVERY AND MONITORING

NEW SECTION

WAC 388-78A-0340 Implementation of negotiated service agreement. The boarding home must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the boarding home and the resident or the resident's representative at the time the care or services are scheduled.

NEW SECTION

WAC 388-78A-0350 Monitoring residents' well being. The boarding home must:

(1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;

(2) Identify any changes in the resident's physical, emotional, and mental functioning that are a:

(a) Departure from the resident's customary range of functioning; or

(b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.

(3) Evaluate the change identified in the resident per subsection (2) of this section to determine if there is a need for further action, including but not limited to reassessment;

(4) Ensure that changes that may require further action by the boarding home are documented in the resident's record;

(5) Reassess a resident consistent with WAC 388-78A-0110 if reassessment is identified as needed;

(6) Update the negotiated service as needed; and

(7) Take appropriate action in response to each resident's changing needs.

ADULT DAY CARE

NEW SECTION

WAC 388-78A-0360 Adult day care. (1) The boarding home may, but is not required to, provide an adult day care program for nonresidents.

(2) If adult day care is provided, the boarding home must:

(a) Ensure each adult day care client receives appropriate supervision and agreed upon care and services during the time spent in the day care program;

(b) Ensure the care and services provided to adult day care clients do not compromise the care and services provided to boarding home residents;

(c) Ensure the total number of residents plus adult day care clients does not exceed the boarding home's maximum facility capacity;

(d) Only accept adult day care clients who are appropriate for boarding home care and services, consistent with WAC 388-78A-0050;

(e) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents;

(f) Notify appropriate individuals specified in the client's record and consistent with WAC 388-78A-0630 when there is a significant change in the condition of an adult day care client;

(g) Investigate and document incidents and accidents involving adult day care clients consistent with WAC 388-78A-0680;

(h) Maintain a separate register of adult day care clients; and

(i) Maintain a resident record for each adult day care client.

DEMENTIA CARE

NEW SECTION

WAC 388-78A-0370 Dementia care. (1) The boarding home must, to the fullest extent reasonably possible, obtain for each resident meeting the screening criteria according to WAC 388-78A-0510:

(a) Information regarding the resident's significant life experiences, including:

(i) Parents, step-parents, siblings, and step-siblings;

(ii) Current and former spouses, children, and step-children or other significant relationships;

(iii) Education and training;

(iv) Employment and career experiences;

(v) Religious or spiritual preferences;

(vi) Familiar roles or sources of pride and pleasure.

(b) Information regarding the resident's ability or inability to:

(i) Articulate his or her personal needs; and

(ii) Initiate activity.

(c) Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:

(i) Agitation;

(ii) Wandering;

(iii) Resistance to care;

(iv) Social isolation; and

(v) Aggression.

(2) The boarding home, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

NEW SECTION

WAC 388-78A-0380 Restricted egress. A boarding home must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the boarding home is able to do so independently without restriction.

(3) Each resident, assessed as being cognitively able to safely leave the boarding home but has physical challenges that make exiting difficult, is able to leave the boarding home when the resident desires and in a manner consistent with the resident's negotiated service agreement.

(4) Each resident who is assessed as being unsafe to leave the boarding home unescorted is able to leave the boarding home consistent with his or her negotiated service agreement.

(5) Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically interconnected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.

(6) Installation of special egress control devices in all proposed construction issued a project number by Construction Review Services on or after September 1, 2004 must conform to standards adopted by the state building code council.

(7) Installation of special egress control devices in all construction issued a project number by Construction Review Services prior to September 1, 2004 must conform to the following:

(a) The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.

(b) The egress control device must automatically deactivate upon loss of electrical power to any one of the following:

(i) The egress control device itself;

(ii) The smoke detection system; or

(iii) The means of egress illumination.

(c) The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.

(d) An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door-latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.

(e) Actuation of the panic bar or other door-latching hardware must activate an audible signal at the door.

(f) The unlatching must not require more than one operation.

(g) A sign must be provided on the door located above and within twelve inches of the panic bar or other door-latching hardware reading:

"Keep pushing. The door will open in fifteen seconds. Alarm will sound."

The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.

(h) Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.

(8) The boarding home must have a system in place to inform and permit visitors, staff persons and appropriate residents how they can exit without sounding the alarm.

(9) Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:

(a) Is accessible to residents without staff assistance;

(b) Is surrounded by walls or fences at least seventy-two inches high;

(c) Has areas protected from direct sunshine and rain throughout the day;

(d) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers;

(e) Has suitable outdoor furniture; and

(f) Has plants that are not poisonous or toxic to humans.

RESIDENT RECORDS

NEW SECTION

WAC 388-78A-0390 Resident records. The boarding home must maintain adequate records concerning residents to enable the boarding home:

(1) To effectively provide the care and services agreed upon with the resident; and

(2) To respond appropriately in emergency situations.

NEW SECTION

WAC 388-78A-0400 Protection of resident records. The boarding home must:

(1) Maintain a systematic and secure method of identifying and filing resident records for easy access;

(2) Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters 70.02 and 70.129 RCW;

(3) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;

(4) Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;

(5) Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and

(6) Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the boarding home.

NEW SECTION

WAC 388-78A-0410 Content of resident records. The boarding home must maintain in the boarding home relevant

current documentation of the following in the active records for each resident:

(1) Resident identifying information, including resident's:

(a) Name,

(b) Birth date,

(c) Move-in date, and

(d) Sleeping room identification.

(2) Current name, address, and telephone number of:

(a) Resident's primary health care provider;

(b) Resident's representative, if the resident has one;

(c) Individual(s) to contact in case of emergency, illness or death; and

(d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

(a) Required disclosure information prior to moving into the boarding home, and relevant updates; and

(b) Long-term care resident rights per RCW 70.129.030.

(4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-0140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the boarding home for a resident, including:

(a) A record of providing medication assistance and medication administration, which contains:

(i) The medication name, dose, and route of administration;

(ii) The time and date of any medication assistance or administration;

(iii) The signature or initials of the person providing any medication assistance or administration; and

(iv) Documentation of a resident choosing to not take his or her medications.

(b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Dates and descriptions of a resident's:

(a) Accidents,

(b) Incidents,

(c) Injuries, and

(d) Changes in condition as specified in WAC 388-78A-0350.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(12) When available, a copy of any legal documents in which:

(a) The resident has appointed another individual to make his or her health care, financial, or other decisions;

(b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future and/or provides directions to health care providers; and

(c) A court has established guardianship on behalf of the resident.

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

NEW SECTION

WAC 388-78A-0420 Format of resident records. The boarding home must organize and maintain resident records in a format that the boarding home determines to be useful and functional for the boarding home to effectively provide care and services to each resident.

NEW SECTION

WAC 388-78A-0430 Record retention. (1) The boarding home must maintain on the boarding home premises in a resident's active record(s) all relevant information and documentation necessary for meeting a resident's current needs.

(2) The boarding home may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current service and care needs, and maintain it in an inactive record that must remain on the boarding home premises as long as the resident remains in the boarding home.

(3) The boarding home must maintain all documentation filed in a closed resident record, on the boarding home premises for six months after the date the resident leaves the boarding home and on the boarding home premises or another location for five years after the date the resident leaves the boarding home.

(4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.

(5) If a boarding home ceases to operate as a licensed boarding home, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

NEW SECTION

WAC 388-78A-0440 Resident review of records. (1) The boarding home must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW 70.129.030.

(2) The boarding home must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within

two working days of the resident's or resident's representative's request for the records.

(a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.

(b) The boarding home may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

NEW SECTION

WAC 388-78A-0450 Resident register. (1) The boarding home must maintain in the boarding home a single current roster of all boarding home residents, their roommates and identification of the rooms in which such persons reside or sleep.

(2) The boarding home must make this roster immediately available to:

(a) Authorized department staff;

(b) Representatives of the long-term care ombudsman's office; and

(c) Representatives of the Washington State Fire Protection Bureau when conducting fire safety inspections.

(3) The boarding home must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all former boarding home residents within the past five years, including:

(a) Date of moving in;

(b) Full name;

(c) Date of birth;

(d) Date of moving out;

(e) Reason for moving out; and

(f) New address if known.

ADMINISTRATION

STAFF

NEW SECTION

WAC 388-78A-0460 Staff. (1) Each boarding home must provide sufficient, trained staff persons to:

(a) Furnish the services and care needed by each resident consistent with the boarding home's disclosure statements provided according to WAC 388-78A-0690;

(b) Maintain the boarding home free of safety hazards; and

(c) Implement fire and disaster plans.

(2) The boarding home must:

(a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;

(b) Verify staff persons' work references prior to hiring;

(c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

(d) Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;

(e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;

(f) Ensure at least one resident-care staff person, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

(i) When one or more residents are present on the boarding home premises;

(ii) During boarding home activities off of the boarding home premises; and

(iii) When staff persons transport a resident.

(g) Ensure resident-care staff persons provide on site supervision of any resident voluntarily providing services for the boarding home;

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of boarding home;

(ii) Physical boarding home layout;

(iii) Specific duties and responsibilities;

(iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and boarding home policies and procedures;

(v) Policies, procedures, and equipment necessary to perform duties;

(vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the resident-care staff persons will be working; and

(vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW.

(i) Develop and implement a process to ensure resident-care staff persons:

(i) Acquire the necessary information from the assessment and negotiated service agreement relevant to providing services to each resident with whom the resident-care staff person works;

(ii) Are informed of changes in the negotiated service agreement of each resident with whom the resident-care staff person works; and

(iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the resident-care staff person works.

(j) Ensure all resident-care staff persons have access to resident records relevant to effectively providing care and services to the resident.

(3) The boarding home must:

(a) Ensure that staff persons meet the training requirements specified in chapter 388-112 WAC;

(b) Protect all residents by ensuring any staff person suspected or accused of abuse does not have access to any resident until the boarding home investigates and takes action to ensure resident safety;

(c) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the boarding home;

(d) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the boarding home;

(e) Maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(i) Staff orientation and training pertinent to duties, including but not limited to:

(A) Training required by chapter 388-112 WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

(B) Cardiopulmonary resuscitation;

(C) First-aid; and

(D) HIV/AIDS training.

(ii) Criminal history disclosure and background checks as required in WAC 388-78A-0470; and

(iii) Verification of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

(4) The boarding home is not required to keep on the boarding home premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to pay records, and health and insurance benefits for staff.

NEW SECTION

WAC 388-78A-0470 Criminal history background checks. (1) The boarding home must:

(a) Not hire or retain, directly or by contract, any individual having unsupervised access to residents, except as provided in RCW 43.43.842 and subsection (1)(h) of this section, if that individual has been:

(i) Convicted of a crime against persons as defined in RCW 43.43.830;

(ii) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;

(iii) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830;

(iv) The subject in a protective proceeding under chapter 74.34 RCW;

(v) Convicted of criminal mistreatment; or

(vi) Found by the department to have abused, neglected, or exploited a vulnerable person in any matter in which an administrative hearing due process right is offered and the finding is upheld through the hearing process or the individual failed to timely appeal the finding.

(b) Inform each individual identified below who is associated with the boarding home and who will have unsupervised access to residents in the boarding home, of the requirement for a criminal history background check:

(i) Employees,

(ii) Managers,

(iii) Volunteers who are not residents,

(iv) Contractors,

(v) Students, and

(vi) Any other nonresident individuals associated with the boarding home having unsupervised access to residents.

(c) Require the individuals identified in subsection (1)(b) of this section to complete and sign a DSHS background authorization form prior to the individual having unsupervised access to residents;

(d) Submit all criminal history background check authorization forms to the department's:

(i) Aging and disability services administration with the initial application for licensure; and

(ii) Background check central unit every two years for each individual identified in subsection (1)(b) of this section. A background check result is only valid for two years from the date it is conducted, at which point a new criminal history background check must be conducted.

(e) Except as provided in subsection (1)(h) of this section, not hire an individual who may have unsupervised access to residents prior to receiving favorable results of the background check;

(f) Verbally inform the named individual of his/her individual background check results and offer to provide him or her a copy of the background check results within ten days of receipt;

(g) Ensure that all disclosure statements and background check results are:

(i) Maintained on site in a confidential and secure manner;

(ii) Used for employment purposes only;

(iii) Not disclosed to any individual except:

(A) The individual named on the background check result;

(B) Authorized state and federal employees;

(C) The Washington State Patrol auditor; and

(D) As otherwise authorized in chapter 43.43 RCW.

(iv) Retained and available for department review:

(A) During the individual's employment or association with a facility, and

(B) At least two years following termination of employment or association with a facility.

(h) The boarding home may conditionally employ, contract with, accept as a volunteer or associate, an individual having unsupervised access to residents pending a background inquiry, provided the boarding home:

(i) Obtains a criminal history background check authorization form from the individual prior to the individual beginning to work or perform volunteer activities; and

(ii) Submits the criminal history background check authorization form to the department no later than one business day after the individual started working or volunteer activity.

(2) The department may require the boarding home or any other individual associated with the boarding home who has unsupervised access to residents to complete additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 388-78A-0480 TB tests. (1) The boarding home must ensure each staff person is screened for tuberculosis, as follows:

(a) A staff person must have a baseline two-step skin test initiated within three days of being hired unless the staff person meets the requirements in (b) or (c) of this subsection. The skin test must be:

(i) Given no more than one to three weeks apart;

(ii) By intradermal (Mantoux) administration of purified protein derivative (PPD);

(iii) Read in forty-eight to seventy-two hours of administration, by trained personnel; and

(iv) Recorded in millimeters of induration.

(b) A staff person needs to have only a one-step skin test within three days of being hired if:

(i) There is documented history of a negative result from previous two-step testing, or

(ii) There was a documented negative result from one-step skin testing in the previous twelve months.

(c) A staff person does not need to be skin tested for tuberculosis if he/she has:

(i) Documented history of a previous positive skin test consisting of ten or more millimeters of induration; or

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(d) A staff person must have one-step skin test annually unless he/she has a documented history of a previous positive skin test;

(e) If a skin test results in a positive reaction, the boarding home must:

(i) Ensure that the staff person has a chest X-ray within seven days;

(ii) Report positive chest x-rays to the appropriate public health authority; and

(iii) Follow precautions ordered by a physician or public health authority.

(2) The boarding home must:

(a) Retain in the boarding home for the duration of the staff person's employment, and at least two years following termination of employment, records of:

(i) Tuberculin test results,

(ii) Reports of x-ray findings, and

(iii) Physician or public health official orders.

(b) Provide staff persons with a copy of the records specified in (a) of this subsection:

(i) During the time the staff person is employed in the boarding home, limited to one copy per report; and

(ii) When requested by the staff person.

(3) The boarding home must ensure that resident-care staff persons caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection.

SPECIALIZED TRAINING

NEW SECTION

WAC 388-78A-0490 Specialized training for developmental disabilities. The boarding home must provide resident-care staff persons with specialized training, consistent with chapter 388-112 WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the boarding home is:

(1) A person who meets the eligibility criteria for services defined in chapter 388-825 WAC; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism), and:

(a) The condition was manifested before the person reached eighteen;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

- (i) Self-care,
- (ii) Understanding and use of language,
- (iii) Learning,
- (iv) Mobility,
- (v) Self-direction, and
- (vi) Capacity for independent living.

NEW SECTION

WAC 388-78A-0500 Specialized training for mental illness. The boarding home must provide resident-care staff persons with specialized training, consistent with chapter 388-112 WAC, to serve residents with mental illness, whenever at least one of the residents in the boarding home is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision*, and:

(1) Who has received the diagnosis or treatment within the previous two years; and

(2) Whose diagnosis was made by, or treatment provided by, one of the following:

- (a) A licensed physician,
 - (b) A mental health professional,
 - (c) A psychiatric advanced registered nurse practitioner,
- or
- (d) A licensed psychologist.

NEW SECTION

WAC 388-78A-0510 Specialized training for dementia. (1) The boarding home must provide resident-care staff persons with specialized training, consistent with chapter 388-112 WAC, to serve residents with dementia, whenever at

least one of the residents in the boarding home meets the screening criteria for dementia as outlined on DSHS 13-692.

(2) While screening a resident for dementia, the boarding home must base any determination that the resident has short-term memory loss upon objective evidence, and document the evidence in the resident's record.

ADMINISTRATOR

NEW SECTION

WAC 388-78A-0520 Administrator qualifications.

(1) The licensee must appoint an administrator who is at least twenty-one years old and who is not a resident, and is qualified to perform the administrator's duties specified in WAC 388-78A-0560.

(2) The licensee must only appoint as a boarding home administrator an individual who meets at least one of the following qualifications listed in (a) through (f) below:

(a) The individual was actively employed as a boarding home administrator and met existing qualifications on September 1, 2004;

(b) The individual holds a current state nursing home administrator license in good standing;

(c) Prior to assuming duties as a boarding home administrator, the individual has met the qualifications listed in both (i) and (ii) below:

(i) Obtained certification of completing administrator training, or certification of passing an administrator examination, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging, or

(B) The American Health Care Association, or

(C) The Assisted Living Federation of America, or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Three years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(d) The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (i) or (ii) or (iii) below:

(i) Obtains certification of completing administrator training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging, or

(B) The American Health Care Association, or

(C) The Assisted Living Federation of America, or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has two years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-0530.

(e) The individual holds a bachelors degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (i) or (ii) or (iii) below:

(i) Obtains certification of completing administrator training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging, or

(B) The American Health Care Association, or

(C) The Assisted Living Federation of America, or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has one year paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-0530.

(f) Prior to assuming duties as an administrator, the individual has five years of paid experience:

(i) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social

service agency for the provision of care to vulnerable adults, such as supported living; and/or

(ii) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

NEW SECTION

WAC 388-78A-0530 Qualifying administrator training program. Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as a boarding home administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

(1) The department was notified of the beginning date of the administrator training program;

(2) The administrator training program was at least six months in duration following notification of the department;

(3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;

(4) The supervising administrator met the qualifications to be an administrator specified in WAC 388-78A-0520;

(5) The trainee was a full-time employee of a boarding home and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to boarding home administrators or included in the job description of the administrator for the boarding home in which the training occurred;

(6) The supervising administrator was present on site at the boarding home during the time the trainee performed administrator duties;

(7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;

(8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the supervising administrator's performance of required oversight duties; and

(9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

NEW SECTION

WAC 388-78A-0540 Administrator training requirements. The licensee must ensure the boarding home administrator:

(1) Meets the training requirements of chapter 388-112 WAC; and

(2) Completes department training of Washington state statutes and administrative rules related to the operation of a boarding home.

(a) The training must include, but is not limited to, an overview of:

(i) Chapter 18.20 RCW, Boarding homes;

(ii) Chapter 43.43 RCW, Criminal history background checks;

(iii) Chapter 74.34 RCW, Abuse of vulnerable adults;

(iv) Chapter 70.129 RCW, Long-term care resident rights;

(v) Chapter 388-78A WAC; and

(vi) Chapter 388-112 WAC, Long-term care services training.

(b) The introduction to the training must be completed within two weeks of assuming duties as a boarding home administrator.

NEW SECTION

WAC 388-78A-0550 Administrator training documentation. The boarding home must maintain for department review, documentation of the administrator completing:

(1) Training required per chapter 388-112 WAC, Long-term care services training;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of a boarding home;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

NEW SECTION

WAC 388-78A-0560 Administrator responsibilities. The licensee must ensure the administrator:

(1) Adequately directs and supervises the overall twenty-four-hour-per-day operation of the boarding home;

(2) Ensures residents receive adequate care and services that meet the standards of this chapter;

(3) Is readily accessible to meet with residents;

(4) Complies with the boarding home's policies;

(5) When the administrator is not available on the premises, either:

(a) Is available by telephone or electronic pager, or

(b) Designates a person approved by the licensee to act in place of the administrator. The designee must be:

(i) Qualified by experience to assume designated duties, and

(ii) Authorized to make decisions and direct operations of the boarding home that are necessary during the administrator's absence.

NEW SECTION

WAC 388-78A-0570 Notification of change in administrator. The licensee must notify the department in writing within ten calendar days of the effective date of a change in the boarding home administrator. The notice must include the full name of the new administrator and the effective date of the change.

NEW SECTION

WAC 388-78A-0580 Use of home health/home care. If a boarding home licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the boarding home premises under the home health or home care license if:

(1) The licensee assumes general responsibility for the safety and well-being of the individual;

(2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;

(3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or

(4) The licensee provides other care or services to the individual, that falls under the jurisdiction of boarding home licensing and this chapter.

MANAGEMENT AGREEMENTS

NEW SECTION

WAC 388-78A-0590 Management agreements. (1) If the licensee uses a manager, the licensee must have a written management agreement approved by the department that is consistent with this section.

(2) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and the manager.

(3) The licensee must ensure the manager acts in conformance with a department-approved management agreement with the boarding home licensee.

(4) A licensee must not delegate the following to a manager:

(a) The licensee's responsibility to ensure that the boarding home is operated in a manner consistent with all laws and rules applicable to boarding homes;

(b) The licensee's responsibility to review, acknowledge and sign all boarding home initial and renewal license applications.

(5) The licensee must ensure that its manager does not represent itself as, or give the appearance that it is the licensee.

(6) A duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

(7) The licensee must notify the department of its use of a manager and provide a copy of any written management agreement to the department upon the following:

(a) Initial application for a license;

(b) Retention of a manager following initial application;

(c) Change of managers; or

(d) Modification of existing management agreement.

POLICIES AND PROCEDURES

NEW SECTION

WAC 388-78A-0600 Policies and procedures. (1) The boarding home must develop and implement policies and procedures necessary to:

(a) Maintain or enhance the quality of life for residents;
 (b) Provide the necessary care and services for residents, including those with special needs; and
 (c) Safely operate the boarding home.

(2) The boarding home must develop, implement and train staff persons on policies and procedures to address what staff persons must do:

(a) When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision-maker is available;

(b) When a substitute decision-maker is no longer appropriate because:

(i) The resident's condition has changed; or

(ii) The substitute decision-maker is not acting according to chapters 7.70, 11.88, 11.92, 11.94, or 70.122 RCW, or other applicable statutes or rules.

(c) When a resident stops breathing or a resident's heart appears to stop beating, including the action staff persons must take:

(i) Related to cardio-pulmonary resuscitation (CPR);

(ii) Related to calling 911;

(iii) When a resident has documents related to Emergency Medical Services (EMS) No CPR Guidelines consistent with chapter 43.70 RCW and chapter 246-976 WAC;

(iv) To provide EMS personnel with a copy of the resident's advance directive when the resident has executed an advance directive;

(v) When a resident has a do-not-resuscitate (DNR) order/ directive from a health professional;

(vi) When a resident has a full code directive;

(vii) When a resident has not made known his or her decision or preferences about CPR;

(viii) When a resident is incompetent and not able to make a decision about CPR; and

(ix) When a resident is in a hospice program.

(d) When a resident does not have a personal physician or health care provider;

(e) In response to medical emergencies;

(f) When there are urgent situations in the boarding home requiring additional staff support;

(g) In the event of an internal or external disaster, consistent with WAC 388-78A-0680;

(h) To supervise and monitor residents, including accounting for residents who leave the premises;

(i) To appropriately respond to aggressive or assaultive residents, including but not limited to:

(i) Actions to take if a resident becomes violent,

(ii) Actions to take to protect other residents, and

(iii) When and how to seek outside intervention.

(j) To prevent and limit the spread of infections consistent with WAC 388-78A-0610;

(k) To manage residents' medications, consistent with WAC 388-78A-0180 through 388-78A-0260, including:

(i) How medications will be ordered and brought into the boarding home;

(ii) Actions to take if a resident's medications are not available;

(iii) Recording and documenting prescriber's orders;

(iv) Providing and documenting medication assistance;

(v) Providing and documenting medication administration, if this service is provided in the boarding home;

(vi) Sending medications with a resident when the resident leaves the premises;

(vii) Safe and secure storage of medications;

(viii) Inventory of schedule II and III drugs;

(ix) Disposing of discontinued and/or outdated medications;

(x) Use of medication organizers; and

(xi) Actions to take when a resident chooses not to take prescribed medications.

(l) When services related to medications and treatments are provided under the delegation of registered nurse consistent with chapter 246-840 WAC;

(m) Related to food services consistent with chapter 246-215 WAC, including:

(i) Food service sanitation,

(ii) Procuring and storing food,

(iii) Food preparation, and

(iv) Modified diets and nutritional supplements.

(n) Regarding the safe operation of any boarding home vehicles used to transport residents, and the qualifications of the drivers.

(3) The boarding home must make the policies and procedures specified in subsection (2) of this section available to staff persons at all times and residents and residents' representatives upon request.

NEW SECTION

WAC 388-78A-0605 Pets. If a boarding home allows pets to live on the premises, the boarding home must:

(1) Develop, implement and disclose to potential and current residents, policies regarding:

(a) The types of pets that are permitted in the boarding home, and

(b) The conditions under which pets may be in the boarding home.

(2) Ensure animals living on the boarding home premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Are certified by a veterinarian to be free of diseases transmittable to humans;

(c) Are restricted from central food preparation areas.

INFECTION CONTROL

NEW SECTION

WAC 388-78A-0610 Infection control. (1) The boarding home must institute appropriate infection control practices in the boarding home to prevent and limit the spread of infections.

(2) The boarding home must:

(a) Develop and implement a system to identify and manage infections;

(b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the boarding home setting or by casual contact;

(c) Provide staff persons with the necessary supplies, equipment and protective clothing for preventing and controlling the spread of infections;

(d) Provide all resident care and services according to current acceptable standards for infection control;

(e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control;

(f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

REPORTING REQUIREMENTS

NEW SECTION

WAC 388-78A-0620 Reporting abuse and neglect. (1) The boarding home must ensure that each staff person:

(a) Makes a report to the department consistent with chapter 74.34 RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and

(b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter 74.34 RCW of all incidents of suspected sexual abuse or physical abuse of a resident.

(2) The boarding home must prominently post so it is readily visible to staff, residents and visitors, the department's toll-free telephone number for reporting resident abuse and neglect.

NEW SECTION

WAC 388-78A-0630 Reporting significant change in a resident's condition. (1) The boarding home must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:

(a) There is a significant change in the resident's condition;

(b) The resident is relocated to a hospital or other health care facility; or

(c) The resident dies.

(2) The boarding home must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:

(a) The resident is relocated to a hospital or other health care facility; or

(b) The resident dies.

(3) Whenever the conditions in subsections (1) or (2) of this section occur, the boarding home must document in the resident's records:

(a) The date and time each individual was contacted; and

(b) The individual's relationship to the resident.

(4) In case of a resident's death, the boarding home must notify the coroner if required by RCW 68.50.010.

NEW SECTION

WAC 388-78A-0635 Reporting fires and incidents. The boarding home must immediately report to the department's aging and disability services administration:

(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the boarding home;

(2) Any unusual incident that could or did require implementation of the boarding home's disaster plan, including any evacuation of all or part of the residents to another area of the boarding home or to another address; and

(3) Circumstances which threaten the boarding home's ability to ensure continuation of services to residents.

RESIDENT RIGHTS

NEW SECTION

WAC 388-78A-0640 Resident rights. The boarding home must:

(1) Comply with chapter 70.129 RCW, Long-term care residents rights;

(2) Ensure all staff persons are knowledgeable of the requirements of chapter 70.129 RCW and provide care and services to each resident consistent with chapter 70.129 RCW;

(3) Not use restraints on any resident;

(4) Promote and protect the residents' exercise of all rights granted under chapter 70.129;

(5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision-making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW; and

(6) Reasonably accommodate residents consistent with applicable state and/or federal law.

NEW SECTION

WAC 388-78A-0650 Services by resident for boarding home. If a resident performs services for the boarding home, the boarding home must ensure:

(1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;

(2) Resident-care staff persons provide on-site supervision of the resident's performance of any services;

(3) The resident performing services does not supervise, or is not placed in charge of, other residents; and

(4) If the resident regularly performs voluntary services for the benefit of the boarding home, the volunteer activity is addressed in the resident's negotiated service agreement.

NEW SECTION

WAC 388-78A-0660 Boarding home use of audio and video monitoring. (1) Except as provided for in WAC 388-78A-0670, the boarding home must not use:

(a) Any audio monitoring on the boarding home premises; or

(b) Any audio monitoring used in combination with video monitoring.

(2) The boarding home may video monitor and/or video record activity on the boarding home premises, without an audio component, only in the following areas:

(a) Boarding home entrances and exits if the camera(s) is:

- (i) Focused only on the entrance/exit doorways, and
- (ii) Not focused on areas where residents may congregate.

(b) Areas used exclusively by staff persons such as, but not limited to, medication storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas excluding resident rooms, subject to the following conditions:

(i) When the area is being used by residents assessed as needing supervision for smoking, a staff person must watch the video monitor at any time the area is being used by such residents for smoking;

(ii) The video camera must be placed in a clearly visible area;

(iii) The video monitor must be placed where it cannot be viewed by the general public; and

(iv) All residents in the facility must be notified of the use of the video monitoring.

NEW SECTION

WAC 388-78A-0670 Resident use of electronic monitoring. (1) The boarding home must limit the use of resident-initiated video or audio monitoring to the sleeping room or apartment of the resident who requested the monitoring.

(2) If a resident requests video or audio monitoring in his/her sleeping room or apartment, before any monitoring occurs the boarding home must ensure:

(a) Appropriate actions are taken to ensure monitoring is consistent with and does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to his or her safety or health, or the safety of his or her possessions, and has requested electronic monitoring;

(c) The resident's roommate has provided written consent to the monitoring, if the resident has a roommate; and

(d) The resident and the boarding home have agreed upon a specific duration for the use of the monitoring, and the boarding home has documented the agreement.

(3) The boarding home must re-evaluate the need for resident-initiated electronic monitoring with the resident at least quarterly or more often as appropriate.

(4) The boarding home must discontinue the use of resident-initiated electronic monitoring immediately if:

- (a) The resident no longer desires it,
- (b) The roommate objects to the use, or
- (c) The resident becomes unable to give consent.

SAFETY AND DISASTER PREPAREDNESS

NEW SECTION

WAC 388-78A-0680 Safety measures and disaster preparedness. (1) The boarding home must take necessary action to promote the safety of each resident whenever the resident is on the boarding home premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.

(2) The boarding home must:

(a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

(c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The boarding home must:

(i) Determine the circumstances of the event;

(ii) Institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and

(iii) Protect other residents during the course of the investigation.

(d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;

(e) Provide, and advise staff persons of, a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

(f) Provide emergency lighting or flashlights in all areas of the boarding home. For all boarding homes first issued a project number by Construction Review Services on or after September 1, 2004 the boarding home must provide emergency lighting in all areas of the boarding home;

(g) Make sure first-aid supplies are:

(i) Readily available and not locked;

(ii) Clearly marked;

(iii) Able to be moved to the location where needed; and

(iv) Stored in containers that protect them from damage, deterioration, or contamination.

(h) Make sure first-aid supplies are appropriate for:

(i) The size of the boarding home,

(ii) The services provided,

(iii) The residents served, and

(iv) The response time of emergency medical services.

(i) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including but not limited to:

(i) On-duty staff persons' responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment including water, food, and medications; and

(vi) Emergency communication plan.

DISCLOSURE

NEW SECTION

WAC 388-78A-0690 Disclosure of services. (1) The boarding home must disclose to the public the information required on the department's approved disclosure forms available from the department.

(2) The boarding home must provide services in the boarding home consistent with the information the boarding home disclosed to the public on the department's approved disclosure forms.

(3) The boarding home must notify potential residents of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the boarding home.

NEW SECTION

WAC 388-78A-0700 Timing of disclosure. (1) The boarding home must disclose the information regarding the operation of the boarding home:

(a) In response to a request by a prospective resident or his or her representative for written information about the boarding home's services and capabilities; or

(b) If no such request for written information was previously made by the resident or his or her representative, at the time the boarding home provides an application for residency at the boarding home and with any admission agreements or contracts, if not previously received by the prospective resident.

(2) The boarding home is not required to provide the detailed disclosure of services contained on the department's approved disclosure forms:

(a) In advertisements;

(b) In general marketing information to the public; or

(c) To persons seeking general information regarding residential care resources in the community.

LICENSING

NEW SECTION

WAC 388-78A-0710 Licensee qualifications. The department must consider separately and jointly as applicants each person named in the application for a boarding home license.

(1) If the department finds any person unqualified as specified in WAC 388-78A-1190, the department must deny, terminate, or not renew the license.

(2) If the department finds any person unqualified as specified in WAC 388-78A-1160, the department may deny, terminate, or not renew the license.

NEW SECTION

WAC 388-78A-0720 Necessary information. In making a determination whether to issue a boarding home license, the department may review the following information for each person named in the application:

(1) Information in the application; and

(2) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

NEW SECTION

WAC 388-78A-0730 Application process. To apply for a boarding home license, a person must:

(1) Submit to the department a complete license application on forms designated by the department at least ninety days prior to the proposed effective date of the license;

(2) Submit all relevant attachments specified in the application;

(3) Submit criminal history background requests as required in WAC 388-78A-0470;

(4) Sign the application;

(5) Submit the license fee as specified in WAC 388-78A-1240;

(6) Submit verification that construction plans have been approved by construction review services;

(7) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted;

(8) Submit a revised application containing current information about the proposed licensee or any other persons or entities named in the application, if a license application is pending for more than one year; and

(9) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained in the application.

NEW SECTION

WAC 388-78A-0740 Requirements to change boarding home licensee. In order to change the licensee of a boarding home, the licensee must:

(1) Ensure the person who wants to become the new licensee:

(a) Submits a completed license application on forms designated by the department, at least ninety days prior to the proposed effective date of a change in the licensee;

(b) Signs the application;

(c) Submits the annual license fee, if a licensing fee is due;

(d) Submits evidence of control of the real estate on which the boarding home is located, such as a purchase and sales agreement, lease contract, or other appropriate document;

(e) Submits a revised application if any information included on the original application is no longer accurate; and

(f) Completes and submits a revised application if requested by the department.

(2) Notify the department and all residents of the proposed change in licensee at least sixty days prior to the proposed date of transfer, including the following information;

(a) Name of the present licensee and prospective licensee;

(b) Name and address of the boarding home being transferred;

(c) Date of proposed transfer; and

(d) If the boarding home contracts with the department or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect the change of licensee will have on residents whose care and services are supported through these contracts.

(3) Send a letter to the department stating the licensee's intent to relinquish the boarding home license on the effective date of change in licensee.

NEW SECTION

WAC 388-78A-0750 Annual renewal. To renew a boarding home license, the boarding home must:

(1) Submit a completed license renewal application on forms designated by the department, at least thirty days prior to the license expiration date;

(2) Sign the application;

(3) Submit the annual renewal license fee as specified in WAC 388-78A-1240; and

(4) If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained on the renewal application.

NEW SECTION

WAC 388-78A-0760 Licensee's responsibilities. (1) The boarding home licensee is responsible for:

(a) The operation of the boarding home;

(b) Complying with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and

(c) The care and services provided to the boarding home residents.

(2) The licensee must:

(a) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;

(b) Maintain and post in a size and format that is easily read, in a conspicuous place on the boarding home premises:

(i) A current boarding home license, including any related conditions on the license;

(ii) The name, address and telephone number of:

(A) The department,

(B) Appropriate resident advocacy groups, and

(C) State and local long-term care ombudsman with a brief description of ombudsman services.

(iii) A copy of the report and plan of correction of the most recent full inspection conducted by the department.

(c) Ensure any party responsible for holding or managing residents' personal funds is bonded, or obtains insurance in sufficient amounts, to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.

(3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the boarding home.

(4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.

(5) The licensee must appoint the boarding home administrator consistent with WAC 388-78A-0520.

NEW SECTION

WAC 388-78A-0770 Change in licensee. (1) The licensee of a boarding home must change whenever the following events occur, including, but not limited to:

(a) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the boarding home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the boarding home is also transferred;

(c) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;

(d) If, during any continuous twenty-four-month period, fifty percent or more of the "licensed entity" is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders), or

(ii) A person that had less than a five percent ownership interest in the boarding home at the time of the first transaction.

(e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the boarding home. "Control" as used in this section means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the licensee or boarding home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) The licensee is not required to change when the following, without more, occur:

(a) The licensee contracts with a party to manage the boarding home enterprise for the licensee pursuant to an agreement as specified in WAC 388-78A-0590; or

(b) The real property or personal property assets of the boarding home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee or boarding home.

NEW SECTION

WAC 388-78A-0780 Changes in licensed bed capacity. To change the licensed bed capacity in a boarding home, the boarding home must:

(1) Submit a completed request for approval to the department at least thirty days before the intended change;

(2) Submit the prorated fee required according to WAC 388-78A-1240; and

(3) Obtain an amended license indicating the new bed capacity.

PERMANENT

NEW SECTION

WAC 388-78A-0790 Criteria for increasing licensed bed capacity. Before the licensed bed capacity in a boarding home may be increased, the boarding home must:

- (1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if not previously reviewed and approved; and
- (2) Ensure the increased licensed bed capacity does not exceed the maximum facility capacity as determined by the department.

NEW SECTION

WAC 388-78A-0800 Building requirements and exemptions. (1) To get a building approved for licensing, a person must:

- (a) Design plans according to the building code, local codes and ordinances, and this chapter;
 - (b) Submit construction documents, including any change orders and addenda to:
 - (i) Construction review services per WAC 388-78A-0830, and
 - (ii) Local county or municipal building departments per local codes to obtain necessary building permits.
 - (c) Conform to the approved construction documents during construction in accordance with chapter 18.20 RCW;
 - (d) Obtain written approval from construction review services prior to deviating from approved construction documents;
 - (e) Provide construction review services with a:
 - (i) Written notice of completion date,
 - (ii) Copy of reduced floor plan(s), and
 - (iii) Copy of certificate of occupancy issued by the local building department.
 - (f) Obtain authorization from department prior to providing domiciliary care in the new construction area.
- (2) The department may exempt the boarding home from meeting a specific requirement related to the physical environment if the department determines the exemption will not:
- (a) Jeopardize the health or safety of residents;
 - (b) Adversely affect the residents' quality of life; or
 - (c) Change the fundamental nature of the boarding home operation into something other than a boarding home.
- (3) A boarding home wishing to request an exemption must submit a written request to the department, including:
- (a) A description of the requested exemption; and
 - (b) The specific WAC requirement for which the exemption is sought.
- (4) The boarding home may not appeal the department's denial or a request for an exemption.
- (5) The boarding home must retain a copy of each approved exemption in the boarding home.

NEW SECTION

WAC 388-78A-0810 Conversion of licensed nursing homes. (1) If a person intends to convert a licensed nursing home building into a licensed boarding home, the building must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee

has a contract with the department to provide enhanced adult residential care services in the boarding home per RCW 18.20.220.

(2) If the licensee provides contracted Enhanced Adult Residential Care services in the building converted from a licensed nursing home into a licensed boarding home, the boarding home licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

- (a) As required by RCW 18.51.140; and
- (b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed boarding home standards, or their functional equivalency, for:
 - (i) Resident to bathing fixture ratio required per WAC 388-78A-1010,
 - (ii) Resident to toilet ratio required per WAC 388-78A-1010,
 - (iii) Corridor call system required per WAC 388-78A-0910,
 - (iv) Resident room door closures, and
 - (v) Resident room windows required per WAC 388-78A-0990.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the boarding home converted from a licensed nursing home, the licensee must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW.

NEW SECTION

WAC 388-78A-0820 Licenses for multiple buildings.

(1) The licensee may have multiple buildings operating under a single boarding home license if:

- (a) All of the buildings are located on the same property with the same legal description; or
- (b) All of the buildings are located on contiguous properties undivided by:
 - (i) Public streets, not including alleyways used primarily for delivery services or parking, or
 - (ii) Other land that is not owned and maintained by the owners of the property on which the boarding home is located.

(2) The licensee must have separate boarding home licenses for buildings that are not located on the same or contiguous properties.

(3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing boarding home must not have separate boarding home licenses.

NEW SECTION

WAC 388-78A-0830 Required reviews of building plans. (1) A person or boarding home must notify construction review services of all planned construction regarding boarding homes prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as a boarding home;

(b) An addition of, or modification or alteration to an existing boarding home, including but not limited to, the boarding home's:

- (i) Physical structure;
- (ii) Electrical fixtures or systems;
- (iii) Mechanical equipment or systems;
- (iv) Fire alarm fixtures or systems;
- (v) Fire sprinkler fixtures or systems; and
- (vi) Kitchen or laundry equipment.

(c) A change in the department approved use of an existing boarding home or portion of a boarding home; and

(d) An existing building or portion thereof to be converted for use as a boarding home.

(2) A person or boarding home does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting, wall papering, and carpeting; or

(e) Cosmetic changes that do not affect resident activities, services, or care and are performed in accordance with the current edition of the building code dealing with interior finishes.

(3) The boarding home must include in its notification to construction review services, the likely adverse impacts of the construction process on current boarding home residents.

(4) The boarding home must submit plans to construction review services as directed by construction review services prior to beginning any construction. The plans must provide an analysis of likely adverse impacts on current boarding home residents and plans to eliminate or mitigate such adverse impacts.

NEW SECTION

WAC 388-78A-0840 Relocation of residents during construction. (1) Prior to moving residents out of the boarding home during construction, the boarding home must:

(a) Notify the department at least thirty days prior to the anticipated move date, of the boarding home's plans for relocating residents, including:

(i) How the residents will be informed of the required move and their options consistent with chapter 70.129 RCW;

(ii) The location to which the residents will be relocated;

(iii) The boarding home's plans for providing care and services during the relocation;

(iv) The boarding home's plans for returning residents to the building; and

(v) The projected time frame for completing the construction.

(b) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the boarding home moves out all of the residents from the boarding home without first obtaining the department's approval of the relocation plans, the boarding home is closed for business and the department may revoke the licensee's boarding home license.

NEW SECTION

WAC 388-78A-0850 Vacant buildings. Whenever a boarding home moves out all residents and ceases operation for reasons other than construction, as specified in WAC 388-78A-0840, the licensee must relinquish the boarding home license or the department may revoke the boarding home license.

NEW SECTION

WAC 388-78A-0860 Changing use of rooms. Prior to using a room for a purpose other than what was approved by construction review services, the boarding home must:

(1) Notify construction review services:

(a) In writing,

(b) Thirty days or more before the intended change in use,

(c) Describe the current and proposed use of the room, and

(d) Provide all additional documentation as requested by construction review services.

(2) Obtain the written approval of construction review services for the new use of the room.

NEW SECTION

WAC 388-78A-0870 Time frame for approval. (1) A person or the licensee must:

(a) Obtain approval by construction review services, of final construction documents prior to starting any construction, except for fire alarm plans, fire sprinkler plans, and landscaping plans.

(b) Obtain approval by construction review services, of landscaping, fire alarm and fire sprinkler plans prior to their installation.

(2) The department will not issue a boarding home license unless construction review services:

(a) Notifies the department that construction has been completed;

(b) Provides the department:

(i) A copy of the certificate of occupancy granted by the local building official;

(ii) A copy of the Functional Program; and

(iii) A reduced copy of the approved floor plan indicating room numbers or names and the approved use.

BUILDING

NEW SECTION

WAC 388-78A-0880 Retention of approved construction documents. The boarding home must retain on the boarding home premises:

- (1) Specification data on materials used in construction, for the life of the product;
- (2) Stamped "approved" set of construction documents.

NEW SECTION

WAC 388-78A-0890 Applicable building codes. (1) Newly licensed boarding homes and construction in existing boarding homes must meet all the current building codes and this chapter.

(2) Existing licensed boarding homes must continue to meet the building codes in force at the time of their initial licensing.

NEW SECTION

WAC 388-78A-0900 Area for nursing supplies and equipment. (1) If the boarding home provides nursing services, the boarding home must provide on the boarding home premises for the safe and sanitary:

- (a) Storage and handling of clean and sterile nursing equipment and supplies; and
 - (b) Cleaning and disinfecting of soiled nursing equipment.
- (2) For all boarding homes first issued a project number by Construction Review Services on or after September 1, 2004 in which nursing services are provided, or upon initiating nursing services within an existing boarding home, the boarding home must provide the following two separate rooms in each boarding home building, accessible only by staff persons:

(a) A "clean" utility room for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

- (i) A work counter or table;
- (ii) Hand washing sink, with soap and paper towels or other approved hand-drying device; and
- (iii) Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC 388-78A-0230.

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

- (i) A work counter or table;
- (ii) A two-compartment sink for hand washing and equipment cleaning and sanitizing;
- (iii) A clinical service sink or equivalent for rinsing and disposing of waste material;
- (iv) Soap and paper towels or other approved hand-drying device; and
- (v) Locked storage for cleaning supplies, if stored in the area.

NEW SECTION

WAC 388-78A-0910 Communication system. (1) The licensee must ensure the boarding home:

- (a) Provides residents and staff with the means to summon on-duty staff assistance from:
 - (i) Resident units;
 - (ii) Common areas accessible to residents;

- (iii) Corridors accessible to residents; and
- (iv) All bathrooms and all toilet rooms in boarding homes issued a project number by Construction Review Services on or after September 1, 2004.

(b) Provides residents, families, and other visitors with the means to contact staff inside the building from outside the building after hours.

(2) The boarding home must provide one or more non-pay telephones:

- (a) In each building located for ready access by staff; and
- (b) On the premises for reasonable access and privacy by residents.

(3) In boarding homes issued a project number by Construction Review Services on or after September 1, 2004, the boarding home must equip each resident room with:

(a) An intercom system with a mechanism that allows a resident to control:

- (i) Whether or not announcements are broadcast into the resident's room, and
- (ii) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.

(b) Two telephone lines that are compatible with:

- (i) Telecommunication devices for the deaf equipment, and

(ii) Telephones that have:

- (A) Visual signals for ringing, and
- (B) Voice amplification.

(c) Television cable access where available in the community.

NEW SECTION

WAC 388-78A-0920 Two-way intercom systems. The boarding home may use a two-way intercom system between staff persons and residents in other rooms only when:

- (1) A resident initiates the contact; or
- (2) Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:
 - (a) The resident and any others in the room agree to continue the contact,
 - (b) A visible signal is activated in the resident's room at all times the intercom is in operation, and
 - (c) The boarding home deactivates the intercom when the conversation is complete.

NEW SECTION

WAC 388-78A-0930 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified in *Cross-Connection Control Manual, 6th Edition*, published by the Pacific Northwest Section of the American Water Works Association;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

- (4) Provide all sinks and bathing fixtures used by residents with hot water between 105 and 120° F at all times;
- (5) Label or color code nonpotable water supplies "unsafe for domestic use"; and
- (6) Meet laundry and dishwashing water temperature requirements consistent with WAC 388-78A-1020 and 388-78A-0270.

NEW SECTION

WAC 388-78A-0940 Sewage and liquid waste disposal. The boarding home must:

- (1) Ensure all sewage and waste water drain into a municipal sewage disposal system in accordance with chapter 246-271 WAC, if available; or
- (2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapter 246-272 and 173-240 WAC, and local ordinances; and
- (3) Provide a grease interceptor when the boarding home has an on-site commercial kitchen or septic system in accordance with chapter 246-272 WAC.

NEW SECTION

WAC 388-78A-0950 Garbage and refuse disposal. The boarding home must:

- (1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:
 - (a) Located in a storage area convenient for resident and staff use;
 - (b) Constructed of nonabsorbent material;
 - (c) Cleaned and maintained to prevent:
 - (i) Entrance of insects, rodents, birds, or other pests;
 - (ii) Odors; and
 - (iii) Other nuisances.
- (2) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and
- (3) Provide for safe and sanitary collection and disposal of:
 - (a) Garbage and refuse,
 - (b) Infectious waste, and
 - (c) Waste grease from the kitchen.

NEW SECTION

WAC 388-78A-0960 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must maintain lighting in common areas that meets Illuminating Engineering Society (IES) recommendations as follows:

AVERAGE MAINTAINED FOOTCANDLES

Area	Ambient Light	Task Light
Toilet, bathing and laundry facilities	30	50
Dining/day rooms	50	N/A
Corridors, hallways, and stairways	30	N/A
Janitor's closet and utility rooms	30	N/A
Reading rooms	100	N/A

(3) The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

NEW SECTION

WAC 388-78A-0970 Heating-cooling—Temperature. The boarding home must:

- (1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70° F per the building code.
- (2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75° F in communities where the design dry bulb temperature exceeds 85° F for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of "Recommended Outdoor Design Temperatures—Washington State," published by Puget Sound chapter of American Society of Heating, Refrigeration, and Air-Conditioning Engineers;
- (3) Equip each boarding home issued a project number by Construction Review Services on or after September 1, 2004 with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;
- (4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; and
- (5) Equip each resident sleeping room and resident living room in boarding homes issued a project number by Construction Review Services on or after September 1, 2004 with individual temperature controls located between thirty and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3° F from setting, within a range of minimum 60° to maximum 85° F.

NEW SECTION

WAC 388-78A-0980 Ventilation. The boarding home must:

- (1) Ventilate rooms to:
 - (a) Prevent excessive odors or moisture, and
 - (b) Remove smoke.
- (2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;
- (3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and
- (4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

NEW SECTION

WAC 388-78A-0990 Resident room—Room furnishings-storage. (1) The boarding home must ensure each resident has a sleeping room that has:

- (a) Eighty or more square feet of usable floor space in a one-person sleeping room;

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(b) Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:

(i) When a resident sleeping room is located within a private apartment; and

(ii) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and

(iii) The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and

(iv) There are no more than two residents living in the apartment; and

(v) Both residents mutually agree to share the resident sleeping room; and

(vi) All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.

(c) A maximum sleeping room occupancy of:

(i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the boarding home, after June 30, 1989:

(A) Applied for initial licensure, or

(B) Applied to increase the number of resident sleeping rooms, or

(C) Applied to change the use of rooms into sleeping rooms.

(d) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(e) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(f) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(g) A light control switch located by the entrance for a light fixture in the room;

(h) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(i) In all boarding homes issued a project number by Construction Review Services on or after September 1, 2004, and when requested by a resident in a boarding home licensed on or prior to September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(j) Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(k) A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

(2) The boarding home must ensure each resident sleeping room contains:

(a) A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be

thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for size, age and physical condition of the resident and room dimensions, including but not limited to:

(i) Standard household bed,

(ii) Studio couch,

(iii) Hide-a-bed,

(iv) Day bed, or

(v) Water bed, if structurally and electrically safe.

(b) A mattress for each bed which:

(i) Fits the bed frame,

(ii) Is in good condition, and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(c) One or more comfortable pillows for each resident;

(d) Bedding for each bed, in good repair; and

(e) Lighting at the resident's bedside when requested by the resident.

(3) The boarding home must not allow a resident sleeping room to be used as a passageway or corridor.

(4) The boarding home may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(5) The boarding home must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and physical condition of the resident. This requirement does not mean a boarding home is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

NEW SECTION

WAC 388-78A-1000 Calculating floor space. Usable floor space in a resident's sleeping room is calculated by measuring from interior wall surface to interior wall surface:

(1) Including:

(a) Areas under moveable furniture; and

(b) Areas of door swings and entry ways into the sleeping room.

(2) Excluding:

(a) Areas under ceilings less than seven feet six inches high;

(b) Closet space and built-in storage;

(c) Areas under counters, sinks, or appliances; and

(d) Bathrooms and toilet rooms.

NEW SECTION

WAC 388-78A-1010 Toilet rooms and bathrooms. (1) The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The boarding home must provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

- (i) Bathing fixture, and
- (ii) Toilet.

(d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

(e) Adequate mechanical ventilation to the outside of the boarding home.

(3) The boarding home must provide each toilet room with a:

- (a) Toilet with a clean, nonabsorbent seat free of cracks;
- (b) Hand washing sink in or adjacent to the toilet room.

For boarding homes issued a project number by Construction Review Services on or after September 1, 2004, the hand washing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

(c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and hand washing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and hand washing sinks for residents in the ratios of one toilet and one hand washing sink for every eight residents or fraction as listed in the following table:

Number of Residents	Number of Toilets*	Number of Hand Washing Sinks
1-8	1	1
9-16	2	2
17-24	3	3
25-32	4	4
33-40	5	5
41-48	6	6
49-56	7	7
57-64	8	8
65-72	9	9
73-80	10	10
81-88	11	11
89-96	12	12
97-104	13	13
105-112	14	14
113-120	15	15
121-128	16	16
129-136	17	17
137-144	18	18
145-152	19	19
153-160	20	20
161-168	21	21
169-176	22	22
177-184	23	23

*When two or more toilets are contained in a single bathroom, they are counted as one toilet.

(6) When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for

residents in the ratio of one bathing fixture for every twelve residents or fraction thereof as listed in the following table:

Number of Residents	Number of Bathing Fixtures
1-12	1
13-24	2
25-36	3
37-48	4
49-60	5
61-72	6
73-84	7
85-96	8
97-108	9
109-120	10
121-132	11
133-144	12
145-160	13
161-172	14
173-184	15
185-196	16

(7) When providing common-use toilet rooms and bathrooms, the boarding home must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a hand-washing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served; and

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom.

(8) In boarding homes issued a project number by Construction Review Services on or after September 1, 2004, the boarding home must ensure fifty percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

(a) One half inch or less threshold;

(b) A minimum size of thirty-six inches by forty-eight inches; and

(c) Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

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NEW SECTION

WAC 388-78A-1020 Laundry. (1) The boarding home must provide laundry and linen services on the premises, or by commercial laundry.

(2) The boarding home must handle, clean, and store linen according to acceptable methods of infection control. The boarding home must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources; and

(d) Ensure all staff wears gloves and use other appropriate infection control practices when handling soiled laundry.

(3) The boarding home must use washing machines that have a continuous supply of hot water with a temperature of 140° F measured at the washing machine intake, or that automatically dispense a chemical sanitizer as specified by the manufacturer, whenever the boarding home washes:

(a) Boarding home laundry;

(b) Boarding home laundry combined with residents' laundry into a single load; or

(c) More than one resident's laundry combined into a single load.

(4) The boarding home or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140° F and without the use of a chemical sanitizer.

(5) The boarding home must ventilate laundry rooms and areas to the outside of the boarding home, including areas or rooms where soiled laundry is held for processing by off-site commercial laundry services.

(6) The boarding home must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(7) For all boarding homes issued a project number by Construction Review Services on or after September 1, 2004, the boarding home must provide a laundry area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer;

and

(iv) Mechanical ventilation to the outside of the boarding home.

(b) Is arranged to reduce the chances of soiled laundry contaminating clean laundry.

(8) The boarding home may combine areas for soiled laundry with other areas when consistent with WAC 388-78A-1090.

(9) The boarding home may combine areas for handling and storing clean laundry with other areas when consistent with WAC 388-78A-1100.

NEW SECTION

WAC 388-78A-1030 Day rooms. (1) The boarding home must provide one or more day room areas in which res-

idents may participate in social and recreational activities. Day room areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The boarding home must provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The boarding home must provide day room areas with comfortable furniture and furnishings that meet the residents' needs.

NEW SECTION

WAC 388-78A-1040 Storage space. The boarding home must:

(1) Provide adequate storage space for supplies, equipment and linens;

(2) Provide separate, locked storage for disinfectants and poisonous compounds; and

(3) Maintain storage space to prevent fire or safety hazards.

NEW SECTION

WAC 388-78A-1050 Stairs—Ramps. The boarding home must maintain nonskid surfaces on all stairways and ramps used by residents.

NEW SECTION

WAC 388-78A-1060 Guardrails—Handrails. (1) The boarding home must install and maintain sturdy handrails according to building code requirements, located:

(a) In halls and corridors, if necessary for resident safety;

(b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and

(c) On each side of interior and exterior ramps with slopes greater than one to twenty.

(2) The boarding home must install guardrails if the department determines guardrails are necessary for resident safety.

NEW SECTION

WAC 388-78A-1070 Maintenance and housekeeping.

(1) The boarding home must:

(a) Provide a safe, sanitary and well maintained environment for residents;

(b) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;

(c) Keep facilities, equipment and furnishings clean and in good repair;

(d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition; and

(e) Equip a housekeeping supply area on the premises with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;

(ii) Storage for wet mops, ventilated to the outside of the boarding home; and

(iii) Locked storage for cleaning supplies.

(2) For boarding homes issued a project number by Construction Review Services on or after September 1, 2004, the boarding home must provide housekeeping supply room(s):

(a) Located on each floor of the boarding home;

(b) In proximity to laundry and kitchen areas; and

(c) Equipped with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

(ii) Storage for wet mops;

(iii) Locked storage for cleaning supplies; and

(iv) Mechanical ventilation to the outside of the boarding home.

NEW SECTION

WAC 388-78A-1080 Safe storage of supplies and equipment. The boarding home must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies and equipment may be accessible to residents, the boarding home must consider at a minimum:

(1) The residents' characteristics and needs;

(2) The degree of hazardousness or toxicity posed by the supplies or equipment;

(3) Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and

(4) How residents with special needs are individually protected without unnecessary restrictions on the general population.

NEW SECTION

WAC 388-78A-1090 Areas for cleaning and storing soiled equipment, supplies and laundry. (1) The boarding home may combine areas used for storing, handling and cleaning soiled laundry and linens, areas used for cleaning and disinfecting soiled nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the boarding home equips the area with:

(a) A two-compartment sink for hand washing and sanitizing;

(b) A clinical service sink or equivalent for rinsing and disposing of waste material;

(c) A work counter or table;

(d) Mechanical ventilation to the outside of the boarding home; and

(e) Locked storage for cleaning supplies, if stored in the area.

(2) The boarding home must ensure that any work or function performed in or around a combined utility area as described in subsection (1) of this section is performed without significant risk of contamination to:

(a) Storing or handling clean or sterile nursing supplies or equipment;

(b) Storing or handling clean laundry;

(c) Providing resident care;

(d) Food storage, preparation, or service; or

(e) Other operations, services or functions in the boarding home sensitive to infection control practices.

NEW SECTION

WAC 388-78A-1100 Areas for handling and storing clean supplies and equipment. The boarding home may combine areas used for handling and storing clean laundry, and areas used for storing, preparing and handling clean and sterile nursing supplies, equipment and medications, into a single area on the premises only when the boarding home:

(1) Equips the area with:

(a) A hand washing sink, and

(b) A work counter or table.

(2) Ensures that any work or function performed in the area is performed without significant risk of contamination from other sources; and

(3) Stores medications separate from all other stored items consistent with WAC 388-78A-0230.

NEW SECTION

WAC 388-78A-1110 Plant restrictions. The boarding home must not use poisonous or toxic plants in areas of the boarding home premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

INSPECTIONS, ENFORCEMENT REMEDIES, AND APPEALS

NEW SECTION

WAC 388-78A-1120 Responsibilities during inspections. (1) During any on-site inspection or complaint investigation conducted by the department, the licensee must cooperate with the department by providing to authorized representatives of the department:

(a) All records and information related to the operation of the boarding home that is requested, consistent with RCW 18.20.110;

(b) Staff personnel records directly related to licensing requirements consistent with WAC 388-78A-0460, including but not limited to:

(i) Staff hiring and training;

(ii) Criminal history background checks;

(iii) Staff job descriptions;

(iv) Staff schedules as planned and as worked for the past six months;

(v) TB testing for staff;

- (vi) Verification of contacting work references for newly hired staff; and
- (vii) Verification of professional credentials.
- (c) A current roster of all residents receiving domiciliary care and their roommates and the rooms in which they reside/sleep consistent with WAC 388-78A-0450;
- (d) Facilitated access to:
 - (i) The boarding home premises; and
 - (ii) The boarding home residents and the rooms in which they reside.
- (2) The licensee must ensure the boarding home administrator or the administrator's designee is available during any inspection or complaint investigation to respond to questions or issues identified by department staff.

NEW SECTION

WAC 388-78A-1130 Communication during inspections. (1) To the fullest extent reasonably possible, the department will hold a daily communication meeting with the boarding home during any inspection that lasts more than one day.

(a) The department is not required to disclose information to boarding homes when doing so would compromise the inspection process or complaint investigation.

(b) Department staff shall make every effort to schedule such meeting if desired by the licensee. However, failure to hold a daily communication meeting is not grounds for nullifying or voiding any citation, statement of deficiencies, or enforcement remedies imposed by the department.

(2) The boarding home may designate a staff person to accompany department licensers or complaint investigators during inspections of the boarding home, except that boarding home staff persons may not be present:

(a) During interviews with residents unless requested by the resident; or

(b) When their presence may inhibit other staff persons, residents, residents' representatives or family members or others from providing information to department licensers or complaint investigators;

(c) When their presence may compromise the investigation by department staff of a complaint or licensing issue.

(3) The department will make every effort to hold an exit conference when the department staff has finished collecting data on site, if such a meeting is desired by the licensee. However, failure to hold an exit conference is not grounds for nullifying or voiding any citation, statement of deficiencies, or enforcement remedies imposed by the department. During the exit conference:

(a) The department will present to the boarding home the preliminary factual findings representing violations that may be cited on a statement of deficiencies;

(b) The department will identify the rules that may have been violated:

(i) Department staff will identify the relevant section(s) of rule that address the potential violations.

(ii) Department staff is not required to identify the specific subsection of the rule that may be cited in a statement of deficiencies.

(c) The boarding home should be given an opportunity to:

(i) Question department staff regarding their findings, and

(ii) Provide the department additional factual information that may refute the presented facts or affect the determination of a deficiency.

NEW SECTION

WAC 388-78A-1140 Communication following inspections. Following an exit conference, if the department obtains additional information that may substantially alter the preliminary conclusions or issues identified during the exit conference, the department will to the fullest extent reasonably possible:

(1) Notify the boarding home of the additional issues or amended conclusions; and

(2) Provide the boarding home an opportunity to respond to the additional information:

(a) By telephone,

(b) In writing, or

(c) By facsimile transmission.

NEW SECTION

WAC 388-78A-1150 Statements of deficiencies and plans of correction. (1) The department must give the administrator or the administrator's designee a written statement of deficiencies specifying any violations of chapters 18.20 or 70.129 RCW or this chapter that the department found during on-site inspections and complaint investigations.

(2) The licensee must respond to a statement of deficiencies by submitting to the department within a time acceptable to the department, a signed written plan of correction for each deficiency stated in the report. The licensee must include in the plan of correction, for each cited deficiency:

(a) A specific plan of what will be or was done to correct the violation,

(b) A description of what will be done to prevent future violations of this type,

(c) Who will be responsible for monitoring the corrections to ensure the violations do not recur, and

(d) The date by which lasting correction will be achieved.

NEW SECTION

WAC 388-78A-1160 Authorized enforcement remedies. (1) Whenever the circumstances in WAC 388-78A-1170(1) are present, the department may impose any enforcement remedy authorized by RCW 18.20.185(7) and 18.20.190 on a boarding home, including, without limitation:

(a) Denying a boarding home license;

(b) Suspending a boarding home license;

(c) Revoking a boarding home license;

(d) Refusing to renew a boarding home license;

(e) Suspending admissions to a boarding home;

(f) Suspending admissions to a boarding home of a specific category or categories of residents as related to cited violations;

(g) Imposing conditions on the boarding home license; and/or

(h) Imposing civil penalties of not more than one hundred dollars per day per violation per resident.

(2) Notwithstanding subsection (1) of this section, the department may impose a civil penalty on a boarding home of up to three thousand dollars per day per violation for interference, coercion, discrimination and/or reprisal by a boarding home as set forth in RCW 18.20.185(7).

NEW SECTION

WAC 388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies. (1) Enforcement remedies described in WAC 388-78A-1160 may be imposed if any person or entity described in subsection (2) of this section is found by the department to have:

(a) A history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children, whether as a licensee, contractor, managerial employee or otherwise. Evidence of significant noncompliance may include, without limitation:

(i) Citations for violation of regulations imposed by regulating entities;

(ii) Sanctions for violation of regulations imposed by regulating entities;

(iii) Involuntary termination, cancellation, suspension, or nonrenewal of a Medicaid contract or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults;

(iv) Being denied a license relating to the care of frail elders, vulnerable adults or children; or

(v) Relinquishing or failing to renew a license relating to care of frail elders, vulnerable adults or children following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of a license.

(b) Failed to provide appropriate care to frail elders, vulnerable adults or children under a contract, or having such contract terminated or not renewed by the contracting agency due to such failure;

(c) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to operate a boarding home;

(d) Failed or refused to comply with the requirements of chapter 18.20 RCW, applicable provisions of chapter 70.129 RCW or this chapter;

(e) Retaliated against a staff person, resident or other individual for:

(i) Reporting suspected abuse or other alleged improprieties;

(ii) Providing information to the department during the course of the department conducting an inspection of the boarding home; or

(iii) Providing information to the department during the course of the department conducting a complaint investigation in the boarding home.

(f) Operated a facility for the care of children or adults without a current, valid license or under a defunct or revoked license;

(g) Been convicted of a crime, knowingly permitted, aided or abetted an illegal act on a boarding home premises, or engaged in the illegal use of drugs or the excessive use of alcohol;

(h) Abused, neglected or exploited a vulnerable adult or knowingly failed to report alleged abuse, neglect or exploitation of a vulnerable adult as required by chapter 74.34 RCW;

(i) Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or has insufficient financial resources or unencumbered income to sustain the operation of the boarding home;

(j) Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

(k) Interfered with any inspection or investigation by the department or refused to allow department representatives to examine any part of the licensed premises including records required under this chapter;

(l) Moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

(m) Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability and competence to provide care or services to vulnerable adults.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the entity applicant:

(i) Who is involved in the management or operation of the boarding home;

(ii) Who may have direct access to boarding home residents;

(iii) Who controls or supervises the provision of care or services to boarding home residents; or

(iv) Who exercises control over daily operations of the boarding home.

(3) For other circumstances resulting in discretionary enforcement remedies, see WAC 388-78A-1200.

NEW SECTION

WAC 388-78A-1180 Circumstances resulting in required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.-125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds a boarding home has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided informa-

tion to the department, the attorney general, a law enforcement agency, or the long-term care ombudsman; or

(4) Willfully interfered with the performance of official duties by a long-term care ombudsman.

NEW SECTION

WAC 388-78A-1190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license. (1) The department must deny, suspend, revoke or refuse to renew a boarding home license if any person or entity described in subsection (2) below is:

(a) Convicted of a crime against a person or a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842; or

(b) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult; or

(c) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor; or

(e) Found in any final decision issued by a disciplinary board to have sexually or physically abused or neglected or exploited any minor or any vulnerable adult, or has a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the entity applicant:

(i) Who is involved in the operation of the boarding home, or

(ii) Who may have direct access to the boarding home residents, or

(iii) Who controls or supervises the provision of care or services to the boarding home residents, or

(iv) Who exercises control over daily operations.

NEW SECTION

WAC 388-78A-1200 Other circumstances resulting in discretionary enforcement remedies. (1) When the department cites a boarding home for an initial violation that does not represent a recurring problem, serious problem or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

(a) Require a plan of correction from the boarding home;

(b) Impose conditions on the boarding home license; and/or

(c) Impose a civil penalty.

(2) The department may take any of the actions specified in subsection (1) of this section and/or impose a stop-placement or limited stop-placement on a boarding home when:

(a) There is a reasonable probability, at the time the stop-placement or limited stop-placement is imposed, least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(3) The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend a boarding home's license when:

(a) There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(4) The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke a boarding home's license when:

(a) The department has cause to summarily suspend the boarding home's license;

(b) There is a current problem with the boarding home and the boarding home has a history of having enforcement remedies imposed by the department;

(c) There is a current problem with the boarding home and the boarding home has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

(d) The boarding home has moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

(e) There is a serious current problem, which may warrant a summary suspension, with the boarding home that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

(i) The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity, or

(ii) The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

(f) The boarding home fails to cooperate with the department during any inspection or complaint investigation.

NEW SECTION

WAC 388-78A-1210 Informal dispute resolution. The boarding home has a right to an informal dispute resolution meeting according to department procedure. The boarding home must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

NEW SECTION

WAC 388-78A-1220 Appeal rights. (1) An applicant or boarding home may contest an enforcement remedy imposed by the department pursuant to RCW 18.20.190

according to the provisions of chapter 34.05 RCW and chapters 10-08 and 388-02 WAC.

(2) Orders of the department imposing licensing suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION

WAC 388-78A-1230 Fees. The boarding home must:

(1) Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit required by the boarding home's failure to adequately correct violations identified in a statement of deficiencies; and

(b) A full out-of-sequence inspection resulting from information gathered during a complaint investigation.

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

(4) Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-78A-010 Definitions.
- WAC 388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications.
- WAC 388-78A-030 Responsibilities and rights—Licensee and department.
- WAC 388-78A-040 Administrator.
- WAC 388-78A-045 Criminal history, disclosure, and background inquiries.
- WAC 388-78A-050 Staff.
- WAC 388-78A-055 Policies and procedures.
- WAC 388-78A-060 HIV/AIDS education and training.
- WAC 388-78A-070 Construction.
- WAC 388-78A-080 Communication system.
- WAC 388-78A-090 Water supply.
- WAC 388-78A-100 Sewage and liquid waste disposal.
- WAC 388-78A-110 Garbage and refuse disposal.
- WAC 388-78A-120 Lighting.
- WAC 388-78A-130 Heating—Temperature.
- WAC 388-78A-140 Ventilation.

- WAC 388-78A-150 Resident room—Room furnishings—Storage.
- WAC 388-78A-160 Toilet rooms and bathrooms.
- WAC 388-78A-170 Food and nutrition services.
- WAC 388-78A-180 Day rooms.
- WAC 388-78A-190 Laundry.
- WAC 388-78A-200 Storage space.
- WAC 388-78A-210 Stairs—Ramps.
- WAC 388-78A-220 Guardrails—Handrails.
- WAC 388-78A-230 Maintenance and housekeeping.
- WAC 388-78A-240 Criteria for accepting and retaining residents.
- WAC 388-78A-250 Resident rights.
- WAC 388-78A-260 Resident services.
- WAC 388-78A-265 Limited nursing services.
- WAC 388-78A-268 Health care services—Resident-arranged.
- WAC 388-78A-280 Notification—Change in resident's condition.
- WAC 388-78A-290 Safety measures and quality assurance.
- WAC 388-78A-300 Medication services.
- WAC 388-78A-310 Resident register.
- WAC 388-78A-320 Resident health record.
- WAC 388-78A-330 Adult day care.
- WAC 388-78A-335 Residents—Dementia care.
- WAC 388-78A-340 Exemptions.
- WAC 388-78A-990 Fees.

**WSR 03-16-087
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-175—Filed August 5, 2003, 3:10 p.m.]

Date of Adoption: August 1, 2003.

Purpose: To adopt WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations; to amend WAC 232-16-600 North Potholes Game Reserve, 232-16-660 Frenchman Hills Wasteway Game Reserve, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons, 232-28-331 Game management units (GMUs) boundary descriptions-Region one, 232-28-332 Game management units (GMUs) boundary descriptions-Region two, 232-28-333 Game management units (GMUs) Boundary

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descriptions-Region three, 232-28-334 Game management units (GMUs) boundary descriptions-Region four, 232-28-335 Game management units (GMUs) boundary descriptions-Region five, 232-12-287 Possession of dead wildlife, 232-28-282 Big game and wild turkey, auction, raffle, and special incentive permits and 232-28-291 Special hunting season permits; and to repeal WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-426; and amending WAC 232-16-600, 232-16-660, 232-16-740, 232-28-341, 232-28-331, 232-28-332, 232-28-333, 232-28-334, 232-28-335, 232-12-287, 232-28-282, and 232-28-291.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-12-077 and 03-12-078 on June 3, 2003; WSR 03-13-041 on June 18, 2003; and WSR 03-13-115, 03-13-116, 03-13-117, 03-13-118, 03-13-119, 03-13-120 and 03-13-121 on June 18, 2003.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures: Changes, if any, from the text of the proposed rule and reasons for difference:** Page 1 Section 3:

- Replace the words "game birds" with the words "waterfowl, coot, and snipe" for clarification.

WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations: Changes, if any, from the text of the proposed rule and reasons for difference: Page 1:

The following changes on Page 1 are necessary to be consistent with federal frameworks announced July 20, 2003:

- Revise statewide duck season dates to read: "Oct. 11-15, 2003 and Oct. 18, 2003-Jan. 25, 2004, except pintail and canvasback season closed Oct. 18-Dec. 1, 2003."
- Revise daily bag limit for ducks to read: "7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 1 canvasback, 2 redheads, 1 harlequin, 4 scoters, and 4 (~~oldsquaws~~) long-tailed ducks."
- Revise possession limit for ducks to read: "14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 2 canvasbacks, 4 redheads, 1 harlequin, 8 scoters, and 8 (~~oldsquaws~~) long-tailed ducks."

Page 5:

- Goose Management Area 4, add Dec. 26, 29, and 30 to list of season dates, based on input from the Waterfowl Advisory Council.

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons: Changes, if any, from the text of the proposed rule and reasons for difference: Page 4: To correct an error the last sentence within the paragraph that starts with "A hunter shall select..."; should be changed to "It is unlawful to purchase an additional permit until the (~~eight~~) pheasants allowed on the current permit are taken."

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five: Changes, if any,

from the text of the proposed rule and reasons for difference:

Page 3; GMU 530 - Ryderwood:

- Strike out the last sentence, this language should not be in the legal description.

Page 4; GMU 554 - Yale:

- To correct an error, replace the word "to" with "the", it should read "...S and W on (~~to~~) the electrical transmission line...".

Page 6; GMU 560 - Lewis River:

- Omit the change that was made when this WAC was filed it was changed in error.

The description should read "...N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service trail 2000 (Pacific Crest Trail)..."

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 12, 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: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 141, filed 8/31/79)

WAC 232-16-600 North Potholes Game Reserve.

Those lands in Grant County within the following described boundary: In T19N, (~~R27 EWM~~) R27E WM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.

In T18N, (~~R27 EWM~~) R27E WM; all of Section 4, except the N.W. 1/4 and the N.W. 1/4 N.E. 1/4(~~);~~ all of Section 3; (~~and~~) that part of Section 10 north of the Job Corps Dike Rd;(~~and~~) that part of Section 9 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the fence on the northern section line of Section 16 near Job Corps Dike Road;(~~The east half of the N.E. 1/4 of Section 16. And that part of Section 15 lying north of a line starting from the north-~~

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~~east corner and running southwesterly to the midpoint of the west section line of said section-)) those portions of sections 15 and 16 north of the above mentioned fence to the west end of the Job Corps Dike; and that part of Section 15 north of the Job Corps Dike Road.~~

AMENDATORY SECTION (Amending Order 217, filed 9/1/83)

WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T17N, R27E, the north 1/2, ((of)) and the north 1/2 of south 1/2 of Section 17. ((640)) 480 acres.

AMENDATORY SECTION (Amending Order 97-163, filed 8/25/97, effective 9/25/97)

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River ~~((and those lands lying within one-quarter mile of the Columbia River))~~ between the mouth of Glade Creek (river channel marker 57) and the old town site of ~~((Patterson))~~ Paterson (river channel marker 67), except the hunting of ~~((game birds))~~ waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

NEW SECTION

WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations

DUCKS

Statewide

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004, except pintail and canvasback season closed Oct. 18-Dec. 1, 2003.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003.

Daily bag limit: 7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 1 canvasback, 2 redheads, 1 harlequin, 4 scoters, and 4 ~~((oldsquaws))~~ long-tailed ducks.

Possession limit: 14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 2 canvasback, 4 redheads, 1 harlequin, 8 scoters, and 8 ~~((oldsquaws))~~ long-tailed ducks.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 11, 2003 - Jan. 4, 2004 for snow, Ross', or blue geese.

Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and returned the harvest report prior to the deadline will be mailed a 2003-04

authorization in early October. Hunters who did not possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2003-04 authorization before the season starts. No applications will be accepted after October 31, 2003. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas of Area 2A except Ridgefield NWR on the following days from 8:00 a.m. to 4:00 p.m.: Tuesdays, Thursdays, and Saturdays only, Dec. 9, 2003 - Jan. 24, 2004, except closed Dec. 25, 2003 and Jan. 1, 2004. Ridgefield NWR open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Mondays, and Wednesdays only, Dec. 13, 2003 - Jan. 24, 2004.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays and Wednesdays only, Nov. 15, 2003 - Jan. 4, 2004.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the

season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2002-03 written authorization will be mailed a 2003-04 authorization card prior to the 2003-04 season. New hunters, hunters who do not have a WILD ID number, and those who did not maintain a valid 2002-03 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Canada Goose Season for Goose Management Areas 2A and 2B

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2003-04 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Areas 2A and 2B on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, Jan. 31 - Mar. 10, 2004.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emer-

agency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Areas 2A and 2B.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 11-13, 2003, and Saturdays, Sundays, and Wednesdays only during Oct. 18, 2003 - Jan. 18, 2004; Nov. 11, 27, and 28, 2003; Dec. 25, 26, 29, and 30, 2003; Jan. 1, 2004; and every day Jan. 19-25, 2004.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 11-13, 2003, every day from Oct. 18, 2003 - Jan. 25, 2004.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 22, 23, 25, 27, and 28, 2003.

Jan. 17, 18, 21, 24, and 25, 2004.

If the 2003-04 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2004 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and reported harvest prior to the deadline will be mailed a 2003-04 authorization in November. Hunters who did not

possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2003-04 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004, statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 11, 2003 - Jan. 4, 2004.

Goose Management Area 2A: Dec. 9, 2003 - Jan. 24, 2004 and Jan. 31 - Mar. 10, 2004.

Goose Management Area 2B: Nov. 15, 2003 - Jan. 4, 2004 and Jan. 31 - Mar. 10, 2004.

Goose Management Areas 3, 4, and 5: Oct. 11-13, 2003, and Nov. 1, 2003 - Jan. 25, 2004.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Reviser's note: The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-426

2002-03 Migratory waterfowl seasons and regulations

AMENDATORY SECTION (Amending Order 03-13 [03-129], filed 6/12/03, effective 7/13/03)

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003, Oct. ((+6)) 23 - Dec. 31, 2004; Oct. ((+5)) 22 - Dec. 31, 2005

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

WESTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004, Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the ((eight)) pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April ((13-14)) 10-11, 2004; April ((12-13)) 9-10, 2005; April ((11-12)) 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either Sex.

Permit Only - GMUs 101, 105, 108, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005

Permit Area	Number of Permits
GMU 101	200
GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be

PERMANENT

killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006

FALCONRY SEASONS

UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006

MOURNING DOVE - FALCONRY

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

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 Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties):

Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to SR 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd (Okanogan County Rd 9495) at the town of Wauconda; NE on the Toroda Creek Rd (Okanogan County Rd 9495 and Ferry County Rd 502) to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt (Columbia River) to the US Hwy 395 bridge; W on US Hwy 395 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

Beginning at the junction of US Hwy 395 and SR 20 in the town of Colville; NW on US Hwy 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Aladdin Rd in the town of Northport; SW on the Aladdin Rd to SR 20, E of the town of Colville; W on SR 20 to Hwy 395 at the town of Colville and point of beginning.

GMU 111-ALADDIN (Stevens and Pend Oreille counties):

Beginning at the junction of the Aladdin Rd and SR 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):

Beginning at junction of SR 20 and US Hwy 395 at the town of Colville; E on SR 20 to Tiger East Rd at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S along the Washington-Idaho state line to US Hwy 2 in the town of Newport; SW and S on US Hwy 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park; NW on US Hwy 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy 395 bridge over Lake Roosevelt (Columbia River) northwest of the town of Kettle Falls; SE on US Hwy 395 through Colville and Chewelah to SR 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the northeast corner of the Spokane Indian reservation; W on the northern boundary of the Spokane Indian reservation to ~~((western))~~ eastern boundary of the Colville Indian reservation on the Ferry-~~((Okanogan))~~ Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US Hwy 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):

Beginning at the junction of SR 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy 395 at Loon Lake; SE on US Hwy 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US Hwy 2; N and NE on US Hwy 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Spokane Indian reservation boundary (Chamokane Creek) north along the eastern boundary of the Spokane Indian reservation boundary (Chamokane Creek) to the northeastern corner of the Spokane Indian reservation; E from the northeastern corner of the Spokane Indian reservation to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County):

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; south on the Washington-Idaho state line to SR 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to US Route 195; N on US Route 195 to I-90; E on I-90 to Latah Creek (Hangman Creek); N down Latah Creek (Hangman Creek) to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

Beginning on the Spokane River and SR 231; E up the north shore of the Spokane River to the Maple Street Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek (Hangman Creek) to I-90; W on I-90 to US Hwy 195; S on US Hwy 195 to Rosalia exit and south to Gashouse Rd in the town of Rosalia; W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US Hwy 2; E on US Hwy 2 to SR 231 at the town of Reardan; N along State Hwy 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the west end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to SR 231; S on SR 231 to US Hwy 2 at the town of Reardan; W on US Hwy 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the west end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at SR 174 and Rd W N.E. (Grand Coulee Hill Rd); SE on SR 174 to US Hwy 2 at the town of Wilbur; E on US Hwy 2 to SR 231; S on 231 to SR 23; S on SR 23 to I-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 N.E.; W on Rd 12 N.E. to Rd W N.E.; N on Rd W N.E. to Rd X N.E. at the town of Marlin; N on Rd X N.E. to Kiner Rd (Lincoln County Rd 9115); NE, E, N, E, and N on Kiner Rd (Lincoln County Rd 9115) to US Hwy 2, east of the town of Almira; SW on US Hwy 2 to Maxwell Rd; W on Maxwell Rd to Old Coulee Rd at the town of Almira; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to Rd (~~X N.E.; N on Rd X N.E. to Rd 52 N.E.~~) 51; E on Rd (~~52~~) 51 N.E. to Rd W N.E.; N on Rd W N.E. to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):

Beginning at the Washington-Idaho state line and SR 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to the town of Rosalia; from Rosalia, W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy 195 at the town of Colfax; S on US Hwy 195 to SR 270; E on SR 270 to Washington-Idaho state line; north on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

Beginning at US Hwy 195 and SR 26 at the town of Colfax; SE on US Hwy 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman county line) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US Hwy 195 at the town of Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties):

Beginning at the SR 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy 12 bridge; W on US Hwy 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake

River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to SR 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy 12 at Dodge Junction; SW on US Hwy 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties):

Beginning on US Hwy 12 at the town of Waitsburg; NE on US Hwy 12 to Hogeys Rd at Long Station; E on Hogeys Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); SW on US Forest Service Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 125; N on SR 125 to US Hwy 12; NE on US Hwy 12 to the town of Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):

Beginning at US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on US Forest Service Trail 3211 to US Forest Service Rd 64; S on the US Forest Service Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to US Forest Service Trail 3211 and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties):

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); S and W on to US Forest Service Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to US Forest Service Rd 46 (Skyline Drive Rd); S on US Forest Service Rd 46 to US Forest Service Rd 64; S on US Forest Service Rd 64 to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); W on US Forest Service Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Hogeys Rd; W on Hogeys Rd to US Hwy 12 at Long Station; NE on US Hwy 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; N and E on US Hwy 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US Hwy 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon River Rd; SE on the Tucannon River Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the US Forest Service Rd 40 (Mountain Rd) to US Forest Service Rd 4030 (Diamond Peak Rd); W on US Forest Service Rd 4030 to US Forest Service Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on US Forest Service Trail 3113 to US Forest Service Trail 3136 (Teepee Trail); W along US Forest Service Trail 3136 to US Forest Service Rd 4608 (Teepee Rd) at Teepee Camp; W on the US Forest Service Rd 4608 to US Forest Service Rd 46 (Skyline Drive Rd); N on the US Forest Service Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); ~~(W)~~ E and N on the US Forest Service Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon River Rd and the point of the beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at the US Forest Service Rd 64; N on US Forest Service Rd 64 to US Forest Service Rd 46 (Skyline Dr); E on US Forest Service Rd 46 to US Forest Service Rd 4608 (Teepee Rd) at Godman Springs; E on US Forest Service Rd 4608 to US Forest Service Trail 3136 (Teepee Trail) at Teepee Camp; E on the US Forest Service Trail 3136 to US Forest Service Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on US Forest Service Trail 3113 to US Forest Service Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on US Forest Service Rd 4030 to US Forest Service Rd 40 (Mountain Rd); S along US Forest Service Rd 40 to US Forest Service Rd 4039 (South Boundary Rd); SW along US Forest Service Rd 4039 to US Forest Service Trail 3133 (Three Forks Trail); NW on US Forest Service Trail 3133 to US Forest Service Trail 3100; S on US Forest Service Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at US Forest Service Rd 3100; N on US Forest Service Trail 3100 to US Forest Service Trail 3133 (Three Forks Trail); SE on US For-

est Service Trail 3133 (Three Forks Trail) to US Forest Service Rd 4039 (South Boundary Rd); NE on US Forest Service Rd 4039 to US Forest Service Rd 40 (Mountain Rd); N on US Forest Service Rd 40 to US Forest Service Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on US Forest Service Rds 44, 43, and 4304 (Mount Misery-Big Butte Rd) to West Mountain Rd; NE on the West Mountain Rd to the Bennett Ridge Rd-Mill Rd; N and E on the Bennett Ridge Rd-Mill Rd to SR 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties): Beginning at the intersection of US Forest Service Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd (Asotin County Rd 01550); N and E on Back Rd (Asotin County Rd 01550) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the US Forest Service boundary fence past Big Butte to US Forest Service Rd 4303 (Big Butte Rd-Mount Misery Rd); W on US Forest Service Rds 4304, 43, and 44 (Big Butte Rd-Mount Misery Rd) to US Forest Service Rd 40 (Mountain Rd) at Misery junction; NW on US Forest Service Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties): Beginning at the intersection of US Hwy 12 and Tatman Mountain Rd at Zumwalt; E on US Hwy 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon River Rd; N on the Tucannon River Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US Hwy 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to SR 129; NW on SR 129 to Mill Rd in the town of Anatone; S and W on the Mill Rd-Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest

boundary fence to the Cloverland Rd; NE on the Cloverland Rd to Back Rd (Asotin County Rd 01550); W and S on Back Rd (Asotin County Rd 01550) to Campbell Grade Rd; W on the Campbell Grade Rd to the South Fork Asotin Creek Rd; NE on the South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):

Beginning on the Washington-Oregon state line and SR 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties):

Beginning at the western junction of the Pasayten Wilderness Area-Ross Lake National Recreational Area border and the US-Canadian border; E along the US-Canadian border to the eastern junction of the Pasayten Wilderness Area boundary and the US-Canadian border; S on the Pasayten Wilderness border to US Forest Service Trail 375; W on US Forest Service Trail 375 to US Forest Service Trail 341; SW on US Forest Service Trail 341 to its junction with US Forest Service Trail 533 and US Forest Service Trail 343; W on US Forest Service Trail 343 to US Forest Service Trail 342; SW on US Forest Service Trail 342 to Pasayten Wilderness boundary; W on the Pasayten Wilderness boundary to US Forest Service Trail 478 (Robinson Creek Trail); N on US Forest Service Trail 478 (Robinson Creek Trail) to US Forest Service Trail 575; S on US Forest Service Trail 575 to US Forest Service Trail 498; NW overland from the junction of US Forest Service Trails 575 and 498 to the junction of US Forest Service Trails 576 and 472; W on US Forest Service Trail 576 to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness Area border at Jim Pass; W on the Pasayten Wilderness Area border to Ross Lake National Recreational Area border; N on the Pasayten Wilderness Area-Ross Lake National Recreational Area border to the US-Canadian border and the point of the beginning.

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties):

Beginning on the eastern shore of Osoyoos Lake and the US-Canadian border; E on the US-Canadian border to the Kettle River near the Ferry Customs Office, north of the town of Toroda; S down the Kettle River to the mouth of Toroda Creek; W up Toroda Creek to Toroda Creek Rd (Ferry County Rd 502); SW on Toroda Creek Rd (Ferry County Rd 502 and Okanogan County Rd 9495) to SR 20 at the town of Wauconda; E on SR 20 to SR 21 at the town of Republic; S on SR 21 to the northern border of the Colville Indian reser-

vation; W on the northern border of the Colville Indian reservation to the Okanogan River; N up the eastern shore of the Okanogan River and the eastern shore of Osoyoos Lake to the US-Canadian border and the point of beginning.

GMU 209-WANNACUT (Okanogan County):

Beginning where the Similkameen Rd (County Rd 4568) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd (County Rd 9410); SW on North Pine Creek Rd (County Rd 9410) to the Horse Springs Coulee Rd (County Rd 4371), north of Aeneas Lake; north on Horse Springs Coulee Road (County Road 4371) to Loomis-Oroville Highway (County Road 9425) west of Spectacle Lake; W and N on Loomis-Oroville Hwy (County Rd 9425) to Similkameen Rd (County Rd 4568); N on the Similkameen Rd (County Rd 4568) to the US-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County):

Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (County Rd 4568); SE on the Similkameen Rd (County Rd 4568) to the Loomis-Oroville Rd (County Rd 9425); S on the Loomis-Oroville Rd (County Rd 9425), through the town of Loomis, then east to the Horse Springs Coulee Rd (County Rd 4371) west of Spectacle Lake; S on the Horse Springs Coulee Rd (County Rd 4371) to the North Pine Creek Rd (County Rd 9410); NE on the North Pine Creek Rd (County Rd 9410) to County Hwy 7; NE on County Hwy 7 to Fourth Street and the Fourth Street Bridge which crosses the Okanogan River into the town of Tonasket; SE onto the Fourth Street Bridge and the Okanogan River; S along the eastern shore of the Okanogan River to bridge crossing the Okanogan River at the town of Riverside; SW from said bridge to the junction of Riverside Cutoff Rd (County Rd 9260) and US Hwy 97; N on US Hwy 97 to the South Pine Creek Rd (County Rd 9410); W on the South Pine Creek Rd (County Rd 9410) to Fish Lake Rd (County Rd 4290); W on Fish Lake Rd (County Rd 4290) to South Fish Lake Rd (County Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (County Rd 4282), to the Sinlahekin Rd (County Rd 4015); SW on the Sinlahekin Rd (County Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (County Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, County Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County):

Beginning at Harts Pass on the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 576 at Buffalo Pass; E on US Forest Service Trail 576 to its junction with US Forest Service Trail 472; SE overland from the junction of US Forest Service Trails 576 and 472 to the junction of US Forest Service Trails 498 and 575; NE on US Forest Service Trail 575 to the US Forest Service Trail 478 (Robinson Creek Trail); SE on the US Forest Service Trail 478 (Robinson Creek Trail) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to US Forest Service Trail 342; S on US Forest Service Trail 342 to US Forest Service Rd 300; SW on US Forest Service Rd 300 to the US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) at Long Swamp Trailhead; S on US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) to US Forest Service Rd 37 (Boulder Creek Rd); SW and S on US Forest Service Rd 37 (Boulder Creek Rd) to the Eastside Chewuch River Rd (County Rd 9137); S on the Eastside Chewuch River Rd (County Rd 9137) to SR 20 at the town of Winthrop; NW on SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County):

Beginning at the US Forest Service Rd 39 and US Forest Service Rd 3820; S on US Forest Service Rd 3820, through Lone Frank Pass, to the North Fork Salmon Creek Rd (US Forest Service Rd 38); SE on the North Fork Salmon Creek Rd (US Forest Service Rd 38, County Rd 2361) to West Fork Rd (County Rd 2017) at the town of Conconully; SW on West Fork Rd (County Rd 2017) to US Forest Service Rd 42 (North Summit Rd); SW on US Forest Service Rd 42 (North Summit Rd) to SR 20 at Loup Loup Summit; W on SR 20, through the town of Twisp, to the Eastside Chewuch River Rd at the town of Winthrop; N on the Eastside Chewuch River Rd to US Forest Service Rd 37 (Boulder Creek Rd); NE on the US Forest Service Rd 37 (Boulder Creek Rd) to US Forest Service Rd 39 (Middle Fork Boulder Creek Rd); NE on US Forest Service Rd 39 (Middle Fork Boulder Creek Rd) to US Forest Service Rd 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County):

Beginning at the crossing of US Forest Service Trail 2000 (Pacific Crest Trail) and SR 20; S and E on SR 20 to the Twisp River Rd at the town on Twisp; W on the Twisp River Rd (County Rd 9114, US Forest Service Rd 44, US Forest Service Rd 4440) to US Forest Service Trail 432 (North Fork Twisp River Trail); N on US Forest Service Trail 432 (North Fork Twisp River Trail) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to SR 20 and the point of beginning.

GMU 233-POGUE (Okanogan County):

Beginning at Sinlahekin Rd (County Rd 4015) and West Fork Rd (County Rd 2017) at the town of Conconully; north on the Sinlahekin Rd (County Rd 4015) to the South Fish Lake Rd (County Rd 4282); NE on the South Fish Lake Rd (County Rd 4282), along the south end of Fish Lake to Fish Lake Rd

(County Rd 4290); E on Fish Lake Rd (County Rd 4290) to the South Pine Creek Rd (County Rd 9410); E on the South Pine Creek Rd (County Rd 9410) to US Hwy 97; S on US Hwy 97 to its junction with Riverside Cutoff Rd at the town of Riverside; NE from the junction of Riverside Cutoff Rd and US Hwy 97 to the bridge crossing the Okanogan River at the town of Riverside; S down the Okanogan River, through the town of Omak, to SR 20 at the town of Okanogan; W on SR 20 to US Forest Service Rd 42 (North Summit Rd), east of Loup Loup Summit; N on US Forest Service Rd 42 (North Summit Rd) to West Fork Rd (County Rd 2017); N on West Fork Rd (County Rd 2017) to the town of Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County):

Beginning at the intersection of SR 153 and SR 20, southeast of the town of Twisp; E on SR 20, past Loup Loup Summit, to the bridge crossing over the Okanogan River at the town of Okanogan; SE on to the bridge over the Okanogan River at the town of Okanogan; S along the Okanogan River to the Columbia River (Douglas-Okanogan county line); W along the Columbia River (Douglas-Okanogan county line) to a point on the county line due east of the US Hwy 97 bridge crossing the mouth of the Methow River at the town of Pateros; SE on US Hwy 97 to SR 153; NW and N on SR 153 to SR 20, southeast of the town of Twisp, and the point of beginning.

GMU 242-ALTA (Okanogan County):

Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service Trail 432 at Twisp Pass; E on US Forest Service Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd (US Forest Service Rd 4440, US Forest Service Rd 44, County Rd 9114) to SR 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy 97; N on the US Hwy 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US Hwy 97 bridge to the Douglas-Okanogan county line in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (Columbia River) to Wells Dam; NW from Wells Dam to the junction of Azwell Rd and US Hwy 97; S on US Hwy 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (Chelan County Rd 8140); NW on the Antoine Creek Rd (Chelan County Rd 8140) to US Forest Service Rd 8020 (Manastash Ridge); N on US Forest Service Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (Chelan-Okanogan county line) to its intersection with US Forest Service Trail 432 at Twisp Pass and the point of beginning.

GMU 243-MANSON (Chelan County):

Beginning at the Chelan River in the town of Chelan, northwest to Lake Chelan; NW along the south shore of Lake Chelan to the Stehekin River; SE along the north shore of Lake Chelan to the Lake Chelan National Recreation boundary; NE along the National Recreation Area boundary to Sawtooth Ridge; SE along Sawtooth Ridge line (Chelan-Okanogan county line) to US Forest Service Rd 8020 at Fox Peak; SE on US Forest Service Rd 8020 to US Forest Service Rd 8140 (Antoine Creek Rd); SE on US Forest Service Rd

8140 (Antoine Creek Rd) to Apple Acres Rd; NE on Apple Acres Rd to US Hwy 97; NE on US Hwy 97 to its junction with Azwell Rd; SE from the junction of US Hwy 97 and Azwell Rd to Wells Dam on the Columbia River; SW down the Columbia River (Chelan-Douglas county line) to the Chelan River; NW up the Chelan River to the town of Chelan and the point of beginning.

GMU 244-CLARK (Chelan County):

Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the Pacific Crest Trail (US Forest Service Trail 2000) at Kodak Peak; N on the Pacific Crest Trail (US Forest Service Trail 2000) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWA WA (Chelan County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to US Forest Service Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on US Forest Service Rd 5700 (Mad River Rd) to the US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 (Eagle Creek Rd) at French Corral; SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy) north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy 2; W and N on US Hwy 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County):

Beginning on the south shore of Lake Chelan at the Glacier Peak Wilderness boundary at Bearcat Ridge; SE along the south shore of Lake Chelan to Twenty-five Mile Creek; SW up Twenty-five Mile Creek to US Forest Service Rd 8410 (Slide Ridge Rd); S and E on US Forest Service Rd 8410 (Slide Ridge Rd) to US Forest Service Trail 1448, at Stormy Mountain; NW on US Forest Service Trail 1448 to US Forest Service Trail 1445 (Fourmile Ridge Trail); W on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1443; W on US Forest Service Trail 1443 to Lake Creek; SW down Lake Creek to the Entiat River; NW up the Entiat River to the Glacier Peak Wilderness Area boundary; ((NW)) NE on the Glacier Peak Wilderness boundary to south shore of Lake Chelan at Bearcat Ridge and the point of beginning.

GMU 247-ENTIAT (Chelan County):

Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; SE along the south shore of Lake Chelan to the Chelan River; SE down the Chelan River to the Columbia River (Chelan-Douglas county line); SW along the Columbia River (Chelan-Douglas county line) to the mouth of the

Entiat River; NW up the Entiat River to Lake Creek; NE up Lake Creek to US Forest Service Trail 1443; E on US Forest Service Trail 1443 to US Forest Service Trail 1445 (Fourmile Ridge Trail); E on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1448; SE on US Forest Service Trail 1448 to the US Forest Service Rd 8410 (Slide Ridge Rd) at Stormy Mountain; N on US Forest Service Rd 8410 (Slide Ridge Rd) to Twenty-five Mile Creek; N down Twenty-five Mile Creek to the south shore of Lake Chelan and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties):

Beginning on SR 17 at the Chalk Hills Rd (K N.E. Rd); N on the Chalk Hills Rd (K N.E. Rd) to Box Canyon Rd (L N.E. Rd); N on Box Canyon Rd (L N.E. Rd) to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the Box Canyon Rd (L N.E. Rd) to the Columbia River; E up the Columbia River to the west end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road (Limited Access) to SR 155; SW on SR 155 to SR 174; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 N.E.); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 N.E.); W on Mold Rd (Rd 9 N.E.) to SR 17; N along SR 17 to SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd); N on the Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd) to West Foster Creek Rd; N on West Foster Creek Rd to SR 17; E on SR 17 to the Chalk Hills Rd (K N.E. Rd) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Alpine Lakes Wilderness boundary near Josephine Lake south of Stevens Pass; E, S, and W on the Alpine Lakes Wilderness boundary to US Forest Service Trail 2000 (Pacific Crest Trail) near Kendall Peak Lake; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary near Josephine Lake and the point of beginning.

GMU 250-SWAKANE (Chelan County):

Beginning at the intersection of US Hwy 2 and Chumstick Hwy (SR 209); SE on US Hwy 2 to the Columbia River (Chelan-Douglas county line); NE on Chelan-Douglas county line (the Columbia River) to the Entiat River; NW up the Entiat River to the Mad River Rd (US Forest Service Rd 5700) at the town of Ardenvoir; N on the Mad River Rd (US Forest Service Rd 5700) to US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 at French Corral; S on US Forest Service Rd 7520 to US Forest Service Rd 7520 (Eagle Creek Rd); SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy); S on SR 209 (Chumstick Hwy) to US Hwy 2 and the point of beginning.

GMU 251-MISSION (Kittitas and Chelan counties):

Beginning at US Hwy 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan

Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd); N approximately 100 feet on WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd) to WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd); W along WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd) to the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd); W along the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd) to WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd); NW on WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to US Forest Service Rd 9712 (Liberty-Beehive Rd); NW on US Forest Service Rd 9712 (Liberty-Beehive Rd) to US Forest Service Rd 9716; N on US Forest Service Rd 9716 to US Hwy 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary at Navaho Peak; N and E on Alpine Lakes Wilderness Area boundary to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 2; E on US Hwy 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties):

Beginning at the town of Mansfield on SR 172; E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 N.E.); E on the Mold Rd (Rd 9 N.E.) to the road's end; due E from the end of Mold Rd (Rd 9 N.E.) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy 2; W on US Hwy 2 to SR 172; N and E on SR 172 to the town of Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County):

Beginning at the town of Brewster and the Columbia River (Douglas-Okanogan county line); E on the Columbia River (Douglas-Okanogan county line), past the town of Bridgeport to the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd (L N.E. Rd); S up the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd to the Box Canyon Rd (L N.E. Rd); E and S on Box Canyon Rd (Rd L N.E.) to the Chalk Hills Rd (K N.E. Rd); SW on the Chalk Hills Rd (K N.E. Rd) to SR 17; W on SR 17 to the West Foster Rd; S on West Foster Rd to Dyer Hill Rd; W and N on Dyer Hill Rd to Gallaher Rd (20 N.E. Rd); W on Gallaher Rd to Dyer Hill Rd (North Division Rd); N on Dyer Hill Rd to Cold Springs Rd (Bonita Flats Rd) at the town of Dyer; W on Cold Springs Rd (Bonita Flats Rd) to the Columbia River then west to the Douglas-Okanogan county line on the Columbia River; N up the Columbia River (Douglas-Okanogan county line) to town of Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County):

Beginning at Cold Spring Rd and the Dyer Hill Rd at the town of Dyer; S on the Dyer Hill Rd (North Division Rd) to Gallaher Rd (20 N.E. Rd); E on Gallaher Rd (20 N.E. Rd) to Bridgeport Hill Rd (B N.E. Rd); S on the Bridgeport Hill Rd to SR 172; W and S on SR 172 to US Hwy 2; W on US Hwy 2, through the town of Waterville, to the Columbia River at

the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River (Chelan-Douglas county line), past the Wells Dam, to the point due west of the Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east of Cold Springs Rd to Cold Springs Rd; E on the Cold Springs Rd to the town of Dyer and the point of beginning.

GMU 266-BADGER (Douglas County):

Beginning at US Hwy 2 at the town of Orondo; E on US Hwy 2, through the towns of Waterville and Douglas, to the Westerman Rd (K S.W. Rd); S on the Westerman Rd (K S.W. Rd) to Alstown Rd (3 S.W. Rd) at the town of Alstown; W on the Alstown Rd (3 S.W. Rd) to the Titchenal Canyon Rd; SW on the Titchenal Canyon Rd to the Sheehan Rd; S on the Sheehan Rd to the Rock Island Grade Rd; SW on the Rock Island Grade Rd to the Columbia River (Chelan-Douglas county line) at the Rock Island Dam; N up the Columbia River (Chelan-Douglas county line), through the town of Wenatchee, to a point in the Columbia due ((east)) west of the town of Orondo; E to US Hwy 2 at the town of Orondo and the point of beginning (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties):

Beginning on US Hwy 2 and the Westerman Rd (K S.W. Rd); E on US Hwy 2 to the Moses Coulee Rd; S on Moses Coulee Rd to Coulee Meadows Rd; S on Coulee Meadows Rd to Rd J N.W. at the Douglas-Grant county line; S on Rd J N.W. to Rd 23 N.W.; E on Rd 23 N.W. to Sagebrush Flats Rd; S on Sagebrush Flats Rd to Rd J N.W.; S on Rd J N.W. to Overen Rd (Rd 20 N.W.); SW on the Overen Rd (Rd 20 N.W.) to Baird Springs Rd; SW on Baird Springs Rd across SR 28 to the Crescent Bar Rd; S along the Crescent Bar Rd to the Crescent Bar boat launch on the Columbia River; W from the Crescent Bar boat launch to the Douglas-Kittitas county line on the Columbia River; N up the Columbia River (Douglas-Kittitas county line) to the Rock Island Grade Rd at the Rock Island Dam; N on Rock Island Grade Rd to the Sheehan Rd; N on the Sheehan Rd to the Titchenal Canyon Rd; N on the Titchenal Road Canyon Rd to the Alstown Rd (3 S.W. Rd); E on the Alstown Rd (3 S.W. Rd), through the town of Alstown to the Westerman Rd (K Rd S.W.); N on the Westerman Rd to US Hwy 2 and the point of beginning.

GMU 272-BEEZLEY (Grant, Lincoln, and Douglas counties):

Beginning at the junction of SR 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to Rd W N.E. (Grand Coulee Hill Rd); S on Rd W N.E. to Rd 52 N.E.; E on Rd 52 N.E. to X Rd N.E.; S on X Rd N.E. to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to Maxwell Rd at the town of Almira; E on Maxwell Rd to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to Rd X N.E.; S on Rd X N.E. to Rd W N.E. at the town of Marlin; S on Rd W N.E. to North Frontage Rd; W on North Frontage Rd to Rd U N.E.; S on Rd U N.E. to I-90; W on I-90 to the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Cres-

cent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to SR 28; N across SR 28 to Baird Springs Rd; NE on Baird Springs Rd to Overen Rd; NE on Overen Rd to Rd J N.W.; N on Rd J N.W. to Sagebrush Flats Rd; N on Sagebrush Flats Rd to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee Rd; N on the Moses Coulee Rd to US Hwy 2; E on US Hwy 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning (except Private Lands Wildlife Management Area 201, Wilson Creek).

GMU 278-WAHLUKE (Grant, Franklin, and Adams counties):

Beginning at I-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to SR 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U S.E.; S on Rd U S.E. to Booker Rd; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scootney Rd; SW on Scootney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant-Kittitas-Yakima county lines) to I-90 at the Vantage Bridge and the point of beginning.

GMU 284-RITZVILLE (Adams, Grant, Lincoln, and Whitman counties):

Beginning at I-90 and Rd U N.E.; N on Rd U N.E. to North Frontage Rd; E on North Frontage Rd to Rd W N.E.; N on Rd W N.E. to Rd 12 N.E.; E on Rd 12 N.E. to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to SR 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26, across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd to Rd U S.E.; N on Rd U S.E. to I-90 and point of beginning.

GMU 290-DESERT (Grant County):

Beginning at I-90 and Beverly Burke Rd (Rd R S.W.), SW of the town of George; E on I-90 to SR 17; S on SR 17 to SR 262; W on SR 262 to Frenchman Hills Rd (Rd 7 S.W.); W on Frenchman Hills Rd (Rd 7 S.W.) to Beverly Burke Rd; N along Beverly Burke Rd to I-90 and the point of beginning.

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

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Ser-

vice Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to ((~~Blewitt~~)) Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point ((~~south~~)) north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center

boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewitt Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to ((~~Taneum Creek~~)) Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umptanum Creek; W up Umptanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umptanum Rd; N on Umptanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall

Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook

Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; ~~((SW along the crest of the Klickton Divide, between Diamond Fork drainage and the South Fork Tieton drainage, ending at the Crest of Spenser Point; SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615;))~~ ((NW)) NE on US Forest Service Trail 615 to US Forest Service Rd 1020; ((NW)) NE on US Forest Service Rd 1020 to US Forest Service Rd 613; ((NW)) NE on US Forest Service Rd 613 to US Forest Service Trail 1127; ((NW)) NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vander-

built Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372-KIONA (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-((Grant))Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain

National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLUCKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties):

Beginning at the NW corner of Whatcom county line and the US-Canadian border; E on the US-Canadian border to a point due north of Silver Lake Rd; S to Silver Lake Rd; S on Silver Lake Rd to SR 542 (Mount Baker Hwy); SW on SR 542 (Mount Baker Hwy) to Mosquito Lake Rd; S on Mosquito Lake Rd to SR 9 (Valley Hwy); S on SR 9 (Valley Hwy) through the town of Sedro-Woolley then S on SR 9 to SR 530 at the town of Arlington; NE on SR 530 to Jim Creek-Trafton Rd at the Trafton School in the town of Trafton; SE along Jim Creek-Trafton Rd (242nd St. NE) to the City of Seattle power transmission line; SW on the transmission line to Jordan Rd in Section 20, T31N, R6E; SE along Jordan Rd to SR 92 at the town of Granite Falls; E on SR 92 to South Alder Ave; S on South Alder Ave to East Pioneer St; E and SE on East Pioneer St to Menzel Lake Rd; S on Menzel Lake Rd to North Lake Roesiger Rd; S on North Lake Roesiger Rd to South Lake Roesiger Rd; S on South Lake Roesiger Rd to Woods Creek Rd; S on Woods Creek Rd to US Hwy 2 at the town of Monroe; W on US Hwy 2 to SR 203 at the town of Monroe; S on SR 203 to N.E. Woodinville-Duvall Rd at the town of Duvall; W on N.E. Woodinville-Duvall Rd to the Snoqualmie River; N down the Snoqualmie River to the Snohomish River; W down the Snohomish River to its mouth on the Puget Sound; W from the mouth of the Snohomish River to the northern tip of Gedney Island; due W from the northern tip of Gedney Island to a point on the Snohomish-Island county line; N along the Island-Snohomish county line in Possession Sound and Port Susan to Juniper Beach and N through Davis Slough to the Island-Snohomish-Skagit county junction; W and N along Island-Skagit county line through Skagit Bay and W through Deception Pass to San Juan-Skagit county line; N on the San Juan-Skagit county

line to a point due West of Kelly's Point on Guemes Island; E from the San Juan-Skagit county line to Bellingham Channel; N through the middle of Bellingham Channel; NE from Bellingham Channel to Carter Point on Lummi Island; NW from Carter Point to the Skagit-Whatcom county line; W along Skagit-Whatcom county line to the Whatcom-San Juan county line; NW along the Whatcom-San Juan county line to the US-Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties):

Beginning at the junction of San Juan-Whatcom county lines and the US-Canadian border at the northernmost point in San Juan County; SE on the San Juan-Whatcom county line to the junction of San Juan-Whatcom-Skagit county lines; E on the Skagit-Whatcom county line to the first point where the Skagit-Whatcom county line turns SE; SE from the Skagit-Whatcom county line to Carter Point on Lummi Island; SW down the middle of Bellingham Channel to a point due W of Kelly's Point on Guemes Island and including Cypress Island; W to the Skagit-San Juan county line; S through Rosario Strait on the San Juan-Skagit county line to the San Juan-Skagit-Island county line; E on the Skagit-Island county line through Deception Pass and S through Skagit Bay to the Island-Snohomish-Skagit county junction; SE on the Island-Snohomish county line through Davis Slough, Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap county line; NW on the Island-Kitsap-Jefferson county line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; W on the Clallam-Jefferson-San Juan county lines to the US-Canadian border; N on the US-Canadian border, through Middle Bank, Haro Strait, and Boundary Pass, to the northernmost corner of San Juan-Whatcom county line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties):

Beginning at the US-Canadian border and the western border of the North Cascades National Park; S on the North Cascades National Park boundary to Noisy Diobsud Wilderness Area boundary; W and S on Noisy Diobsud Wilderness Area boundary to a point due E of the head waters of Watson Creek; W to the headwaters of Watson Creek; S down Watson Creek to Thunder Creek; W down Thunder Creek to Baker River Rd; S along Baker River Rd to SR 20 at the town of Concrete; W along SR 20 to SR 9 at the town of Sedro-Woolley; N along SR 9 to Mosquito Lake Rd; N on the Mosquito Lake Rd to SR 542 (Mount Baker Hwy); N on SR 542 (Mount Baker Hwy) to the Silver Lake Rd; N on the Silver Lake Rd to its northern most point; N from the Silver Lake Rd to the US-Canadian border; E on the US-Canadian border to the western border of the North Cascades National Park and the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties):

Beginning at the US-Canadian border and the western boundary of the Ross Lake National Recreation Area; S on the Ross Lake National Recreation Area boundary across SR 20 (North Cascades Hwy) and Skagit River; NE and E on the Ross Lake National Recreation Area boundary to a point 2 miles east of Panther Creek, where the recreation boundary connects with the Okanogan National Forest boundary; S on North Cascades National Park boundary to the Skagit-Chelan county line at Fisher Peak; SE along the Skagit-Chelan

county line, across SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness boundary at Jim Pass; W along the Pasayten Wilderness boundary to the Ross Lake National Recreation Area boundary; N along the Ross Lake National Recreation Area-Pasayten Wilderness Area boundary to the US-Canadian border; W along the US-Canadian border to the NW corner of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties):

Beginning at the intersection of SR 9 and SR 20, W of the town of Sedro-Woolley; E along SR 20 to Baker River Rd at the town of Concrete; N on Baker River Rd to Thunder Creek; E up Thunder Creek to Watson Creek; N up Watson Creek to its headwaters; E from the headwaters of Watson Creek to Noisy Diobsud Wilderness boundary; N and E on Noisy Diobsud Wilderness boundary to North Cascades National Park boundary; (~~(N, E, N, W and N on the North Cascades National Park boundary to the US-Canadian border; E on the US-Canadian border to the Western Ross Lake National Recreation Area boundary, W of Ross Lake;))~~) S and E along the North Cascades National Park boundary to the Ross Lake National Recreation boundary; S along the Ross Lake National Recreation Area boundary, across the SR 20 (North Cascade Hwy) and the Skagit River; E along the Ross Lake National Recreation Area boundary to the North Cascades National Park boundary near Big Devil Peak; SE on the North Cascades National Park boundary to the Cascade River Rd; S on Cascade River Rd to US Forest Service Rd 1590; S on US Forest Service Rd 1590 to US Forest Service Trail 769 (South Fork Cascade River Trail); S on US Forest Service Trail ~~((796))~~ 769 (South Fork Cascade River Trail) to the Glacier Peak Wilderness Area boundary; W and S on Glacier Peak Wilderness Area Boundary to the Suiattle River; W down the Suiattle River to the Sauk River; N on the Sauk River to SR 530 (Sauk Valley Rd); S on SR 530 to the town of Darrington; W on SR 530 to SR 9 at the town of Arlington; N on SR 9 to SR 20, W of the town of Sedro-Woolley, and the point of beginning (~~(excluding lands in the North Cascades National Park)~~).

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties):

Beginning at the intersection of Hwy 530 (Arlington-Darrington Hwy) and Jim Creek Rd at the town of Trafton; NE on SR 530 to the town of Darrington; N on SR 530 (Sauk Valley Rd) to the Sauk River; S on the Sauk River to Suiattle River; E along the Suiattle River to the Glacier Peak Wilderness Area boundary; S on the Glacier Peak Wilderness Area boundary to US Forest Service Trail 650 West of June Mountain; W on the US Forest Service Trail 650, to US Forest Service Trail 1050 (Quartz Creek Trail) at Curry Gap; S on the US Forest Service Trail 1050 (Quartz Creek Trail) to US Forest Service Rd 6300; E on US Forest Service Rd 6300 to US Forest Service Trail 1051; NE on Trail 1051 to Henry M. Jackson Wilderness boundary; S along the Henry M. Jackson Wilderness boundary to Meadow Creek; S down Meadow Creek to Rapid River; E up Rapid River to US Forest Service Trail 2000 (Pacific Crest Trail) at Lake Janus; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 2 at

Stevens Pass; W on SR 2 to Woods Creek Rd at the town of Monroe; N on Woods Creek Rd to South Lake Roesiger Rd; N on South Lake Roesiger Rd to North Lake Roesiger Rd; N on North Lake Roesiger Rd to Menzel Lake Rd; N on Menzel Lake Rd to East Pioneer St; NW and W on East Pioneer St to South Alder Ave; N on South Alder Ave to SR 92; W on SR 92 to Jordan Rd; NW on Jordan Rd, through the town of Jordan, to the City of Seattle power transmission lines; NE on the transmission lines to Jim Creek-Trafton Rd (242nd St. NE); W on Jim Creek-Trafton Rd to SR 530 at the town of Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties):

Beginning on the Glacier Peak Wilderness boundary and Jordan Creek, W of Jordan Lakes; N and E on the wilderness boundary to US Forest Service Trail 769; N on US Forest Service Trail 769 to US Forest Service Rd 1590; N on US Forest Service Rd 1590 to the US Forest Service Rd 15 (Cascade River Rd); N on US Forest Service Rd 15 (Cascade River Rd) to the North Cascades National Park boundary; E on the North Cascades National Park boundary to US Forest Service Trail 2000 (Pacific Crest Trail); S on US Forest Service Trail 2000 (Pacific Crest Trail) to the Rapid River at Lake Janus; NW down the Rapid River to Meadow Creek; N up Meadow Creek to Henry M. Jackson Wilderness Area boundary; N along the Henry M. Jackson Wilderness boundary to US Forest Service Trail 1051; S on US Forest Service Trail 1051 to US Forest Service Rd 6300; W on US Forest Service Rd 6300 to US Forest Service Trail 1050; N on US Forest Service Trail 1050 to US Forest Service Trail 650 at Curry Gap; E on US Forest Service Trail 650 to the Glacier Peak Wilderness boundary west of June Mountain; N on the Glacier Peak Wilderness boundary, across the Suiattle River, to Jordan Creek and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties):

Beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd to SR 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River to Preston-Fall City Rd; SW on Preston-Fall City Rd to I-90 at the town of Preston; E on I-90 to SR 18; S on SR 18 to the Raging River; SE along the Raging River to Kerriston Rd; S on Kerriston Rd to the City of Seattle Cedar River Watershed boundary; W, S and E along the Cedar River Watershed boundary to US Forest Service Rd 5100; S along US Forest Service Rd 5100 to the posted boundary of the Green River Watershed; S along the posted boundary of the Green River Watershed to the US Forest Service Rd 5410; S on US Forest Service Rd 5410 to US Forest Service Rd 5400; E on US Forest Service Rd 5400 to the junction with posted boundary of the Green River Watershed; S on the posted Tacoma Green River Watershed boundary to US Forest Service Rd 7110 (Weyerhaeuser 5200 line) near Lynn Lake; SW on US Forest Service Rd 7110 (Weyerhaeuser 5200 line) to US Hwy 410; W on SR 410 to SR 164 at the city of Enumclaw; W on SR 164 to SR 18 at the city of Auburn; W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on

Redondo Way South to the town of Redondo on Puget Sound; SW across Admiralty Inlet on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; W and N along the King county line to King, Snohomish, and Kitsap county line junction in the Puget Sound west of Point Wells; N on the Snohomish county line through Possession Sound to a point on the Snohomish county line due west of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island (Hat Island); E from the northern tip of Gedney Island (Hat Island) to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties):

Beginning at SR 203 and SR 2 at the town of Monroe; E on SR 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to the City of Seattle Cedar River Watershed; W on the Cedar River Watershed boundary to Kerriston Rd; N on Kerriston Rd to the Raging River; W and N along the Raging River to SR 18; N on SR 18 to I-90; W on I-90 to the Preston-Fall City Rd; N on the Preston-Fall City Rd to SR 202 (Fall City-Snoqualmie Rd); N on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to SR 203; N on SR 203 to SR 2 at the town of Monroe and the point of beginning.

GMU 466-STAMPEDE (King County):

Beginning on the US Forest Service Trail 2000 (Pacific Crest Trail) and the east boundary of the City of Seattle Cedar River Watershed; S on the US Forest Service Trail 2000 (Pacific Crest Trail) past Blowout Mountain to US Forest Service Rd 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak; NW on US Forest Service Rd 7038 to US Forest Service Rd 7036; NW on US Forest Service Rd 7036 to US Forest Service Rd 7030; NW on US Forest Service Rd 7030 to US Forest Service Rd 7032; NW on US Forest Service Rd 7032 to US Forest Service Trail 1172; W on US Forest Service Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the City of Tacoma Green River Watershed; N on the posted City of Tacoma Green River Watershed boundary to the City of Seattle Cedar River Watershed boundary; N along City of Seattle Cedar River Watershed boundary to US Forest Service Trail 2000 (Pacific Crest Trail) and the point of beginning.

GMU 485-GREEN RIVER (King County):

Beginning at the junction of NW corner of the city of Tacoma Green River Watershed and US Forest Service Rd 5100; E on the boundary between the Green River Watershed and the Cedar River Watershed to US Forest Service Rd 5060; S on US Forest Service Rd 5060 to the posted boundary of the Green River Watershed; along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain to the US Forest Service Rd 5400; NW along US Forest Service Rd 5400 to US Forest Service Rd 5410; N along US Forest Service Rd 5410 to posted boundary of the City of Tacoma Green River Watershed; N along the posted boundary of the City of Tacoma Green River Watershed to US Forest Service Rd 5100; N along US Forest Service Rd

5100 to City of Tacoma Green River Watershed and City of Seattle Cedar River Watershed border and the point of beginning.

GMU 490-CEDAR RIVER (King County):

The area within the posted boundary of the city of Seattle's Cedar River Watershed.

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

AMENDATORY SECTION (Amending Order 03-23, filed 3/5/03, effective 4/5/03)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge

over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the

southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz

River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on

International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning. ~~((No hunting on all lands and islands south of SR 4 between Skamokawa Creek and Cape Horn.))~~

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on ~~((t))~~ the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 234 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to

Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US For-

est Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern

margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E.

Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to

US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

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

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.

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon(~~(, except must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons)~~).

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

PERMANENT

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 489, filed 4/3/91, effective 9/1/91)

WAC 232-12-055 Hunting—Hunter orange clothing requirements. ~~((Effective September 1, 1991[.]))~~

(1) Except as authorized in subsection (4) of this section ~~((4))~~, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during the modern firearm seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((4))~~ (4) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((5))~~ (5) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

AMENDATORY SECTION [(Amending Order 03-129, filed 6/12/03, effective 7/13/03)]

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.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline 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.

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.

7. In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.

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

WSR 03-17-013
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 12, 2003, 8:05 a.m.]

Date of Adoption: August 11, 2003.

Purpose: (1) The Division of Child Support (DCS) is adopting new rules in chapter 388-14A WAC dealing with administrative orders and appeals therefrom, determining when the Office of Administrative Hearings issues an initial order, which is subject to review, or final order, which is not subject to review. Also, DCS is making minor amendments to existing rules regarding the finality of orders and other related rules. (2) DCS is adopting rules to bring the regulations and procedures of the DSHS Division of Child Support 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).

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3131, 388-14A-3132, 388-14A-3133, 388-14A-3370, 388-14A-3600, and 388-14A-3810.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.056, and 74.20A.310.

PERMANENT

Other Authority: RCW 26.26.315, 26.26.320, 26.26.-330, 26.26.335, and 74.20A.055; chapter 302, Laws of 2002; chapter 199, Laws of 2002.

Adopted under notice filed as WSR 03-13-092 on June 16, 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 11, 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 6, 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 6, Amended 11, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 7, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 the 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 or acknowledgments 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)) 26.26.320.

(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 affidavits)) the acknowledgment or affidavit, even if the mother ((and the)) or father were not yet eighteen years of age ((or older)) at the time they signed ((the)) or filed 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)) as provided in RCW 26.26.315(4).

(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)))~~ 388-14A-3120(14) 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)))~~ 388-14A-6100 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)))~~ 388-14A-3600;

(b) An initial decision as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6110, 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 final order as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6115; or

(d) 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 26.23.050 and 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by ~~((WAC 388-11-215 (or as later amended)))~~ RCW 26.18.170 and 26.23.050.

(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)))~~ 388-14A-3375.

(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)~~)) 388-14A-3810 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)(e) unless it is rescinded (with drawn) 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 RCW 26.26.330 and 26.26.335.~~

(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 (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.056.

(2) The NFFR 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 NFFR.

(3) DCS serves a NFFR 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 NFFR.

(5) The NFFR 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 NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR. The NFFR 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 NFFR, if necessary for an accurate support order.

(6) The NFFR includes the information required by ((WAC 388-11-210 (or as later amended);)) RCW 26.23.050, 74.20A.055, and 74.20A.056.

(7) The NFFR includes the noncustodial parent's health insurance obligation, pursuant to ((WAC 388-11-215 (or as later amended);)) RCW 26.18.170 and 26.23.050.

(8) The NFFR 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 NFFR 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 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.

(11) 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 the NFFR, except as provided by ((WAC 388-11-015 and 388-11-280 (or as these sections are later amended);)) 388-14A-3375.

(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 NFFR 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)~~)) 388-14A-3810 describes when the obligation under the NFFR 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.

AMENDATORY SECTION (Amending WSR 01-24-081, filed 12/3/01, effective 1/3/02)

WAC 388-14A-3131 What happens if neither parent appears for the hearing? (1) If neither parent appears at the scheduled hearing after being sent a notice of hearing, the administrative law judge (ALJ) enters an ~~((initial decision and))~~ order on default, declaring the support establishment notice's claim for support to be final and subject to collection action. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) ~~((The initial decision and))~~ As provided in WAC 388-14A-6125, an initial order on default is subject to collection action on the twenty-second day after the order ((of default)) was mailed by the office of administrative hearings, and a final default order is enforceable immediately upon entry.

(3) A parent that did not appear may petition to vacate the default order pursuant to WAC 388-14A-6150.

(a) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the NFFR, NFPR or NFMR. All parties may participate in the hearing.

(b) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

AMENDATORY SECTION (Amending WSR 01-24-081, filed 12/3/01, effective 1/3/02)

WAC 388-14A-3132 What happens if only one parent appears for the hearing? (1) If one parent appears at the hearing, but the other parent fails to appear after being sent a notice of hearing, the administrative law judge (ALJ) enters an order of default against the parent that did not appear. The hearing proceeds as described in WAC 388-14A-3140. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) The division of child support (DCS) and the parent that did appear may enter a consent order, but not an agreed settlement. The obligation in the consent order may be higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. The terms of the consent order become final ~~((on the twenty-second day after the mailing of))~~ when the order of default to the parent that did not appear becomes final, as provided in WAC 388-14A-6125.

(3) DCS and the parent that did appear may proceed to hearing. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(4) The parent that did not appear may petition to vacate the order of default pursuant to WAC 388-14A-6150.

(5) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR) or notice and finding of medical responsibility (NFMR). All parties may participate in the hearing.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

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-3133 What happens when the non-custodial parent and the custodial parent both appear for the hearing? If both parents appear at the hearing:

(1) All parties may enter an agreed settlement or consent order. ~~((WAC 388-11-150 (or as later amended)))~~ 388-14A-3600 describes when an agreed settlement or consent order is a final order.

(2) All parties may proceed to hearing, after which the ALJ issues an ~~((initial decision and))~~ order. The ALJ may enter an ~~((initial decision))~~ order setting an obligation which is higher or lower, or different from, the terms set forth in the notice, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) In a hearing under this section, the division of child support (DCS) ~~((shall proceed))~~ proceeds first to document the support amount that DCS believes to be correct. Following ~~((DCS's))~~ DCS' presentation, the custodial parent (CP)

and the noncustodial parent (NCP) may proceed in turn to show why the DCS position is wrong.

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 order, tribal court order, 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 01-24-082, filed 12/3/01, effective 1/3/02)

WAC 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties (DCS, the custodial parent and the noncustodial parent).

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ) provided that:

- (i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and
- (ii) The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

- (a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;
 - (b) The date the ALJ signs the consent order; or
 - (c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:
 - (i) The date the ALJ signed the consent order;
 - (ii) The date the last party signed the agreed settlement;
- or

(iii) The date the order of default is final. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) A party to a consent order or an agreed settlement may:

- (a) Not petition for review of the settlement or order under WAC 388-02-0560;
- (b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

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;
- (~~or~~)

(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.

NEW SECTION

WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support? (1) In an administrative hearing involving the DSHS division of child support (DCS), the administrative law judge (ALJ) enters either an initial order, which is subject to review, or a final order, which is not subject to review.

(2) The terms "initial order," "final order" and "review" are defined in WAC 388-02-0010, and those definitions are repeated here for ease of reference:

(a) "Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4). An initial order is sometimes called an "initial decision."

(b) "Final order" means an order that is the final DSHS decision.

(c) "Review" means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

(3) WAC 388-14A-6110 and 388-14A-6115 describe how to determine what kind of order is entered. Whether the ALJ enters an initial order or a final order does not depend on the date the hearing is held or the date the order is entered.

(4) WAC 388-14A-6120 describes what you can do if you disagree with an initial order or final order.

(5) WAC 388-14A-6125 describes when DCS may take enforcement action on an initial order or final order.

NEW SECTION

WAC 388-14A-6110 When must an ALJ enter an initial order in a DCS hearing proceeding? An administrative

law judge (ALJ) must enter an initial order in a division of child support (DCS) hearing proceeding if:

(1) The case involves the disclosure of a party's address under WAC 388-14A-2114 through 388-14A-2140;

(2) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request before November 15, 2002;

(3) A CP or NCP files a petition for modification with DCS or the office of administrative hearings (OAH) before November 15, 2002; or

(4) DCS petitions for modification of an administrative order, and either the NCP or the CP is served with the notice of hearing before November 15, 2002.

NEW SECTION

WAC 388-14A-6115 When must an ALJ enter a final order in a DCS hearing proceeding? Except for cases regarding address disclosure under WAC 388-14A-2114 through 388-14A-2140, an administrative law judge (ALJ) must enter a final order in a DCS hearing proceeding if:

(1) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request on or after November 15, 2002;

(2) An NCP or CP files a petition for modification with DCS or the office of administrative hearings (OAH) on or after November 15, 2002;

(3) DCS petitions for modification of an administrative order, and neither the NCP nor the CP is served before November 15, 2002.

NEW SECTION

WAC 388-14A-6120 What can I do if I do not agree with an initial order or final order entered by an administrative law judge? (1) Except for the DCS representative, any party to an initial order entered by an administrative law judge (ALJ) has the right to request review pursuant to chapter 388-02 WAC.

(2) No party may request administrative review of a final order entered by an ALJ.

(3) Any party to an initial order or a final order may petition to vacate an order of dismissal or default, pursuant to WAC 388-14A-3700 and 388-14A-6150.

(4) Any party to an initial order or final order may request correction of a clerical error in the order, pursuant to WAC 388-02-0540 through 388-02-0555.

(5) Any party to a final order may request reconsideration of the order, pursuant to WAC 388-02-0605 through 388-02-0635.

(6) Except for the DCS representative, any party to a final order may petition for judicial review, pursuant to RCW 34.05.510 through 34.05.598. You do not need to request reconsideration of the order before you petition for judicial review.

NEW SECTION

WAC 388-14A-6125 When does an initial order or final order entered by an ALJ become enforceable? (1) If no party requests review within twenty-one days of the date OAH mailed an initial order, the DSHS division of child sup-

port (DCS) may take enforcement action on the twenty-second day after OAH mailed the order.

(2) DCS may take enforcement action on a final order immediately upon entry of the order.

(a) Even if a party files a request for reconsideration, a request to correct a clerical error, a petition to vacate, or a petition for judicial review, DCS does not stop enforcement of the order.

(b) To stop DCS from enforcing a final order, you must obtain a court order staying (stopping) enforcement of the order.

WSR 03-18-003

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed August 20, 2003, 4:46 p.m.]

Date of Adoption: August 20, 2003.

Purpose: Incorporate minor changes to update enforcement procedures with current Administrative Procedure Act.

Citation of Existing Rules Affected by this Order: Amending WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas and 390-37-134 Depositions and interrogatories in enforcement hearings—Protection of parties and deponents.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 03-13-105 on June 17, 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.

August 20, 2003

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 93-24-003, filed 11/18/93)

WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas. (1) During the course of an audit or an investigation, the executive director may issue a subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will apply to the superior court for an appropriate order or other remedy.

The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW ~~((42.17.370(5)))~~ 42.17.370(6) and WAC 390-37-120 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

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

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91)

WAC 390-37-134 Depositions and interrogatories in enforcement hearings (adjudicative proceedings)—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or ~~((its designated hearing))~~ the presiding officer in a prehearing conference may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or the deponent, and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or ~~((its designated hearing))~~ the presiding officer in a prehearing conference may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

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

WSR 03-18-004
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-208—Filed August 20, 2003, 4:59 p.m.]

Date of Adoption: August 20, 2003.

Purpose: Amend coastal harbor salmon season rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-023 and 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-106 on June 17, 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 2003

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for coho and chum salmon, and sturgeon:

Table with 2 columns: Time, Areas. Rows include fishing times for September 4-6, October 4-5, and October 9-10, 2003, with corresponding areas 2A and 2D.

7:00 a.m. October 9 through 3:00 p.m. October 9, and 7:00 a.m. October 10 through 3:00 p.m. October 10, 2003 That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen. That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

((Gear))

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) ((Gill net gear shall be used as provided for in WAC 220-36-015, except no)) 6-inch maximum mesh restriction ((September 4 through September 6, 2001)), no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers, WAC 220-69-240.

(i) Fishers must be willing to take department observers when participating in these openings.

PERMANENT

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
<u>6:00 a.m. October 22 through 6:00 p.m. October 22</u>	<u>Area 2B</u>
<u>6:00 a.m. October 23 through 6:00 p.m. October 23</u>	
<u>6:00 a.m. October 29 through 6:00 p.m. October 29</u>	
<u>6:00 a.m. October 30 through 6:00 p.m. October 30, 2003</u>	

- (a) Drift gill gear only. Unlawful to use set net gear.
- (b) 6 1/2-inch maximum mesh restriction.
- (c) Quick reporting required for wholesale dealers.
- (d) Fishers must be willing to take department observers when participating in these fisheries.

AMENDATORY SECTION (Amending Order 02-173, filed 7/26/02, effective 8/26/02)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
<u>6:00 p.m. ((August 26) September 14 through 6:00 p.m. ((August 27, 2002) September 26, 2003</u>	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H (west of Willapa Channel Marker 35), and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
<u>((6:00 p.m. September 15 through 6:00 p.m. September 30, 2002</u>	<u>Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H west of Willapa Channel Marker 40 and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2))</u>

Time	Area
<u>6:00 p.m. September ((15) 21 through 6:00 p.m. September ((16) 22 and 6:00 p.m. September ((22) 28 through 6:00 p.m. September ((23, 2002) 29, 2003</u>	<u>Area 2K</u>
<u>6:00 p.m. September ((30) 28 through 6:00 p.m. October 3 and 6:00 p.m. October ((9) 7 through 6:00 p.m. October ((10, 2002) 8, 2003</u>	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

6:00 p.m. October 14 through 6:00 p.m. October ((17 and) 16, 6:00 p.m. October ((24) 19 through 6:00 p.m. October ((23, 2002) 21, and 6:00 p.m. October 26 through 6:00 p.m. October 28, 2003

Noon, November ((6) 5 through noon November 30, ((2002) 2003

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

- (3) Gill net gear restrictions - All areas:
 - (a) Drift gill net gear only. It is unlawful to use set net gear.
 - (b) Prior to September 1, ((2002) 2003 - No maximum mesh restrictions.
 - (c) September 1 through ((September 30, 2002) 5:59 p.m. October 7, 2003 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.
 - (d) October ((1) 7 through October 31, ((2001) 2003 - 6-1/2 inch maximum mesh.

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(e) November 1 through November 30, ((2004)) 2003 -9-inch minimum mesh.

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, ((the species. The)) total number for each species and the total weight for each species.

WSR 03-18-005
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-210—Filed August 20, 2003, 4:59 p.m.]

Date of Adoption: August 20, 2003.

Purpose: Amend Puget Sound commercial salmon rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-47-302, 220-47-307, 220-47-311, 220-47-325, 220-47-401, 220-47-427, 220-47-428, and 220-47-430.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-145 on June 18, 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 2003

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It ((shall be)) is unlawful to take or fish for salmon with gill net gear ((beginning in 1998)) in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October 20 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial pur-

poses with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW ((75-12-140) 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink seasonal closure: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

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(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 7PM	((10/14)) 10/16
	7AM - 6PM	((10/22)) 10/23
	6AM - 5PM	((10/28)) 10/29
	7AM - 5PM	11/6
7B, 7C	6AM - 9PM	8/20
7B:	6AM ((9/10)) 9/8	8PM ((9/12)) 9/10
	6AM ((9/17)) 9/15	8PM ((9/19)) 9/17
	7AM ((9/22)) 9/21	((8PM-10/26)) 7PM 10/25
	((7AM-10/28)) 6AM	4PM ((11/4)) 10/31
		10/27
	((7AM-11/4)) 6AM 11/3	4PM ((11/8)) 11/7
	7AM ((11/12)) 11/10	4PM ((11/15)) 11/14
	7AM ((11/18)) 11/17	4PM ((11/22)) 11/21
7AM ((11/25)) 11/24	4PM ((11/29)) 11/28	
8AM ((12/2)) 12/1	4PM ((12/6)) 12/5	

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

8:	6AM - ((5PM)) 8PM	((10/31, 11/1)) 8/28
	6AM - 8PM	9/3
	7AM - 5PM	11/6 ((, 11/7, 11/8, 11/13, 11/14, 11/15))
8A:	((7AM-6PM)) 6AM - 9PM	((10/21, 10/22)) 8/18, 8/20
	6AM - 8PM	8/26, 8/28
	7AM - 7PM	10/6, 10/13, 10/20
	6AM - 5PM	((10/30, 10/31)) 10/27, 10/29
	7AM - 5PM	((11/4,)) 11/5, 11/10, 11/12, 11/19, 11/24, 11/26
	((7AM-5PM))	11/13, 11/14
	7AM - 5PM	11/18, 11/19
	7AM - 5PM	11/25, 11/26, 11/27))
8D:	7AM - 7PM	9/25, 10/2, 10/6, 10/13, 10/20

AREA	TIME	DATE
	6AM - 5PM	((10/30, 10/31)) 10/27, 10/29
	7AM - 5PM	((11/4, 11/5)) 11/3, 11/10, 11/12, 11/19, 11/24, 11/26
	((7AM-5PM))	11/12, 11/13, 11/14, 11/15
	7AM - 5PM	11/18, 11/19, 11/20, 11/21, 11/22
	7AM-5PM	11/25, 11/26, 11/27, 11/29))
	10, 11:	7AM - 7PM
	((7AM-6PM))	((10/28, 10/29)) 10/27
	6AM - 5PM	((11/4)) 11/5, 11/10
	7AM - 5PM	((11/13))
	((7AM-5PM))	((10/21)) 10/20
12, 12B:	7AM - ((6PM)) 7PM	10/27, 10/29
	6AM - 5PM	((11/4)) 11/5, 11/10
	7AM - 5PM	11/13, 11/14
	((7AM-5PM))	11/18, 11/19))
12C:	7AM - 5PM	((11/13, 11/18)) 11/10, 11/17, 11/24

It is unlawful to retain ~~((chinook))~~ the following salmon species taken with purse seine gear ~~((in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1))~~ within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 8 in Area 7B

Sockeye salmon - prior to September 8 in Area 7B

Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 99-202, filed 11/19/99, effective 12/20/99)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) ~~((During Fraser sockeye and pink salmon species seasons))~~ In Areas 7 and 7A and prior to September 8 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

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(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	((9/22 - 11/46)) 9/16 - 11/15

(2) It is unlawful to take, fish for, or possess salmon taken with reef net gear during the period September 16 through September 30 unless the reef net license holder provides the department with 24-hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279.

(3) It is unlawful to retain chinook salmon taken with reef net gear((-)) at all times, and it is unlawful to retain ((ehum)) wild coho salmon taken with reef net gear prior to October 1 ((or wild coho prior to October 6)). All other salt-water and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five ((Quileene Bay)) salmon beach seine experimental fishery permits (((Quileene permits))).

(3) The following is the selection process the department will use to offer a ((Quileene)) salmon beach seine experimental permit.

(a) Persons who held a ((Quileene Bay)) salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on ((September 9, 1996)) August 13, 2002. The pool

established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the ((Quileene Bay)) salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the ((Quileene)) salmon beach seine experimental permit being aboard the designated vessel in the open fishery area two days each week during the open fishing period.

(b) If the ((Quileene)) salmon beach seine experimental permit holder fails to participate, the ((Quileene)) salmon beach seine experimental permit issued to that fisher will be void and a new ((Quileene)) salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in ((1996)) 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state((- federal or tribal)) officials each day the ((Quileene)) salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a ((Quileene)) salmon beach seine experimental permit, will have the permit voided and a new ((Quileene)) salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a ((Quileene)) salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive, or, at the direction of federal or state officials, submitted for broodstock purposes.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a ((Quileene)) salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE(S)
7B	7AM - 7PM Daily	10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31, 11/3, 11/4, 11/5, 11/6, 11/7, 11/10, 11/11, 11/12, 11/13, 11/14

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12A 7AM - 7PM Daily ~~8/25, 8/26, 8/27, 8/28, 8/29, ((8/30)) 9/1, 9/2, 9/3, 9/4, 9/5, ((9/6)) 9/8, 9/9, 9/10, 9/11, 9/12, ((9/13)) 9/15, 9/16, 9/17, 9/18, 9/19, ((9/20)) 9/22, 9/23, 9/24, 9/25, 9/26, ((9/27)) 9/29, 9/30, 10/1, 10/2, 10/3((-10/4))~~

Note: By condition of the salmon experimental beach seine permit, only the following waters of Area 7B and Area 12A are open to beach seine fishing for salmon during the open dates designated in WAC 220-47-428: Area 7B - Those waters of Area 7B lying northerly and easterly of a line extending from Governors Point to the Red #2 bell buoy to the point where the pipeline from Tilbury Cement Pier contacts the shore.

Area 12A - Those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

It is unlawful to retain chinook ~~((or chum))~~ taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-430 Puget Sound commercial salmon—Log book required. It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound SMCRA 7 and 7A during the Fraser Panel-controlled sockeye and pink salmon seasons promulgated by ~~((the National Marine Fisheries Service))~~ National Oceanic and Atmospheric Administration Fisheries, or SMCRA 9A during the coho fishery set out in WAC 220-47-411, to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided for in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRA 7, 7A and 9A, or while in possession of fish caught in these areas. The fisher must submit the completed log book for inspection immediately upon request by authorized department representatives.

(2) In each purse seine log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the fisher shall record the Puget Sound Commercial Salmon Log Book Location Code, the time of the retrieval, and the number of chinook, coho and chum salmon in the net upon retrieval.

(3) In each gill net log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the vessel operator shall record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set when fishing in SMCRA 7 and 7A the number of chinook, coho and chum salmon in the net upon retrieval must be recorded for each retrieval of the net. When fishing in SMCRA 9A the

number of chinook and chum in the net upon retrieval must be recorded for each retrieval of the net.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(b) Location Code 2: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(c) Location Code 3: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92) and southerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92).

(f) Location Code 6: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line.

(5) Location Code 7: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 9A southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian reservation.

(6) In each reef net log book the fisher shall record the fisher's name and license number and the location of the fishing site. For each day fished the fisher shall record the date and the total number of chinook, coho and chum salmon caught.

(7) All log books used in SMCRA 7 and 7A must be sent to the department no later than October 10 of each year. All log books used in SMCRA 9A must be sent to the department no later than November 22 of each year.

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WSR 03-18-006
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-209—Filed August 20, 2003, 4:59 p.m.]

Date of Adoption: August 20, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-282.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-011 on June 5, 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 2003

J. P. Koenigs
 Director

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; ~~((and))~~

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance; and

(d) It is unlawful to retain sturgeon taken downstream from the Wauna power lines at River Mile 40 during the period July 10 through September 30.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

WSR 03-18-007
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-211—Filed August 20, 2003, 4:59 p.m.]

Date of Adoption: August 20, 2003.

Purpose: Amend personal use definitions.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-100.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-144 on June 18, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 2003

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-100 Definitions—Personal use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

((27)) (28) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

WSR 03-18-021
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed August 25, 2003, 9:09 a.m.]

Date of Adoption: August 19, 2003

Purpose: To clarify rules on student conduct, general campus conduct, health and safety, and traffic regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 132Q-03-005 Grounds for ineligibility, 132Q-03-010 Right to brief adjudicative procedure, 132Q-03-020 Brief adjudicative procedure, 132Q-03-030 Decision, 132Q-04-010 Purpose for adoption of student rules, 132Q-04-020 Definitions, 132Q-04-030 Jurisdiction, 132Q-04-031 Prohibited conduct, 132Q-04-076 Hazing prohibited, 132Q-04-077 Penalties for hazing, 132Q-04-078 Sanctions for impermissible conduct not amounting to hazing, 132Q-04-097 Eligibility for clinical programs, 132Q-04-160 Purpose of disciplinary actions, 132Q-04-170 Initiation of prosecution, 132Q-04-180 Initial disciplinary proceedings, 132Q-04-190 Appeals, 132Q-04-200 Composition of college disciplinary committee, 132Q-04-210 Brief adjudicative proceeding, 132Q-04-220 Conduct of disciplinary proceedings, 132Q-04-230 Evidence admissible in proceedings, 132Q-04-240 Decision by the committee, 132Q-04-250 Final decision regarding appeal of disciplinary committee action, 132Q-04-260 Disciplinary action, 132Q-04-270 Readmission after dismissal, 132Q-04-280 Reporting, recording and maintenance of records, 132Q-05-010 Purpose of summary suspension rules, 132Q-05-020 Definitions, 132Q-05-030 Jurisdiction, 132Q-05-033 Authority to suspend, 132Q-05-036 Conduct at college functions, 132Q-05-040 Initiation of summary suspension proceedings, 132Q-05-050 Notice of summary proceedings, 132Q-05-060 Procedures of summary suspension proceeding, 132Q-05-070 Decision by vice-president, 132Q-05-080 Notice of suspension, 132Q-05-090 Suspension for failure to appear, 132Q-05-100 Appeal, 132Q-05-110 Summary suspension proceedings not duplicitous, 132Q-05-120 Reporting, recording and maintenance of records, 132Q-06-010 Confidentiality of student records, 132Q-06-015 Definition of a student, 132Q-06-016 Definition of personally identifiable information, 132Q-06-020 Education records—Student's right to inspect, 132Q-06-025 Requests and appeal

procedures, 132Q-06-030 Release of personally-identifiable records, 132Q-06-035 College records and 132Q-06-040 Records committee, to consolidate student rules into one chapter; repealing WAC 132Q-04-100 Right of assembly, 132Q-04-105 Other punishable acts, 132Q-04-110 Commercial activities, 132Q-04-120 Outside speakers, 132Q-04-130 Trespass, 132Q-04-140 Distribution of materials and 132Q-04-150 Right to demand identification, to consolidate general campus conduct rules into one chapter; and repealing WAC 132Q-20-020 Definitions, housekeeping change; new sections WAC 132Q-07-010 Authority to demand identification, 132Q-07-020 Right of assembly, 132Q-07-030 Outside speakers, 132Q-07-040 Distribution of materials, 132Q-07-050 Commercial activities and 132Q-07-060 Trespass, to consolidate general campus conduct rules into one chapter; new section WAC 132Q-20-005 Definitions, housekeeping change; new section WAC 132Q-94-160 Prohibition of open flames in college buildings, new rule to prevent candles and/or any other open flames in campus buildings; new sections WAC 132Q-02-010 Definitions, 132Q-02-020 Purpose for adoption of student rules, 132Q-02-030 Jurisdiction, 132Q-02-040 Student misconduct, 132Q-02-050 Academic dishonesty, 132Q-02-060 Classroom conduct/learning environment, 132Q-02-070 Authority to suspend, 132Q-02-080 Conduct at college functions, 132Q-02-090 Other punishable acts, 132Q-02-100 Hazing, 132Q-02-110 Disciplinary actions, 132Q-02-120 Delegation of disciplinary authority, 132Q-02-130 Due process, 132Q-02-140 Initiation of disciplinary action, 132Q-02-150 Composition of college disciplinary committee, 132Q-02-160 Evidence admissible in proceedings, 132Q-02-170 Appeal of disciplinary actions, 132Q-02-180 Reporting, recording and maintenance of disciplinary records, 132Q-02-190 College disciplinary committee proceedings, 132Q-02-200 Brief disciplinary proceedings, 132Q-02-210 Conduct at disciplinary proceedings, 132Q-02-220 Decision of the college disciplinary committee, 132Q-02-230 Final decision regarding appeal of disciplinary committee action, 132Q-02-240 Readmission after suspension, 132Q-02-250 Emergency authority of campus president, 132Q-02-260 Purpose of immediate summary suspension rules, 132Q-02-270 Initiation of immediate summary suspension proceedings, 132Q-02-280 Notice of immediate summary suspension proceedings, 132Q-02-290 Procedures of immediate summary suspension proceedings, 132Q-02-300 Decision by vice president, 132Q-02-310 Notice of immediate summary suspension, 132Q-02-320 Failure to appear, 132Q-02-330 Appeal of immediate summary suspension, 132Q-02-340 Immediate summary suspension proceedings not duplicative, 132Q-02-350 Confidentiality of student records, 132Q-02-360 Education records, 132Q-02-370 Records requests and appeals, 132Q-02-380 Release of personally-identifiable records, 132Q-02-390 College records, 132Q-02-400 Records committee, 132Q-02-410 Eligibility for clinical programs, 132Q-02-420 Grounds for athletic ineligibility, 132Q-02-430 Right to brief adjudicative procedure—Athletics, 132Q-02-440 Brief adjudicative procedure—Athletics, and 132Q-02-450 Brief adjudicative decision—Athletics, to consolidate student rules into one chapter; and amending WAC 132Q-20-010 Purpose and jurisdiction for adopting rules, 132Q-20-040 Permits required for vehi-

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cles on campus, 132Q-20-050 Authorization for issuance of permits, 132Q-20-060 Valid permits, 132Q-20-070 Display of permits, 132Q-20-080 Transfer of permits, 132Q-20-090 Permit revocation, 132Q-20-110 Right to appeal permit revocation/refusal, 132Q-20-120 Responsibility of permit holder, 132Q-20-130 Designation of parking spaces, 132Q-20-140 Parking within designated spaces, 132Q-20-150 Parking hours, 132Q-20-170 Regulatory signs and directions, 132Q-20-180 Speed limit, 132Q-20-190 Pedestrians' right of way, 132Q-20-200 Special traffic and parking regulations and restrictions authorized, 132Q-20-210 Two-wheeled motorbikes or bicycles, 132Q-20-220 Report of accidents, 132Q-20-230 Exceptions from traffic and parking restrictions, 132Q-20-240 Enforcement, 132Q-20-250 Issuance of traffic citations, 132Q-20-260 Fines and penalties for students, 132Q-20-265 Fines and penalties for all district employees, 132Q-20-270 Liability of CCS, 132Q-94-010 Declaration of purpose, 132Q-94-020 Rationale, 132Q-94-030 Students' responsibilities, 132Q-94-130 violations, 132Q-94-150 Prohibition of weapons and other dangerous instrumentalities, 132Q-108-010 Adoption of model rules of practice and procedure, 132Q-108-020 Appointment of presiding officers, 132Q-108-040 Application for adjudicative proceeding and 132Q-108-050 Brief adjudicative procedures, housekeeping changes.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 03-09-094 on April 18, 2003 [WSR 03-13-081 and 03-13-082 on June 16, 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 53, Amended 36, Repealed 55.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 53, Amended 33, Repealed 55.

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 53, Amended 33, Repealed 55.

Effective Date of Rule: Thirty-one days after filing.

August 21, 2003

Dr. Gary Livingston
Chancellor/CEO

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 03-20 issue of the Register.

WSR 03-18-023
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed August 25, 2003, 1:44 p.m.]

Date of Adoption: August 25, 2003.

Purpose: Explains how and when a person may petition for a refund or real estate excise taxes. Amendment clarifies when and what tax may be refunded when a real estate transaction is completely rescinded.

Citation of Existing Rules Affected by this Order: Amending WAC 458-61-100 Real estate excise tax—Refunds of tax paid.

Statutory Authority for Adoption: RCW 82.45.150, 82.32.300, and 82.01.060(2).

Adopted under notice filed as WSR 03-11-079 on May 20, 2003.

Changes Other than Editing from Proposed to Adopted Version: The phrase "reconveyance to the original owner" was replaced with "conveyance back to the grantor" in the six places the phrase was used.

The proposed rule says in the introduction that it provides taxpayers directions for filing a petition for the correction of an assessment. The rule was amended to explain that the procedure for obtaining a refund from the department is the same procedure to follow for filing a petition for correction of an assessment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 25, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-04-088, filed 2/1/94, effective 3/4/94)

WAC 458-61-100 Refunds of tax paid. (1) **Introduction.** Taxpayers who have paid the real estate excise tax or who have received a notice of assessment of tax and who wish to contest the application of the real estate excise tax to a particular transfer may file a petition for refund or correction of assessment as provided in this section. Only the taxpayer or the taxpayer's authorized agent may petition for a refund of tax.

(2) **Petitioning for a refund.** Any person who has overpaid any tax, interest, or penalty, may apply for a refund within four years from the date of sale by petitioning in writing for a refund of the amount overpaid. Claims for refund are to be made on forms prescribed by the department and made

available at the county treasurers' offices and at the department.

(a) The taxpayer shall submit the completed form and all documentation supporting the claim for refund to the county treasurer's office in the county where the tax was originally paid.

(b) If the taxpayer originally paid the tax directly to the department or wants to petition for the correction of an assessment, the form and supporting documentation shall be submitted to the department in accordance with the requirements of WAC 458-20-100, appeal procedures.

(3) **County treasurer's responsibilities—Petition received prior to sending affidavit to department.** If the taxpayer submits the petition for refund before the county treasurer has sent to the department the copy of the affidavit which receipted the tax payment now in question, the county treasurer is authorized to void the receipted affidavit copies, based upon the criteria listed in subsection (5) of this section, and issue the refund. If the county treasurer authorizes and issues such refund, the voided copy of the affidavit, with a copy of the refund petition attached, must be included in the monthly affidavit batch sent to the department. If the county treasurer does not authorize such refund, the treasurer shall send the petition for refund, along with a copy of the affidavit and all supporting records, to the department. The procedure for petitions sent to the department shall follow subsection (4) of this section.

(4) **County treasurer's responsibilities—Petition received after sending affidavit to department.** If the taxpayer submits the petition for refund after the county treasurer has sent to the department the copy of the affidavit which receipted the payment now in question, the county treasurer shall verify the information on the petition and forward it to the department with a copy of the affidavit and any other supporting records furnished by the taxpayer. The department shall approve or deny the refund. The taxpayer may then appeal the imposition of the tax under the appeal procedures. See WAC ((458-61-100)) 458-20-100, appeals procedures. If such petition is denied, the department will return to the petitioner all supporting documents which are submitted with the petition for refund.

(5) **Circumstances under which a refund of tax is authorized.** The authority to issue tax refunds under this chapter is limited to:

(a) The conveyance back to the grantor for transactions that are completely rescinded as defined in WAC 458-61-590;

(b) The conveyance back to the grantor for sales rescinded by court order. In such case a copy of the court decision must be attached to the department's affidavit copy by the county treasurer (see also WAC 458-61-330: Foreclosure—Deeds in lieu of foreclosure);

(c) The initial conveyance recorded in error by an escrow agent before the closing date, provided the property is conveyed back to the grantor;

(d) The conveyance back to the grantor in (c) above;

(e) The initial conveyance recorded before a purchaser assumes an outstanding loan that represents the only consideration to be paid for the property, provided (i) the purchaser is unable to assume the loan and (ii) the property is conveyed

back to the grantor. The refund is allowed because the transaction lacked valuable consideration;

(f) The conveyance back to the grantor in (e) above;

(g) Double payment of the tax;

~~((e))~~ (h) Overpayment of the tax through error of computation; and

~~((e))~~ (i) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt.

WSR 03-18-024

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 25, 2003, 1:45 p.m.]

Date of Adoption: August 25, 2003.

Purpose: WAC 458-20-122 (Rule 122) and 458-20-210 (Rule 210) provide tax-reporting information for farmers and persons doing business with farmers. Rule 122 explains the application of business and occupation (B&O) tax, retail sales, and use taxes to the sale and/or use of feed, seed, fertilizer, spray materials, and other tangible personal property for farm use. Rule 210 explains the B&O and retail sales tax applications to sales of agricultural products by farmers. The information currently contained in Rule 122 has been incorporated into Rule 210 and, as a result, Rule 122 is being repealed. Consolidating these two rules will provide the information to the public and department staff in a more efficient and user-friendly manner. Information contained in several excise tax advisories has been incorporated into Rule 210. Those advisories will be cancelled when the revised Rule 210 becomes effective. Lastly, a number of recent legislative changes affecting farmers and persons making sales to farmers have been incorporated in to Rule 210.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-20-122 Sales of feed, seed, fertilizer, spray materials, and other tangible personal property for farm use; and amending WAC 458-20-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 34.05.230.

Adopted under notice filed as WSR 03-09-146 on April 23, 2003.

Changes Other than Editing from Proposed to Adopted Version: Rule 210:

- The reference in subsection (4)(b) to the due date for filing the consumer use tax return and paying the tax has been deleted.
- The phrase "Retail sales and use taxes do not apply to materials" in subsection (6)(j) has been changed to "Retail sales and use taxes do not apply to bedding materials."
- Language has been added to subsection (6)(l) to explain that the use tax exemption provided by RCW 82.12.840 for certain property used to reduce field burning also applies to the use of services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, if all

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of the requirements for the exemption are met. This incorporates section 14, chapter 5, Laws of 2003 (EHB 1977).

- Language has been added to subsection (6)(m) to explain that the use tax exemption provided by RCW 82.12.890 for persons operating dairy nutrient management equipment and facilities also applies to the use of labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property. This incorporates section 15, chapter 5, Laws of 2003 (EHB 1977).

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 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 1, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 25, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-07-048, filed 3/10/94, effective 4/10/94)

WAC 458-20-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers.

(1) **Introduction.** ((This section explains the B&O and retail sales tax applications to sales of agricultural products by farmers. Farmers should refer to WAC 458-20-101 to determine whether they must obtain a tax registration endorsement or a temporary registration certificate with the department of revenue. Farmers and persons making sales to farmers may also want to refer to the following sections of chapter 458-20 WAC:

(a) ~~WAC 458-20-122 (Sales of feed, seed, fertilizer, spray materials, and other tangible personal property for farm use);~~

(b) ~~WAC 458-20-209 (Farming for hire and horticultural services performed for farmers); or~~

(c) ~~WAC 458-20-239 (Sales to nonresidents of farm machinery or implements).~~

(2) **Definitions.** For the purposes of this section, the following definitions apply:

(a) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as

ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. The term does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard, slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber. RCW 82.04.213.

(b) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to a product of horticulture, grain cultivation, vermiculture, or viticulture. "Agricultural product" includes plantation Christmas trees, animals, birds, insects, or the substances obtained from such animals. RCW 82.04.213. On and after July 1, 1993, "agricultural products" includes products of "aquaculture" and animals that are "cultured aquatic products," as those terms are defined by RCW 15.85.020. Also effective July 1, 1993, "turf" was added to the definition of "agricultural product," and "animals intended to be pets" were specifically excluded. (See chapter 25, Laws of 1993 sp.s.)

(3) **Business and occupation tax.** Farmers selling agricultural products which they have not produced upon their own land or upon land which they have a present right of possession are subject to the provisions of the business and occupation tax, whether these products are sold at wholesale or retail. The business and occupation (B&O) tax applies to all sales of nonagricultural products. The B&O tax also applies to sales by persons operating a stockyard, slaughter or packing house who sell animal products raised by them.

(a) **Wholesale sales.** Farmers making wholesale sales of agricultural products produced by them upon land owned by them, or upon which they have a present right of possession, are not subject to the B&O tax. (See RCW 82.04.330.) However, this exemption does not apply to farmers who produce agricultural products for use in a manufacturing process, or who sell products at wholesale which they do not grow.

(b) **Retail sales.** Retail sales of agricultural products by farmers producing the same are subject to the retailing B&O tax. Thus, tax is due by any farmer engaging in the following activities:

(i) Conducting a roadside stand or a stand displaying agricultural products for sale at retail;

(ii) Posting signs on the premises, or through other forms of advertising soliciting sales at retail;

(iii) Operating a regular delivery route from which agricultural products are sold at retail from door to door; or

(iv) Maintaining an established place of business for the purpose of making retail sales of agricultural products.

(e) **Specific B&O tax exemptions.** There are specific B&O tax exemptions provided by statute for certain sales of agricultural products which do not otherwise qualify for exemption under RCW 82.04.330. The B&O tax does not apply to the following:

(i) Amounts received for the sale of hatching eggs or poultry by farmers producing the same, when these products are for use in the production for sale of poultry or poultry products. RCW 82.04.410.

(ii) Amounts received by hop growers or dealers for hops shipped outside the state of Washington for first use, even though the hops have been processed into extract, pellets, or

powder in this state. RCW 82.04.337. However, the processor or warehouse of such products is not exempt on amounts charged for processing or warehousing such products.

(4) **Retail sales tax.** Farmers required to obtain a tax registration endorsement must collect and remit retail sales tax upon any retail sale for which a specific retail sales tax exemption is not provided. Retail sales tax exemptions are available for the following sales of agricultural products:

(a) **Sales of food products for human consumption.** This exemption also applies to sales of livestock sold for personal consumption as food. RCW 82.08.0293.

(b) **Sales of pollen.** RCW 82.08.0277.

(c) **Sales of semen for use in the artificial insemination of livestock.** RCW 82.08.0272.

(d) **Sales of poultry for use in the production for sale of poultry or poultry products.** RCW 82.08.0267.

(e) **Sales of beef and/or dairy cattle for use by a farmer in producing an agricultural product.** RCW 82.08.0259.

(f) **Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breeding association.** RCW 82.08.0259. Sellers claiming such an exemption should refer to WAC 458-20-122 for a description of the exemption certificate which must be retained by the seller.

(5) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(6) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) **BG Orchards produces apples at its own orchards.** Most apples are sold at wholesale, but BG does operate a seasonal roadside fruit stand at which it sells apples at retail. The gross proceeds derived from the wholesale sale of apples is exempt from the business and occupation tax. However, the retailing B&O tax applies to the retail sales of apples, notwithstanding these sales qualify for the food product sales tax exemption.

(b) **AC, Inc. owns and operates a hatchery which produces poultry from eggs.** The resulting poultry is then sold to egg producers. AC, Inc. is making retail sales of poultry. However, the gross proceeds received from these sales are exempt from both the retailing B&O and retail sales taxes under the provisions of RCW 82.04.410 and 82.08.0267, respectively.)) This rule explains the application of business and occupation (B&O), retail sales, and use taxes to the sale and/or use of feed, seed, fertilizer, spray materials, and other tangible personal property for farming. This rule also explains the application of B&O, retail sales, and litter taxes to the sale of agricultural products by farmers. Farmers should refer to WAC 458-20-101 to determine whether they must obtain a tax registration endorsement or a temporary registration certificate from the department of revenue (department).

Farmers and persons making sales to farmers may also want to refer to the following rules for additional information:

(a) **WAC 458-20-209 (Farming for hire and horticultural services provided to farmers);**

(b) **WAC 458-20-222 (Veterinarians);**

(c) **WAC 458-20-239 (Sales to nonresidents of farm machinery or implements, and related services); and**

(d) **WAC 458-20-262 (Retail sales and use tax exemptions for agricultural employee housing).**

(2) **Who is a farmer?** A "farmer" is any person engaged in the business of growing, raising, or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product to be sold. A "farmer" does not include a person growing, raising, or producing agricultural products for the person's own consumption; a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard, slaughterhouse, or packing house; or a person in respect to the business of taking, cultivating, or raising timber. RCW 82.04.213 and chapter 118, Laws of 2001.

(3) **What is an agricultural product?** An "agricultural product" is any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; short-rotation hardwoods as defined in RCW 84.33.035 (as of July 22, 2001); turf; or any animal, including, but not limited to, an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, a bird, an insect, or the substances obtained from such animals. An "agricultural product" does not include animals defined under RCW 16.70.020 as "pet animals." RCW 82.04.213 and chapter 118, Laws of 2001.

(4) **Sales to farmers.** Persons making sales of tangible personal property to farmers are generally subject to wholesaling or retailing B&O tax, as the case may be, on the gross proceeds of sales. Sales of some services performed for farmers, such as installing or repairing tangible personal property, are retail sales and subject to retailing B&O tax on the gross proceeds of such sales. Persons making retail sales must collect retail sales tax from the buyer, unless the sale is specifically exempt by law. Readers should refer to subsection (6) of this rule for information about specific sales tax exemptions available for sales to farmers.

(a) **Documenting wholesale sales.** A seller must obtain a resale certificate from the buyer to document the wholesale nature of any transaction. (Refer to WAC 458-20-102 for detailed information about resale certificates.)

(b) **Buyer's responsibility when the seller does not collect retail sales tax on a retail sale.** If the seller does not collect retail sales tax on a retail sale, the buyer must pay the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department, unless the sale is specifically exempt by law. The "Combined Excise Tax Return" does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's Combined Excise Tax Return. If a deferred sales tax or use tax liability is incurred by a farmer who is not required to obtain a tax registration endorsement from the department (see WAC 458-20-101), the farmer must report the tax on a "Consumer Use Tax Return" and remit the appropriate tax to the department.

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Refer to WAC 458-20-178 for detailed information regarding use tax.

The Consumer Use Tax Return can be obtained by calling the department's telephone information center at 1-800-647-7706. The return may also be obtained from the department's website at: <http://dor.wa.gov>.

(c) Feed, seed, seedlings, fertilizer, spray materials, and agents for enhanced pollination. Sales to farmers of feed, seed, seedlings, fertilizer, spray materials, and agents for enhanced pollination, including insects such as bees, to be used for the purpose of producing an agricultural product, whether for wholesale or retail sale, are wholesale sales.

However, when these items are sold to consumers for purposes other than producing agricultural products for sale, the sales are retail sales. For example, sales of feed to riding clubs, racetrack operators, boarders, or similar persons who do not resell the feed at a specific charge are retail sales. Sales of feed for feeding pets or work animals, or for raising animals for the purpose of producing agricultural products for personal consumption are also retail sales. Sales of seed, fertilizer, and spray materials for use on lawns and gardens, or for any other personal use, are likewise retail sales.

(i) What is feed? "Feed" is any substance used as food to sustain or improve animals, birds, fish, or insects, including whole and processed grains or mixtures thereof, hay and forages or meals made therefrom, mill feeds and feeding concentrates, stock salt, hay salt, bone meal, fish meal, cod liver oil, double purpose limestone grit, oyster shell, and other similar substances. Food additives that are given for their beneficial growth or weight effects are "feed."

Hormones or similar products that do not make a direct nutritional or energy contribution to the body are not "feed," nor are products used as medicines.

(ii) What is seed? "Seed" is the propagative portions of plants commonly used for seeding or planting whether true seed, bulbs, plants, seed-like fruits, seedlings, or tubers.

(iii) What is fertilizer? "Fertilizer" is any substance containing one or more recognized plant nutrients and is used for its plant nutrient content and/or is designated for use in promoting plant growth. "Fertilizer" includes limes, gypsum, and manipulated animal and vegetable manures. There is no requirement that fertilizers be applied directly to the soil.

(iv) What are spray materials? "Spray materials" are any substance or mixture of substances in liquid, powder, granular, dry flowable, or gaseous form, which is intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life normally considered to be a pest. The term includes treated materials, such as grains, that are intended to destroy, control, or repel such pests. "Spray materials" also include substances that act as plant regulators, defoliants, desiccants, or spray adjuvants.

(v) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(A) Sue grows vegetables for retail sale at a local market. Sue purchases fertilizers and spray materials that she applies to the vegetable plants. She also purchases feed for poultry

that she raises to produce eggs for her personal consumption. Because the vegetables are an agricultural product produced for sale, retail sales tax does not apply to Sue's purchases of fertilizers and spray materials, provided she gives the seller a resale certificate. Retail sales tax does apply to her purchases of poultry feed, as the poultry are raised to produce eggs for Sue's personal consumption.

(B) WG Vineyards (WG) grows grapes that it uses to manufacture wine for sale. WG purchases pesticides and fertilizers that are applied to its vineyards. WG may purchase these pesticides and fertilizers at wholesale, provided WG gives the seller a resale certificate.

(C) Seed Co. contracts with farmers to raise seed. Seed Co. provides the seed and agrees to purchase the crop if it meets specified standards. The contracts provide that ownership of the crop is retained by Seed Co., and the risk of crop loss is borne by the farmers. The farmers are obligated to pay for the seed whether or not the crop meets the specified standard. The transfer of the possession of the seed to the farmers is a wholesale sale, provided Seed Co. obtains a resale certificate from the farmers.

(d) Chemical sprays or washes. Sales of chemical sprays or washes, whether to farmers or other persons, for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay are wholesale sales.

(e) Farming equipment. Sales to farmers of farming equipment such as machinery, machinery parts and repair, tools, and cleaning materials are retail sales and subject to retailing B&O and retail sales taxes, unless specifically exempt by law. Refer to subsections (4)(i) and (6) of this rule for information about sales tax exemptions available to farmers.

(f) Packing materials and containers. Sales of packing materials and containers, or tangible personal property that will become part of a container, to a farmer who will sell the property to be contained therein are wholesale sales, provided the packing materials and containers are not put to intervening use by the farmer. Thus, sales to farmers of binder twine for binding bales of hay that will be sold or wrappers for fruit and vegetables to be sold are subject to wholesaling B&O tax. However, sales of packing materials and containers to a farmer who will use the items as a consumer are retail sales and subject to retailing B&O and retail sales taxes. Thus, sales of binder twine to a farmer for binding bales of hay that will be used to feed the farmer's livestock are retail sales.

(g) Purchases for dual purposes. A buyer normally engaged in both consuming and reselling certain types of tangible personal property and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

If a buyer makes a purchase for dual purposes and does not give a resale certificate for any of the purchase and thereafter resells some of the articles purchased, the buyer may

claim a "taxable amount for tax paid at source" deduction. Refer to WAC 458-20-102 for additional information regarding purchases for dual purposes and the "taxable amount for tax paid at source" deduction.

(i) **Potential deferred sales tax liability.** If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer is liable for deferred sales tax and must remit the tax directly to the department. Refer to subsection (4)(b) of this rule and WAC 458-20-102 for more information regarding deferred sales tax.

(ii) **Example.** A farmer purchases binder twine for binding bales of hay. Some of the hay will be sold and some will be used to feed the farmer's livestock. More than fifty percent of the binder twine is used for binding bales of hay that will be sold. Because the farmer principally uses the binder twine for binding bales of hay that will be sold, the farmer may issue a resale certificate to the seller for the entire purchase. The farmer is liable for deferred sales tax on the binder twine used for binding bales of hay that are used to feed the farmer's livestock and must remit the tax directly to the department.

(h) **"Fruit bin rentals" by fruit packers.** Fruit packers often itemize their charges to farmers for various services related to the packing and storage of fruit. An example is a charge for the bins which the packer uses in the receiving, sorting, inspecting, and storing of fruit (commonly referred to as "bin rentals"). The packer delivers the bins to the grower, who fills them with fruit for eventual storage in the packer's warehouse. Charges by fruit packers to farmers for such bin rentals do not constitute the rental of tangible personal property to the farmer where the bins are under the control of the packer for use in the receiving, sorting, inspecting, and storing of fruit. These charges are income to the packer related to the receipt or storage of fruit. The packer, as the consumer of the bins, is subject to retail sales or use tax on the purchase or use of the bins. (Information regarding the taxability of fruit packing is contained in WAC 458-20-214.)

(i) **Machinery and equipment used directly in a manufacturing operation.** Machinery and equipment used directly in a manufacturing operation by a manufacturer or processor for hire is exempt from sales or use tax provided that all requirements for the exemption are met. RCW 82.08.02565 and 82.12.02565. This exemption is commonly referred to as the M&E exemption. Farmers who use agricultural products that they have grown, raised, or produced as ingredients in a manufacturing process may be entitled to the M&E exemption on the acquisition of machinery and equipment used directly in their manufacturing operation. Refer to WAC 458-20-13601 for detailed information regarding the M&E exemption.

See subsection (5)(b) of this rule for an example illustrating a farmer using agricultural products that the farmer has grown as an ingredient in a manufacturing process.

(5) **Sales by farmers.** Farmers are not subject to B&O tax on wholesale sales of agricultural products. RCW 82.04.330. Farmers who manufacture products using agricultural products that they have grown, raised, or produced should refer to subsection (5)(b) of this rule for tax-reporting information.

Farmers are subject to retailing B&O tax on retail sales of agricultural products and retailing or wholesaling B&O tax on sales of nonagricultural products, as the case may be, unless specifically exempt by law. Also, B&O tax applies to sales of agricultural products that the seller has not grown, raised, or produced upon the seller's own land or upon land in which the seller has a present right of possession, whether these products are sold at wholesale or retail. Likewise, B&O tax applies to sales of animals or substances derived from animals in connection with the business of operating a stockyard, slaughterhouse, or packing house. Farmers may be eligible to claim a small business B&O tax credit if the amount of B&O tax liability in a reporting period is under a certain amount. For detailed information about this credit, refer to WAC 458-20-104.

(a) **Litter tax.** The gross proceeds of sales of certain products, including food for human or pet consumption, are subject to litter tax. RCW 82.19.020. Litter tax does not apply to sales of agricultural products that are exempt from B&O tax under RCW 82.04.330. RCW 82.19.050 and chapter 118, Laws of 2001. Thus, farmers are not subject to litter tax on wholesale sales of agricultural products but are liable for litter tax on the gross proceeds of retail sales of agricultural products that constitute food for human or pet consumption. Also, farmers that manufacture products for use and consumption within this state (e.g., a farmer who produces wine from grapes that the farmer has grown) may be liable for litter tax measured by the value of the products manufactured. For detailed information about the litter tax, refer to chapter 82.19 RCW and WAC 458-20-243.

For example, RD Orchards (RD) grows apples at its orchards. Most apples are sold at wholesale, but RD operates a seasonal roadside fruit stand from which it makes retail sales of apples. The wholesale sales of apples are exempt from both B&O and litter taxes. The retail sales of apples are subject to retailing B&O and litter taxes but are exempt from sales tax because the apples are sold as a food product for human consumption. (See subsection (6)(d) of this rule for information about the retail sales tax exemption applicable to sales of food products for human consumption.)

(b) **Farmers using agricultural products in a manufacturing process.** The B&O tax exemption provided by RCW 82.04.330 does not apply to any person selling manufactured substances or articles. Thus, farmers who manufacture products using agricultural products that they have grown, raised, or produced are subject to manufacturing B&O tax on the value of products manufactured. Farmers who sell their manufactured products at retail or wholesale in the state of Washington are also generally subject to the retailing or wholesaling B&O tax, as the case may be. In such cases, a multiple activities tax credit (MATC) may be available. For detailed information regarding the manufacturing B&O tax and the MATC, refer to WAC 458-20-136 and 458-20-19301, respectively.

For example, WG Vineyards (WG) produces wine from grapes that it grows in its vineyards located within this state. WG makes wholesale sales of its wine to customers both within and outside of this state. WG is subject to manufacturing B&O tax on the value of the wine it produces. WG is also subject to wholesaling B&O tax on wholesale sales of wine

delivered to buyers within this state, and WG is entitled to a multiple activities tax credit. In addition, WG is subject to litter tax on the value of wine sold within this state. (See subsection (5)(a) of this rule for information on the litter tax.)

(i) Special B&O tax rate for manufacturing fresh fruits and vegetables. A special lower B&O tax rate is provided by RCW 82.04.260 to persons manufacturing fresh fruits or vegetables by canning, preserving, freezing, processing, or dehydrating. Thus, farmers and other persons manufacturing fresh fruits and vegetables using these processes should report their manufacturing activity under the manufacturing fresh fruits and vegetables B&O tax classification.

Wholesale sales of fresh fruits or vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport the goods out of this state in the ordinary course of business are also subject to the lower B&O tax rate provided by RCW 82.04.260.

(ii) Special B&O tax rate for manufacturing dairy products. Effective September 20, 2001, a special lower B&O tax rate is provided by RCW 82.04.260 to persons manufacturing dairy products that, as of that date, are identified in 21 CFR, chapter 1, parts 131, 133, and 135. These products include milk, buttermilk, cream, yogurt, cheese, and ice cream, and also include by-products from the manufacturing of dairy products such as whey and casein. Thus, farmers and other persons manufacturing qualifying dairy products should report their manufacturing activity under the manufacturing dairy products B&O tax classification. This special rate does not apply, however, when dairy products are used merely as an ingredient or component of a manufactured product that is not a dairy product (e.g., milk-based soups or pizza).

The special B&O tax rate provided by RCW 82.04.260 also applies to persons selling manufactured dairy products to purchasers who transport the goods outside of this state in the ordinary course of business. Unlike the special B&O tax rate for certain wholesale sales of fresh fruits or vegetables (see subsection (5)(b)(i) of this rule), the special B&O tax rate for sales of qualifying dairy products does not require that the sales be made by the person who manufactured the dairy products nor that they be sales at wholesale.

(c) Raising cattle for wholesale sale. Persons who raise cattle for wholesale sale are exempt from B&O tax under RCW 82.04.330 provided that the cattle are held for at least sixty days prior to the sale. Persons who purchase and hold cattle for fewer than sixty days before reselling the cattle are not considered to be engaging in the normal activities of growing, raising, or producing livestock for sale.

For example, a feedlot operation purchases cattle and feeds them until they attain a good market condition. The cattle are then sold at wholesale. The feedlot operator is exempt from B&O tax on wholesale sales of cattle if the cattle are held for at least sixty days while they are prepared for market. However, the feedlot operator is subject to wholesaling B&O tax on wholesale sales of cattle held for fewer than sixty days prior to the sale.

(d) B&O tax exemptions available to farmers. In addition to the exemption for wholesale sales of agricultural products, there are several other B&O tax exemptions available to farmers which are discussed in this subsection.

(i) Growing, raising, or producing agricultural products owned by other persons. RCW 82.04.330 exempts amounts received by a farmer for growing, raising, or producing agricultural products owned by others, such as custom feed operations.

For example, a farmer is engaged in the business of raising cattle owned by others (commonly referred to as "custom feeding"). After the cattle attain a good market condition, the owner then sells them. Amounts received by the farmer for custom feeding are exempt from B&O tax under RCW 82.04.330, provided that the cattle are held by the farmer for at least sixty days. Farmers are not considered to be engaging in the activity of raising cattle for sale unless the cattle are held for at least sixty days while the cattle are prepared for market. (See subsection (5)(c) of this rule.)

(ii) Sales of hatching eggs or poultry. RCW 82.04.410 exempts amounts received for the sale of hatching eggs or poultry by farmers producing hatching eggs or poultry, when these agricultural products are for use in the production for sale of poultry or poultry products.

(iii) Processed hops shipped outside Washington for first use. RCW 82.04.337 exempts amounts received by hop growers or dealers for hops shipped outside the state of Washington for first use, if those hops have been processed into extract, pellets, or powder in this state. However, the processor or warehouse of such products is not exempt on amounts charged for processing or warehousing such products.

(e) B&O tax credit to encourage alternatives to field burning. Persons who qualify for a sales or use tax exemption under RCW 82.08.840 or 82.12.840 (machinery, equipment, or structures that reduce emissions from field burning) also qualify for a B&O tax credit. RCW 82.04.4459. The amount of the credit is equal to fifty percent of the amount of costs expended for constructing structures or acquiring machinery and equipment for which an exemption was taken under RCW 82.08.840 or 82.12.840. (See subsection (6)(I) of this rule for information about the sales and use tax exemptions provided by RCW 82.08.840 and 82.12.840.) No application is necessary for the credit. Persons taking the credit must keep records necessary for the department to verify eligibility for the credit. This credit is subject to the following limitations:

(i) No credit may be taken in excess of the amount of B&O tax that would otherwise be due;

(ii) Credit may not be carried over to subsequent calendar years;

(iii) The credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made;

(iv) Any unused credit expires;

(v) Refunds will not be given in place of credits;

(vi) The credit may not be claimed for expenditures that occurred before March 22, 2000; and

(vii) The credit expires on January 1, 2006.

(6) Retail sales and use tax exemptions. This subsection provides information about a number of retail sales tax and corresponding use tax exemptions available to farmers and persons buying tangible personal property at retail from farmers. Some exemptions require the buyer to provide the

seller with an exemption certificate. Readers should refer to subsection (7) of this rule for additional information regarding exemption certificates.

This subsection contains a number of examples which illustrate these exemptions. The examples identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) **Pollen.** Pollen is exempt from retail sales and use taxes. RCW 82.08.0277 and 82.12.0273.

(b) **Semen.** Semen used in the artificial insemination of livestock is exempt from retail sales and use taxes. RCW 82.08.0272 and 82.12.0267.

(c) **Feed for livestock at public livestock markets.** Feed to be consumed by livestock at a public livestock market is exempt from retail sales and use taxes. RCW 82.08.-0296 and 82.12.0296.

(d) **Food products.** Food products for human consumption are exempt from retail sales and use taxes. RCW 82.08.0293 and 82.12.0293. This exemption also applies to the sale and/or use of livestock for personal consumption as food. For detailed information about food products that qualify for this exemption, refer to WAC 458-20-244.

(e) **Auction sales of farm property.** Retail sales and use taxes do not apply to tangible personal property, including household goods, which have been used in conducting a farm activity, if the property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm. RCW 82.08.0257 and 82.12.0258.

(f) **Poultry.** Poultry used in the production for sale of poultry or poultry products is exempt from retail sales and use taxes. RCW 82.08.0267 and 82.12.0262.

For example, a poultry hatchery produces poultry from eggs. The resulting poultry are sold to egg producers. These sales are exempt from retail sales taxes under RCW 82.08.-0267. (They are also exempt from B&O tax. See subsection (5)(d)(ii) of this rule.)

(g) **Leases of irrigation equipment.** Retail sales and use taxes do not apply to the lease or use of irrigation equipment, but only if:

(i) The lessor purchased the irrigation equipment for the purpose of irrigating land controlled by the lessor;

(ii) The lessor has paid retail sales or use tax upon the irrigation equipment;

(iii) The irrigation equipment is attached to the land in whole or in part; and

(iv) The irrigation equipment is leased to the lessee as an incidental part of the lease of the underlying land and is used solely on such land. RCW 82.08.0288 and 82.12.0283.

(h) **Beef and dairy cattle.** Beef and dairy cattle to be used by a farmer in producing an agricultural product are exempt from retail sales and use taxes. RCW 82.08.0259 and 82.12.0261.

For example, John operates a farm where he raises beef and dairy cattle for sale. He also raises other livestock for sale including hogs, sheep, and goats. All of John's sales of dairy and beef cattle for use on a farm are exempt from retail sales tax. However, John must collect retail sales tax on all retail sales of sheep, goats, and hogs unless the sales qualify

for either the food products exemption described in subsection (6)(d) of this rule, or the exemption for sales of livestock for breeding purposes which is described immediately below.

(i) **Livestock for breeding purposes.** The sale or use of livestock, as defined in RCW 16.36.005, for breeding purposes where the animals are registered in a nationally recognized breed association is exempt from retail sales and use taxes. RCW 82.08.0259 and 82.12.0261. This exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

For example, ABC Farms raises and sells quarter horses registered in the American Quarter Horse Association (AQHA). Quarter horses are generally recognized as a definite breed of horse, and the AQHA is a nationally recognized breed association. Therefore, ABC Farms is not required to collect sales tax on retail sales of quarter horses for breeding purposes, provided it receives a completed exemption certificate from the buyer.

(j) **Bedding materials for chickens.** Retail sales and use taxes do not apply to bedding materials used by farmers to accumulate and facilitate the removal of chicken manure provided that the farmer is raising chickens that are sold as agricultural products. RCW 82.08.920 and 82.12.920. The exemption became effective September 20, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What are bedding materials?** "Bedding materials" are wood shavings, straw, sawdust, shredded paper, and other similar materials.

(ii) **Example.** Farmer raises chickens for use in producing eggs for sale. When the chickens are no longer useful for producing eggs, Farmer sells the chickens to food processors for soup and stew meat. Farmer purchases bedding materials used to accumulate and facilitate the removal of chicken manure. The purchases of bedding materials by Farmer are exempt from retail sales tax. The law merely requires that the chickens be sold as agricultural products. It is immaterial that Farmer primarily raises the chickens to produce eggs.

(k) **Propane or natural gas used to heat structures housing chickens.** Retail sales and use taxes do not apply to propane or natural gas used by farmers to heat structures used to house chickens. The propane or natural gas must be used exclusively to heat the structures, and the structures must be used exclusively to house chickens that are sold as agricultural products. RCW 82.08.910 and 82.12.910. The exemption became effective September 20, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What are "structures"?** "Structures" are barns, sheds, and other similar buildings in which chickens are housed.

(ii) **Example.** Farmer purchases natural gas that is used to heat structures housing chickens. The natural gas is used exclusively to heat the structures, and the structures are used exclusively to house chickens. The chickens are used to produce eggs. When the chickens are no longer useful for producing eggs, Farmer sells the chickens to food processors for

soup and stew meat. The purchase of natural gas by Farmer is exempt from retail sales tax. The law merely requires that the chickens be sold as agricultural products. It is immaterial that Farmer primarily houses these chickens to produce eggs.

(iii) **Example.** Farmer purchases natural gas that is used to heat structures used in the incubation of chicken eggs and structures used for washing, packing, and storing eggs. The natural gas used to heat these structures is not exempt from retail sales tax because the structures are not used exclusively to house chickens that are sold as agricultural products.

(l) **Machinery, equipment, and structures used to reduce emissions from field burning.** RCW 82.08.840 and 82.12.840 provide a sales and use tax exemption for certain property used to reduce field burning of cereal grains and field and turf grass grown for seed, or to reduce air emissions resulting from such field burning. The retail sales tax exemption applies to sales of machinery and equipment, and to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or eligible machinery and equipment, and to sales of tangible personal property that becomes an ingredient or component of eligible structures or eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. The sales tax exemption is effective March 22, 2000. The use tax exemption applies to the use of machinery and equipment, and of tangible personal property that becomes an ingredient or component of eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. This use tax exemption is also effective March 22, 2000. The use tax exemption also applies to the use of services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, if all of the requirements for the exemption are met. This component of the use tax exemption is effective June 1, 2002.

These exemptions expire January 1, 2006. Persons taking an exemption must keep records necessary for the department to verify eligibility for the exemption. Persons who have taken an exemption and then discover that they do not meet the requirements for the exemption are subject to a deferred sales tax or use tax liability. (For additional information about deferred sales tax and use tax, refer to subsection (4)(b) of this rule.)

(i) **Majority use requirement.** To qualify for an exemption, the machinery, equipment, or structure must be used more than half (50%) of the time:

(A) For gathering, densifying, processing, handling, storing, transporting, or incorporating straw or straw-based products that results in a reduction in field burning of cereal grains and field and turf grass grown for seed; or

(B) To decrease air emissions resulting from field burning of cereal grains and field and turf grass grown for seed.

(ii) **Exemption certificates.** For the sales tax exemption, the buyer must provide the seller with an exemption certificate in a form and manner prescribed by the department.

(iii) **Examples.** The following examples illustrate this exemption:

(A) Farmer cultivates turf grass. Farmer purchases spray equipment. As an alternative to field burning, the fields in

which the spray equipment is used must be sprayed five times instead of twice. The use of the spray equipment meets the requirement that the equipment be used more than half of the time to decrease air emissions resulting from field burning; therefore, the purchase of the spray equipment is exempt.

(B) Farmer, who performs custom baling, purchases a new baler for use in baling hay and straw. The purchase of the baler is exempt if it will be used more than half of the time to bale straw, which results in a reduction in field burning.

(C) Farmer purchases a new combine for use in harvesting wheat. In addition to cutting the stalks, separating the kernels from the chaff, and unloading the kernels, the combine also chops the residual chaff before discharging it onto the field. While the need for field burning may decrease because the smaller residue more readily decomposes, the purchase of the combine does not qualify for the exemption. The combine is not used more than half of the time to decrease air emissions from field burning.

(m) **Dairy nutrient management equipment and facilities.** RCW 82.08.890 and 82.12.890 provide a sales and use tax exemption for persons operating dairy nutrient management equipment and facilities. The retail sales tax exemption applies to sales to eligible persons of services rendered in respect to operating, repairing, cleaning, altering, or improving of dairy nutrient management equipment and facilities, or to sales of tangible personal property that becomes an ingredient or component of the equipment and facilities. The sales tax exemption became effective July 13, 2001. The use tax exemption applies to the use by an eligible person of tangible personal property that becomes an ingredient or component of dairy nutrient management equipment and facilities. This use tax exemption also became effective July 13, 2001. The use tax exemption also applies to the use of labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property. This component of the use tax exemption is effective June 1, 2002. The sales and use tax exemption applies to sales made or to the use of tangible personal property or labor and services made after the dairy nutrient management plan is certified under chapter 90.64 RCW.

(i) These exemptions are available only if all of the following requirements are met:

(A) The equipment and facilities must be used exclusively for activities necessary to maintain a dairy nutrient management plan as required under chapter 90.64 RCW; and

(B) The buyer provides the seller with an exemption certificate in a form and manner prescribed by the department which must be retained in the seller's files. The department will provide an exemption certificate to an eligible person upon application. A sample letter for use in applying for an exemption certificate can be obtained from the department as provided in subsection (7) of this rule.

(ii) For purposes of this exemption, the following definitions apply:

(A) "Eligible person" means a person licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan by December 31, 2003, as required by chapter 90.64 RCW.

(B) "Dairy nutrient management equipment and facilities" means machinery, equipment, and structures used

exclusively in the handling and treatment of dairy manure, such as aerators, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts.

(n) **Animal pharmaceuticals.** Certain animal pharmaceuticals are exempt from retail sales and use taxes when sold to, or used by, farmers or veterinarians. RCW 82.08.880 and 82.12.880. To qualify for the exemption, the animal pharmaceutical must be administered to an animal that is raised by a farmer for the purpose of producing an agricultural product for sale. Also, the animal pharmaceutical must be approved by the United States Department of Agriculture (USDA) or the United States Food and Drug Administration (FDA).

This exemption became effective August 1, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What is a "veterinarian"?** A "veterinarian" means a person who is licensed to practice veterinary medicine, surgery, or dentistry under chapter 18.92 RCW.

(ii) **How can I determine whether the FDA or USDA has approved an animal pharmaceutical?** The FDA and USDA have an established approval process set forth in federal regulations. The FDA maintains a list of all approved animal pharmaceuticals called the "Green Book." The USDA maintains a list of approved biotechnology products called the "Veterinary Biologics Product Catalogue." Pharmaceuticals that are not on either of these lists have not been approved and are not eligible for the exemption.

(iii) **Example.** Dairy Farmer purchases sterilizing agents. The sterilizing agents are applied to the equipment and facilities where Dairy Farmer's cows are milked. Dairy Farmer also purchases teat dips, antiseptic udder washes, and salves that are not listed in either the FDA's *Green Book* of approved animal pharmaceuticals or the USDA's *Veterinary Biologics Product Catalogue* of approved biotechnology products. The purchases of sterilizing agents are not exempt as animal pharmaceuticals because the sterilizing agents are not administered to animals. The teat dips, antiseptic udder washes, and salves are likewise not exempt because they have not been approved by the FDA or USDA. This is the case even if these products are approved by the United States Environmental Protection Agency or any other governmental agency.

(iv) **What type of animal must the pharmaceutical be administered to?** As noted above, the exemption is limited to the sale and/or use of animal pharmaceuticals administered to an animal that is raised by a farmer for the purpose of producing an agricultural product for sale. The conditions under which a farmer may purchase tax-exempt animal pharmaceuticals are similar to those under which a farmer may purchase feed at wholesale. Both types of purchases require that the particular product be sold to a farmer (or a veterinarian in the case of animal pharmaceuticals), and that the product be given or administered to an animal raised by a farmer for the purpose of producing an agricultural product for sale.

(v) **Examples of animals raised for the purpose of producing agricultural products for sale.** The animal

pharmaceutical exemption is available in the following non-exclusive list of examples because the animals are being raised for the purpose of producing an agricultural product for sale, presuming all other requirements for the exemption are met:

(A) Horses, cattle, or other livestock raised by a farmer for sale;

(B) Cattle raised by a farmer for the purpose of slaughtering, if the resulting products are sold;

(C) Milk cows raised and/or used by a dairy farmer for the purpose of producing milk for sale;

(D) Horses raised by a farmer for the purpose of producing foals for sale;

(E) Sheep raised by a farmer for the purpose of producing wool for sale; and

(F) "Private sector cultured aquatic products" as defined by RCW 15.85.020 (e.g., salmon, catfish, and mussels) raised by an aquatic farmer for the purpose of sale.

(vi) **Examples of animals that are not raised for the purpose of producing agricultural products for sale.** The animal pharmaceutical exemption is not available in the following nonexclusive list of examples because the animals are not being raised for the purpose of producing an agricultural product for sale:

(A) Cattle raised for the purpose of slaughtering if the resulting products are not produced for sale;

(B) Sheep and other livestock raised as pets;

(C) Dogs or cats, whether raised as pets or for sale. Dogs and cats are pet animals; therefore, they are not considered to be agricultural products. (See subsection (3) of this rule); and

(D) Horses raised for the purpose of racing, showing, riding, and jumping. However, if at some time in the future the horses are no longer raised for racing, showing, riding, or jumping and are instead being raised by a farmer for the purpose of producing foals for sale, the exemption will apply if all other requirements for the exemption are met.

(vii) **Do products that are used to administer animal pharmaceuticals qualify for the exemption?** Sales of products that are used to administer animal pharmaceuticals (e.g., syringes) do not qualify for the exemption, even if they are later used to administer a tax-exempt animal pharmaceutical. However, sales of tax-exempt animal pharmaceuticals contained in a product used to administer the animal pharmaceutical (e.g., a dose of a tax-exempt pharmaceutical contained in a syringe or cotton applicator) do qualify for the exemption.

(7) **Sales tax exemption certificates.** As indicated in subsection (6) of this rule, certain sales of tangible personal property and retail services either to or by farmers are exempt from retail sales tax. Except as provided below, for those exemptions that require the buyer to provide the seller with an exemption certificate at the time of sale, farmers may use the department's "Farmers' Retail Sales Tax Exemption Certificate" or another certificate with substantially the same information as it relates to the claimed exemption. Sellers must retain a copy of the exemption certificate in their files. Without proper documentation, sellers are liable for payment of the retail sales tax on sales claimed as exempt.

The Farmers' Retail Sales Tax Exemption Certificate cannot be used for the dairy nutrient management exemption

discussed in subsection (6)(m) of this rule. However, as noted above, the department will provide eligible persons, upon application, with an exemption certificate for this exemption. The Farmers' Retail Sales Tax Exemption Certificate and a sample letter for use in applying for the Dairy Nutrient Management Exemption Certificate can be obtained by calling the department's taxpayer information center at 1-800-647-7706. These documents can also be downloaded from the department's website at <http://dor.wa.gov/>.

**WSR 03-18-031
PERMANENT RULES
DEPARTMENT OF**

RETIREMENT SYSTEMS

[Filed August 26, 2003, 9:45 a.m., effective October 1, 2003]

Date of Adoption: August 25, 2003.

Purpose: The 2003 legislature passed a fallen heroes' survivor benefit bill (SB 5100; codified in chapter 32, Laws of 2003). This bill provides that pension payments to qualifying beneficiaries of public safety officers killed in the line of duty would not be subject to federal income tax, as provided in federal law. The Department of Retirement Systems' (DRS) new WAC implements the legislation.

Statutory Authority for Adoption: RCW 41.50.050(5), new section in chapter 41.04 RCW.

Adopted under notice filed as WSR 03-13-101 on June 17, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 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: October 1, 2003.

August 25, 2003

John Charles

Director

TAXES AND FEES

NEW SECTION

WAC 415-02-700 Are fallen heroes' survivor benefits nontaxable? (1) What is the fallen heroes tax exemption? The department makes survivor benefit annuity payments to qualified survivor beneficiaries of public safety officers killed in the line of duty. All or part of the annuity benefit

paid may be nontaxable under applicable federal law¹. **Lump sum payments do not qualify** for nontaxable treatment under this provision of law.

(a) **Who is covered?** Deceased public safety officers who were members of the public employees' retirement system (PERS), the law enforcement officers' and fire fighters' retirement system (LEOFF), or the Washington state patrol retirement system (WSPRS). If the deceased officer was a member of another plan, please contact the department or your tax advisor to discuss the matter.

(b) **What time period is covered?**

MEMBER'S DATE OF DEATH	SURVIVOR BENEFIT PAYMENT DATE
On or after January 1, 1997	On or after January 1, 1997
On or before December 31, 1996	On or after January 1, 2002

(2) **Can I rely on the department's determination of whether the payments are nontaxable?** No.

(a) The department does not guarantee that payments should or should not be designated as exempt from federal income tax.

(b) The department does not guarantee that it was correct in withholding or not withholding taxes from survivor benefit payments to you.

(c) The department does not:

(i) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(ii) Assume any liability for your compliance with the Internal Revenue Code.

(d) You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

(3) **How will the department determine whether to withhold or not withhold from your survivor benefit annuity payment for income tax purposes?**

(a) If you receive survivor benefit annuity payments because of the death of a public safety officer killed in the line of duty, and you are the public safety officer's spouse, ex-spouse, or child, the department will not withhold taxes *on the portion* of your survivor benefit payments attributable to the officer's service as a public safety officer.

(b) The department will compare the service credits associated with the member's employment as a public safety officer to the member's overall service credit to determine the portion of the survivor benefit payment that qualifies.

(c) **Examples:** In the following examples, assume that the plan administrator has determined that the death of the member qualifies under the fallen heroes tax exemption provision. Assume that the monthly survivor benefit payable is \$2000.

Example 1. Joe was employed as a law enforcement officer. He spent his entire career in law enforcement from July 1, 1976, until his death on June 10, 2003 (324 months).
 Total service credit = 324 months
 Service credit as public safety officer = 324 months
 $324 / 324 = 1.0$
 $1.0 \times \$2,000 = \$2,000$
\$2,000 is not subject to withholding

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Example 2. Brian was employed as a research analyst for a state agency from July 1, 1976, to May 30, 1995 (227 months service credit). He was employed in a public safety officer position for another state agency from June 1, 1995, until his death on June 10, 2003 (97 months service credit).

Total service credit = 324 months

Service credit as public safety officer = 97 months

$97 / 324 = .299383$

$.299383 \times \$2,000 = \598.77

\$598.77 is not subject to withholding

Example 3. Susan was hired on July 1, 1976, as a research analyst for a state agency. She terminated that employment on May 30, 1995 (227 months service credit). Susan was hired into a public safety officer position on June 1, 2003, for another state agency. She died on June 4, 2003.

Total service credit = 227.25 months

Service credit as public safety officer = .25 months

$.25 / 227.25 = .001100$

$.001100 \times \$2,000 = \2.20

\$2.20 is not subject to withholding

(d) **What are the exceptions?** Subsection (3)(a) of this section shall not apply with respect to the death of any public safety officer if:

(i) The death was caused by the intentional misconduct of the officer or by the officer's intention to bring about his or her own death;

(ii) The officer was voluntarily intoxicated at the time of death;

(iii) The officer was performing his or her duties in a grossly negligent manner at the time of death; or

(iv) The payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

(4) **Who will decide whether to withhold money for income tax from your survivor benefit payments?**

(a) The plan administrator will make the decision.

(b) If you disagree with the plan administrator's decision, you may petition for review under chapter 415-04 WAC.

(5) **What types of evidence will the department use in making the decision regarding whether to withhold taxes from the survivor payments?**

(a) Cause of death stated on the certified death certificate;

(b) Facts surrounding the public safety officer's death;

(c) The deceased public safety officer's job description;

(d) The deceased's membership records;

(e) Materials that the survivor submits for consideration; and

(f) Any other relevant evidence.

(6) **Examples:**

(a) **Police officer:** Charles is a police officer who works for a police department in a large Washington city. He receives a call to report to duty because a riot has started downtown. Charles drives to the riot scene and is killed getting out of his car from a bullet fired by a rioter. The department will not withhold taxes on survivor benefit payments.

(b) **Fire fighter:** Elaine is a fire fighter who attends a barbecue party on the Fourth of July. During the party, the barbecue falls over and the garage catches on fire. Elaine grabs a hose and puts out the fire, but dies from smoke inhalation in the process. The department would review the evi-

dence and circumstances to determine whether Elaine would be considered to be "on duty" at the time of her death. If Elaine was not on duty, the department will withhold taxes on survivor benefit payments.

(c) **Park ranger:** Bobbi is a park ranger employed by the state parks and recreation commission. Her job duties include administration, development, maintenance, and visitor services, in addition to law enforcement, within a state park or park area. She is required to have knowledge of fire prevention and suppression methods and equipment. Although Bobbi is commissioned to enforce laws, her principal job functions do not include criminal law enforcement or crime control. The department would withhold taxes on payments to her survivors unless Bobbi was actually engaged in crime control, enforcement of criminal law, or fire suppression at the time of her death.

(7) **Definitions used;² these definitions apply to this WAC section ONLY.**

(a) **Chaplain** - any individual serving as an officially recognized or designated member of a legally organized fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency.

(b) **Child** - any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is:

(i) Eighteen years of age or under;

(ii) Over eighteen years of age and a student as defined in Section 8101 of Title 5, United States Code; or

(iii) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(c) **Fire fighter** - an individual serving as an officially recognized or designated member of a legally organized fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew.

(d) **Intoxication** - a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by:

(i) A postmortem blood alcohol level of .20 per centum or greater;

(ii) A postmortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death; or

(iii) Resulting from drugs or other substances in the body.

(e) **Law enforcement officer** - an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.

(f) **Line of duty** means:

(i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he or she serves. For

other officers, "line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires; and

(ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(g) **Public agency** - any unit of government that meets the definition of "employer" in any retirement plan that the department administers.

(h) **Public safety officer:**

(i) Regardless of full-time or part-time status, an individual serving a public agency in an official capacity as a law enforcement officer, fire fighter, chaplain, or member of a rescue squad or ambulance crew; or

(ii) An individual who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties:

(A) Are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) Are determined by the head of the agency to be hazardous duties.

(i) **Rescue** - the provision of first response emergency medical treatment, transportation of persons in medical distress and under emergency conditions to medical care facilities, or search and rescue assistance in locating and extracting from danger persons lost, missing, or in imminent danger of bodily harm.

Footnotes to section:

¹ The "Omnibus Crime Control and Safe Streets Act of 1968," Act June 19, 1969, P.L. 90-351, which appears generally as 42 USCS §§ 3701 et seq., including Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.

² These definitions duplicate, as closely as possible, those in 42 USCS § 3796b (2003), the applicable federal definition section. Provisions not applicable to any plans administered by the department have been deleted.

WSR 03-18-037

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 26, 2003, 10:50 a.m.]

Date of Adoption: August 26, 2003.

Purpose: WAC 458-12-360 explains the requirement of county assessors to provide notice to taxpayers of any change in the true and fair value of real property as provided by RCW 84.40.045. It provides information on when a notice of value change (revaluation notice) must be provided, who is entitled to receive a revaluation notice, and what information must be contained in a revaluation notice. The rule has been revised to incorporate changes to RCW 84.40.045, the statute being implemented. In addition, the department has incorporated information currently contained in Property Tax Bulletin (PTB) 91-4 (Notice of Value Change) and PTB 91-18 (Revaluation Notice). PTB 91-4 explains that failure of the

assessor to give timely notice of value change as required by RCW 84.40.045 does not invalidate an assessment appearing on the assessment roll for the current year. PTB 91-18 provides additional information about what information is to be included on a revaluation notice. The department plans on canceling these bulletins in conjunction with the effective date of the revised rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-12-360 (~~Assessment and evaluation—Notice of value change—Real property~~) Notice of change in value of real property.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Adopted under notice filed as WSR 03-09-098 on April 21, 2003.

Changes Other than Editing from Proposed to Adopted Version: Subsection (2) has been revised as follows (new language is underlined and deleted language is shown by ~~strikeout~~): (~~Also~~) If the true and fair value of the real property appraised has not changed, no revaluation notice need be sent to the taxpayer following the completed appraisal. Also, no notice need be sent with respect to changes in valuation of forest land made under chapter 84.33 RCW.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

~~WAC 458-12-360 (Assessment and evaluation—) Notice of change in value ((change—)) of real property. ((Whenever there is a change in the true and fair value of real property, a notice of such change for the tract or lot of land and any improvements shall be mailed for by the assessor to the taxpayer. A copy shall be sent to the legal owner where such is requested, his address is given or is known, and the legal owner is different from the taxpayer.~~

The notice shall be mailed on or before June 15th of each year and shall contain a statement of the true and fair value on which the assessment of the property is based, and a brief statement of the procedure for appeal to the board of equali-

zation including the time, date, and place of the meetings of the board.

"Taxpayer" shall mean the person charged, or whose property is charged with property tax, and whose name appears on the most recent tax roll or has been otherwise provided to the assessor.

"Legal owner" shall mean the person holding legal title to the property against which property tax is charged. (Rule derived from section 10, chapter 146, 1967 ex. sess.)) (1) **Introduction.** This rule explains the requirement of county assessors to notify taxpayers of any change in the true and fair value of real property as provided by RCW 84.40.045. The notice of a change in the true and fair value of real property is commonly referred to as a value notice or revaluation notice.

(2) **When must a revaluation notice be provided?** All revaluation notices must be mailed within thirty days of the completed appraisal, except that no revaluation notices can be mailed during the period from January 15th to February 15th of each year. If the true and fair value of the real property appraised has not changed, no revaluation notice need be sent to the taxpayer following the completed appraisal. Also, no notice need be sent with respect to changes in valuation of forest land made under chapter 84.33 RCW.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) On January 5th the assessor completes an appraisal of a home and the land upon which it sits. The total value of the land and home increased as a result of the appraisal. The assessor must mail a revaluation notice to the taxpayer by February 16th; however, the assessor is not allowed to mail the revaluation notice between January 15th and February 15th.

(b) The assessor appraises a home and the land upon which it sits. The value of the home decreases, and the value of the land increases; however, the total value of the home and land remain unchanged. The assessor is not required to mail a revaluation notice to the taxpayer. Under RCW 84.40.045, revaluation notices are only required when there is a change in the true and fair value of the real property that is the subject of the appraisal. In this example, although there is a change in the true and fair value of the home and land, there is no overall change in the true and fair value of the real property that was the subject of the appraisal.

(3) **What if an assessor fails to provide a timely revaluation notice?** The failure to provide a timely revaluation notice as required by RCW 84.40.045 does not invalidate the assessment. RCW 84.40.045 does not affect RCW 84.40.020 which provides, in relevant part, that all real property in this state subject to taxation must be listed and assessed every year, at its value on January 1st of the assessment year.

A taxpayer who fails to timely appeal an assessor's determination of value to the county board of equalization (board) because of the assessor's failure to timely provide a revaluation notice may still petition the board for a review of the assessor's determination of value. A board may reconvene on its own authority in certain circumstances as provided in WAC 458-14-127, including upon request of a taxpayer who

has not received a timely revaluation notice. Under WAC 458-14-127, the taxpayer must submit to the board a sworn affidavit stating that a revaluation notice for the current assessment year was not received by the taxpayer at least fifteen calendar days prior to the deadline for filing the petition for review of the assessor's determination of value, and the taxpayer can show proof that the value was actually changed. The request to reconvene and the sworn affidavit must be filed with the board by April 30th of the tax year immediately following the board's regularly convened session. (For additional information about appealing an assessor's determination of value to the county board, refer to chapter 458-14 WAC.)

(4) **Who is entitled to receive a revaluation notice?** The assessor is required by law to mail revaluation notices to the taxpayer. RCW 84.40.045. For purposes of this rule, "taxpayer" means the person charged, or whose property is charged, with property tax and whose name appears on the most recent tax roll or has been otherwise provided to the assessor.

If any taxpayer, as shown by the tax rolls, holds only a security interest under a mortgage, contract of sale, or deed of trust in the real property that is the subject of the revaluation notice, the taxpayer is required to supply, within thirty days of receiving a written request from the assessor, the name and address of the person making payments under the mortgage, contract of sale, or deed of trust. The assessor must mail a copy of the revaluation notice to the person making payments under the mortgage, contract of sale, or deed of trust at the address provided by the taxpayer. The assessor is required to make the request provided for in this subsection during the month of January. A taxpayer who willfully fails to comply with such a request from the assessor within the thirty-day time limitation is subject to a maximum civil penalty of five thousand dollars. The civil penalty is recoverable in an action by the county prosecutor and, when recovered, must be deposited in the county current expense fund.

(5) **What information must a revaluation notice contain?** A revaluation notice must contain the following information:

- (a) The name and address of the taxpayer;
- (b) A description of the real property that is the subject of the revaluation notice;
- (c) The previous and new true and fair values, stating separately land and improvement values;
- (d) A statement that the assessed value is one hundred percent of the true and fair value;
- (e) If the property is classified on the basis of its current use, the previous and new current use value of the property, stating separately land and improvement values;
- (f) A statement informing taxpayers that if they would like to learn more about how their property was valued for tax purposes and how their property taxes will be determined, they may obtain an information pamphlet describing the property tax system from the assessor's office free of charge;
- (g) A statement that land used for farm and agricultural purposes, to preserve open space, or for the commercial growth and harvesting of forest crops may be eligible for assessment based on the land's current use rather than its highest and best use. This statement must also provide infor-

mation on the method of making application and availability of further information on current use classification:

(h) A statement informing taxpayers that if they own and live in a residence in the county, including a mobile home, are now or will be sixty-one years of age by December 31st of the current year, or are retired because of physical disability, and if their combined disposable income is under the limits provided in RCW 84.36.381, they may be eligible to receive a property tax exemption. Although not statutorily required, it is suggested that a revaluation notice contain a statement informing taxpayers that if they are a senior citizen or a disabled person, they may be able to defer payment of their property taxes. This statement should include information about how further information about property tax deferrals for senior citizens and disabled persons may be obtained; and

(i) A brief statement of the procedure for appeal to the county board of equalization and the time, date, and place of the meetings of the board. The following language is suggested: "You may appeal either the true and fair value and/or current use assessed value to the county board of equalization. An appeal petition may be obtained from the board of equalization. Petitions for a hearing must be filed with the board of equalization on or before July 1st of the assessment year, or within (number of days) of the date of the revaluation notice, whichever is later. Petitions received after those dates will be denied on the grounds of not having been timely filed. The board of equalization will convene on July 15th in the (name of office) at (name of city or town), Washington, and will continue in session for a period not to exceed four weeks. The board of equalization is to review and equalize the assessments of the current year for taxes payable the following year."

WSR 03-18-039

PERMANENT RULES

HEALTH CARE AUTHORITY

(Basic Health)

[Order 02-01—Filed August 27, 2003, 8:16 a.m., effective October 1, 2003]

Date of Adoption: August 27, 2003.

Purpose: Revises basic health rules regarding eligibility based on income and other factors, to ensure that enrollment and subsidy levels are based on an accurate appraisal of the person's circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010.

Statutory Authority for Adoption: RCW 70.47.050.

Other Authority: RCW 70.47.020(4) and 70.47.060 (5) and (9).

Adopted under notice filed as WSR 03-14-097 on June 30, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made, based on stakeholder responses:

- Subsection (17)(a)(xi) has been changed to read "Net income from capital gains" to be consistent with similar income sources.

- Subsection (40) has been revised to include more detail regarding residency requirements.

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: October 1, 2003.

August 27, 2003

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-06, filed 12/3/02, effective 1/1/03)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is incapable of self-support due to disability, and who is the unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, or legal guardianship; or

(d) An unmarried child younger than age nineteen who is residing with the subscriber under an informal guardianship agreement. For a child to be considered a dependent of the subscriber under this provision:

(i) The guardianship agreement must be signed by the child's parent;

(ii) The guardianship agreement must authorize the subscriber to obtain medical care for the child;

(iii) The subscriber must be providing at least fifty percent of the child's support; and

(iv) The child must be on the account for BHP coverage.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection. An average of documented income received over a period of several months will be used for purposes of eligibility determination, unless documentation submitted confirms a change in circumstances so that an average would not be an accurate reflection of current income. A twelve-month average will be used when calculating gambling income, lump-sum payments, and income from capital gains. A twelve-month history of receipts and expenses will be required for calculating self-employment or rental income unless the applicant or enrollee has not owned the business for at least twelve months.

(a) Income includes:

(i) ~~((Money))~~ Wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own ~~((unincorporated))~~ business, professional enterprise, or partnership, after deductions for business expenses). In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, and a net loss from this calculation will not be used to offset other income sources;

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses). In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, and a net loss from this calculation will not be used to offset other income sources;

(iv) ~~((Regular))~~ Periodic payments from Social Security, railroad retirement, military pension or retirement pay, military disability pensions, military disability payments, government employee pensions, private pensions, unemployment compensation, and strike benefits from union funds((;));

(v) One-time insurance payments other than reimbursement for a loss, periodic insurance or annuity payments, and compensation for injury other than reimbursement for medical costs, including workers' compensation((,- veterans' payments));

(vi) Public assistance, alimony, child support, and military family allotments((,- private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments));

~~((+v))~~ (vii) Work study, assistantships, or training stipends;

~~((+vi))~~ (viii) Dividends and interest accessible to the enrollee without a penalty for early withdrawal;

~~((+vii))~~ (ix) Net rental income, net royalties, (~~periodic receipts from estates or trusts,~~) and net gambling or lottery winnings;

(x) Lump sum inheritances and periodic receipts from estates or trusts; and

(xi) Net income from capital gains.

(b) Income does not include the following types of money received:

(i) ~~((Capital gains;~~

~~((+ii))~~ Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

~~((+iii))~~ (ii) Tax refunds, gifts, loans (~~lump sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation))~~);

~~((+iv))~~ (iii) Noncash (~~benefits~~) receipts, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, goods or services received due to payments a trust makes to a third party, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, state supplementary payment income that is specifically dedicated to reimburse for services received, and housing assistance;

~~((+v))~~ (iv) Income earned by dependent children with the exception of distributions from a corporation, partnership, or business;

~~((+vi))~~ (v) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

~~((+vii))~~ (vi) College or university scholarships, grants, and fellowships (~~and assistantships~~);

~~((+viii))~~ (vii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

~~((+ix))~~ (viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction(,);

(A) The subscriber and the spouse listed as a dependent on the account, if any, must be employed or attending school full-time during the time the child care expenses were paid(,); and

(B) Payment may not be paid to a parent or (~~step parent~~) stepparent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care,

Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll addi-

tional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060 (2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized

enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(40) "Washington state resident" or "resident," for purposes of this chapter, means a person who physically resides and maintains a residence in the state of Washington.

(a) To be considered a Washington resident, enrollees who are temporarily out of Washington state for any reason:

(i) May be required to demonstrate their intent to return to Washington state; and

(ii) May not be out of Washington state for more than three consecutive calendar months.

(b) Dependent children who meet the requirements of subsection (9)(b)(ii) of this section and are attending school out-of-state may be considered to be residents if they are out-of-state during the school year, provided their primary residence is in Washington state and they return to Washington state during breaks. Dependent children attending school out-of-state may also be required to provide proof that they pay out-of-state tuition, vote in Washington state and file their federal income taxes using a Washington state address.

(c) "Residence" may include, but is not limited to:

(i) A home the person owns or is purchasing or renting;

(ii) A shelter or other physical location where the person is staying in lieu of a home; or

(iii) Another person's home.

WSR 03-18-070

PERMANENT RULES

EASTERN WASHINGTON UNIVERSITY

[Filed August 29, 2003, 10:01 a.m.]

Date of Adoption: August 22, 2003.

Purpose: To further the university mission by creating a safe environment for student learning.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Adopted under notice filed as WSR 03-11-099 on May 21, 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 14, 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.

August 25, 2003

Laurie F. Connelly
Associate to the President

Chapter 172-64

ALCOHOL POLICY AT EASTERN WASHINGTON UNIVERSITY

NEW SECTION

WAC 172-64-010 Statement of purpose. The purpose of this policy is to further the university mission by creating a safe environment for student learning. To accomplish this, the university will support the enforcement of federal, state, and local laws, as well as its own alcohol and drug policies and procedures. The university will also encourage university functions in a controlled environment that reduces risk and creates positive experiences. This policy recognizes community standards of responsibility and accountability in the use of alcohol and the expectation that individuals have a right to learn, to work, and to live free from the disruptions and consequences of alcohol abuse by others. It is the responsibility of every member of the university community to know the risks associated with the use and abuse of alcohol and to assist the university, its faculty, staff, administrators, and students in creating an environment that promotes health-enhancing attitudes and activities.

NEW SECTION

WAC 172-64-020 Introduction. At Eastern Washington University, diversity of opinion and freedom of choice involves the exercise of personal responsibility that includes the obligation to make sound judgments regarding the use of alcohol. This alcohol policy was developed by a community-wide committee of faculty, administrators, students, and Cheney and Spokane community members as a reasonable set of standards to enhance a positive campus environment. These rules and regulations are an important and necessary part of the overall commitment of a comprehensive alcohol education program at EWU. In addition to these guidelines, the most important factor in the reduction of alcohol-related problems is the human capacity to act responsibly. Therefore, the university has an expectation that individuals and groups know and understand the risk and liability associated with the consumption of alcoholic beverages.

NEW SECTION

WAC 172-64-030 Policy statement. Eastern Washington University allows the legal use, possession, and distribution of alcohol on campus under the conditions stipulated in

this policy and complies with and upholds all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol. Violations of such laws that come to the attention of university officials will be addressed within the university or through prosecution in the courts, or both. All university faculty, staff, administrators, and students are hereby notified of the following standards of conduct that the university will apply to all activities conducted on university owned property and at university sponsored events. Furthermore, these standards will apply to all guests on university owned property and at university sponsored events. It is the responsibility of all members of the university community to familiarize themselves and their guests with relevant Federal, State, and local laws as well as the following standards, procedures, and guidelines for the possession, use, and distribution of alcohol, and act accordingly.

NEW SECTION

WAC 172-64-040 Washington state law. Members of the university community are responsible for the observance of state and federal laws including those that apply to alcohol. Some of the laws most relevant to the university community are the following:

(1) It is unlawful:

(a) For anyone under twenty-one years of age to possess alcohol (RCW 66.44.270);

(b) To sell, purchase, deliver, or furnish alcohol, except a parent or legal guardian, to anyone under twenty-one years of age (RCW 66.44.270);

(c) To sell purchase, deliver, or furnish alcohol to an intoxicated person (RCW 66.44.200);

(d) To consume alcohol in a public place, exceptions defined in RCW 66.44.100;

(e) To misrepresent one's age to obtain alcohol (RCW 66.44.310);

(f) To drive under the influence of alcohol (RCW 46.61.502 & 46.61.503).

(2) Driving under the influence:

(a) It is unlawful to drive if your blood or breath alcohol concentration (BAC) meets or exceeds 0.08 percent or under the influence of drugs (RCW 46.61.502);

(b) It is unlawful to drive if alcohol has impaired your ability to drive safely, even if your BAC is under the legal limit (RCW 46.61.503);

(c) For a person under the age of twenty-one, it is unlawful to drive if your blood or BAC meets or exceeds 0.02 percent (RCW 46.61.503).

(3) Open container law:

(a) Alcoholic beverages may not be consumed in a vehicle nor be carried within reach of the driver or passengers. Open containers may be carried in a trunk or non-passenger areas (not glove boxes). Does not apply to vehicles commercially chartered by groups or to the living quarters of motor homes or campers (RCW 66.44.100 & 46.61.519).

NEW SECTION

WAC 172-64-050 Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages. (1) Inside individual rooms of residence halls,

where all residents of the room are of legal drinking age (whether or not all residents are home), all present in the room are of legal drinking age, and the residence hall is not designated substance free and/or clean and sober.

(2) Inside fraternity and sorority facilities, in accordance with respective national organizational policies and university guidelines.

(3) Areas owned or controlled by the university, in accordance with the following guidelines for the use, possession, and sale of alcohol.

NEW SECTION

WAC 172-64-060 Guidelines for university recognized events serving alcohol. Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this policy shall abide by the following regulations in preparing for and conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(1) Obtaining permission to serve alcohol.

(a) Written permission for a function sponsored by an individual or group, at which alcohol will be available, must be obtained from the president or his/her designee, along with a banquet permit application. Decisions regarding the approval or denial of permission to serve alcohol shall be made according to what is deemed to be in the best interest of the institution as expressed by the university mission statement and this policy's statement of purpose. Reasons for denial of a permit may include but are not limited to: conflict with primary academic use of facilities; performance record of sponsors in prior events; or failure to satisfy guidelines.

(b) Such approved function shall be subject to the regulations set forth in this policy. Complete information on procedures to obtain permission is available at numerous locations on campus.

(c) Permission to serve or consume alcohol must be requested seven days prior to the event.

(2) Proof of age and access to alcohol.

(a) The person or group(s) holding the event must establish precautionary measures (check identification) at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear intoxicated.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). It is the responsibility of the designated server(s) to enforce proof of age and access to alcohol regulations as outlined in the banquet permit application and this policy.

(c) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is held.

(3) Alternative beverages. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.

(4) Security measures. The university police department shall, when informed of activities and events involving

alcoholic beverages, determine appropriate security measures to be taken and coordinated with the events' sponsor and appropriate administrative staff of the university as may be necessary to assist in compliance with state laws and university regulations.

(5) Publicity and advertising.

(a) All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirts(s) and newspaper and radio announcement(s), concerning the function shall note the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages; and that proper identification is required in order to be served or sold alcoholic beverages; and must not make reference to the amount of alcoholic beverages available, as, for example, the number of kegs of beer available at the event; nor to any form of drinking contest.

(b) Advertising which promotes university events must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.

(c) Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.

(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.

(6) Prohibition of drinking games. Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.

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

NEW SECTION

WAC 172-64-070 Guidelines for the selling of alcohol at university recognized events. (1) Any function sponsored by faculty, staff, administrators, or students or a faculty, staff, administrator, or student group(s) at which alcoholic beverages are sold or served, whether or not the function is open to the public, may be held in those areas permitted under the provisions of this policy only after a banquet permit and written approval is obtained for such function from the president or his/her designee.

(2) Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which an admission fee is charged, at which cups are sold, at which tickets are sold, at which cash or anything else of value is exchanged for alcoholic beverages, or at which donations are collected by the group, or members thereof, sponsoring the function. Functions open to the public shall be defined as those functions to which the general public has been invited through oral, written, or printed announcement(s), advertisement(s) or invitation(s).

(3) Consideration of all the policy guidelines already outlined must be presented when requesting permission to serve or sell alcohol.

NEW SECTION

WAC 172-64-080 Guidelines for university social events in conjunction with alcohol vendors. Faculty, staff, administrator, or student group(s) may sponsor an activity involving a commercial off-campus vendor involved in the manufacture, distribution, or retail sales of alcoholic beverages. Sponsors of university events may invite vendors of alcoholic beverages to provide and/or sell alcoholic beverages for the event; however, vendors of alcoholic beverages cannot sponsor university activities. University groups(s) and organization(s) may involve the services of a vendor of alcoholic beverages under the following guidelines:

(1) The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(2) Advertising and publicity must reflect sole sponsorship of the event as being that of the group(s).

(3) Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, etc.) may reflect a vendor's involvement, but must not indicate or convey sponsorship by the vendor.

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

NEW SECTION

WAC 172-64-090 Guidelines for off-campus events. University recognized events held off-campus, are expected to abide by the university alcohol policy guidelines for proof of age and access to alcohol; alternative beverages; publicity and advertising; and prohibition of drinking games, in addition to all applicable state laws and local ordinances. Faculty, staff, administrators, students, and their organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules.

NEW SECTION

WAC 172-64-100 Guidelines for serving alcohol at non-university sponsored events. Any individual or group of individuals who are not affiliated with Eastern Washington University, who wish to use university property for an event (i.e., weddings, community group meetings, etc.), must comply with all state and local laws and with this policy.

NEW SECTION

WAC 172-64-110 University enforcement of alcohol policy. This enforcement policy applies to any violation of the federal, state, and local laws; and the university alcohol policy.

Responsibility for compliance with these regulations and with all applicable laws will be incumbent upon all members of the university community, including all faculty, staff, administrators, students, and their guests.

The sanctions imposed under this policy do not diminish or replace the penalties available under generally applicable civil or criminal laws. The university community is reminded that many violations of the standards may violate various federal, state, and local laws. In addition to the divi-

sion of students affairs and the dean of students; residential life and housing; individual academic units; human resources; and Greek life may maintain internal policies and procedures for violations of the university alcohol policy, and may impose sanctions against individuals and groups in violation of their policies involving alcohol.

The university alcohol policy shall apply to every function or event, social event, and campus-wide activity sponsored by organizations or individuals associated with the university. In addition, off-campus university events that imply or express university affiliation are bound by this policy. This policy also applies to activities at all university campus sites.

NEW SECTION

WAC 172-64-120 Violations of local, state, and federal law. Violations of local, state, and federal law may be referred to local law enforcement. Violations that might lead to consultation with local law enforcement officials for possible prosecution include the following:

- (1) Use of alcohol by minors;
- (2) Alcohol-related behavior that is dangerous, destructive, disruptive, or illegal;
- (3) Use of or furnishing of false identification to purchase or be served alcohol;
- (4) Furnishing alcohol to anyone under 21 years of age.

Violations involving students will be reported to the dean of students.

NEW SECTION

WAC 172-64-130 Student violations of the university alcohol policy. (1) Student violations of the university alcohol policy will be considered violations of the student conduct code.

(2) A broad range of consequences can be considered. For individual students, consequences can include:

- (a) Mandatory attendance at a prevention education program;
- (b) Loss of privileges, restitution, community service, and/or fines;
- (c) Eviction from university owned or controlled housing;
- (d) Suspension and/or dismissal from the university, or;
- (e) Some combination of the above.

(3) For student groups, possible consequences can include:

- (a) Suspension of privileges;
- (b) Probation;
- (c) Fines;
- (d) Removal of officers from office;
- (e) Elimination of student fee support from the university; and
- (f) Suspension, or forced disbandment.

(4) The revised (October 1998) Federal Educational Rights and Privacy Act allows for institutions of higher education to disclose, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance,

regardless of whether the information is contained in the student's education records, if (a) the student is under the age of 21; and (b) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

NEW SECTION

WAC 172-64-140 Employee violations of the university alcohol policy. Violations of this policy may result in:

(1) Disciplinary action, including termination of employment, in accordance with applicable personnel rules, chapter 251-11 WAC for classified employees, and EWU policies and procedures manual for other employees, collective bargaining agreements, or other policies of the university and/or;

(2) The requirement of satisfactory participation in evaluation and/or treatment in an approved chemical dependency assistance or rehabilitation program.

WSR 03-18-071

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 29, 2003, 10:44 a.m.]

Date of Adoption: August 29, 2003.

Purpose: The adopted rule amendments 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 will be increased in excess of the Office of Financial Management (OFM) 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.

In addition to being written according to clear rule-writing principles, the adopted rule amendments:

- 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 addressed in WAC 16-303-250;
- 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 now includes grasses;
- Repeal WAC 16-303-330 in its entirety because the fees in this section is incorporated into WAC 16-303-320; and [no further information supplied by agency].

Citation of Existing Rules Affected by this Order: Repealing WAC 16-303-220 and 16-303-330; and amending WAC 16-303-200, 16-303-210, 16-303-230, 16-303-240, 16-303-250, 16-303-300, and 16-303-310.

Statutory Authority for Adoption: Chapters 15.49 and 34.05 RCW, chapter 308, Laws of 2003 (HB 1126).

Adopted under notice filed as WSR 03-15-144 on July 23, 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 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

August 29, 2003

Valoria Loveland

Director

PERMANENT

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1) ((field-crops:

	MINIMUM-SAMPLE SIZE	PURITY	GERMINATION	FZ
alfalfa	4-oz	14.86	12.73	23.35
alkaligrass	4-oz	19.10	11.67	23.35
barley	1.25-lb	14.86	12.73	23.35
beets, sugar	1.25-lb	20.17	22.29	23.35
bentgrass	2-oz	33.97	18.04	23.35
bermudagrass	4-oz	19.10	11.67	23.35
black-medie	4-oz	14.86	12.73	23.35
bluegrass	4-oz	23.35	15.91	23.35
brassica sp.	6-oz	36.08	18.04	23.35
bromo-mountain	6-oz	24.41	12.73	23.35
bromo-smooth-meadow	6-oz	24.41	12.73	23.35
buckwheat	1.25-lb	14.86	12.73	23.35
canarygrass	8-oz	19.10	11.67	23.35
clover	4-oz	14.86	12.73	23.35
fescue	4-oz	23.35	12.73	23.35
flax-lewis	4-oz	14.86	12.73	23.35
foxtail	4-oz	14.86	11.67	23.35
garbanzo-bean	1.25-lb	13.79	12.73	N/A
indian-ricegrass	6-oz	19.10	11.67	23.35
junegrass	6-oz	19.10	11.67	23.35
lentil	1.25-lb	14.86	12.73	N/A
little-bluestem	4-oz	22.29/hr	11.67	23.35
lupine	1.25-lb	14.86	12.73	N/A
milkvetch	1.25-lb	14.86	12.73	23.35
millet	1.25-lb	14.86	12.73	N/A
needle-&-thread	6-oz	19.10	11.67	23.35
needlegrass, green	6-oz	19.10	11.67	23.35
oatgrass	6-oz	19.10	11.67	N/A
oats	1.25-lb	14.86	12.73	23.35
orchardgrass	4-oz	26.53	13.79	23.35
peas	1.25-lb	13.79	12.73	N/A
prairie-sandreed	6-oz	19.10	11.67	23.35
primrose	4-oz	14.86	12.73	N/A
redtop	2-oz	33.97	18.04	23.35
rice	1.25-lb	14.86	12.73	N/A
rye	1.25-lb	14.86	12.73	23.35
ryegrass, perennial	4-oz	23.35	11.67	23.35
ryegrass, annual	4-oz	23.35	11.67	23.35
safflower	1.25-lb	14.86	12.73	N/A
sainfoin	1.25-lb	14.86	12.73	N/A
sand-dropseed	4-oz	19.10	11.67	23.35
sand-lovegrass	4-oz	19.10	11.67	23.35
sideoats-grama	4-oz	22.29/hr	11.67	23.35
small-burnett	8-oz	14.86	12.73	N/A
sorghum	1.25-lb	14.86	12.73	N/A
sudangrass	8-oz	14.86	12.73	23.35
sunflower	1.25-lb	14.86	12.73	N/A
swiss-chard	1.25-lb	36.08	19.10	N/A

	MINIMUM-SAMPLE SIZE	PURITY	GERMINATION	FZ
switegrass	4-oz	19.10	11.67	23.35
timothy	4-oz	19.10	11.67	23.35
trefoil	4-oz	14.86	12.73	N/A
triticale	1.25-lb	14.86	12.73	23.35
vetch	1.25-lb	19.10	12.73	23.35
wheat	1.25-lb	14.86	12.73	23.35
wheatgrass, beardless slender				
thickspike	6-oz	40.34	15.91	23.35
wheatgrass, bluebunch	6-oz	40.34	15.91	23.35
wheatgrass, crested	4-oz	27.59	15.91	23.35
wheatgrass, tall intermediate				
pubescent	6-oz	40.34	15.91	23.35
wheatgrass, western	6-oz	40.34	15.91	23.35
wildrye	6-oz	19.10	11.67	23.35
zoysia	4-oz	19.10	11.67	23.35

(2) vegetables:

	MINIMUM-SAMPLE SIZE	PURITY	GERMINATION	FZ
asparagus	1.25-lb	14.86	12.73	N/A
beans	1.25-lb	13.79	12.73	N/A
beets	1.25-lb	20.17	19.10	N/A
cantaloupe	1.25-lb	14.86	12.73	N/A
carrot	4-oz	14.86	12.73	40.34
celery	4-oz	14.86	12.73	N/A
chard	4-oz	14.86	22.29	22.29
corn	1.25-lb	14.86	12.73	N/A
cucumber	1.25-lb	14.86	12.73	N/A
dill	4-oz	14.86	12.73	N/A
eggplant	4-oz	14.86	12.73	N/A
endive	4-oz	14.86	12.73	N/A
leek	8-oz	14.86	12.73	N/A
lettuce	4-oz	14.86	12.73	N/A
okra	4-oz	14.86	12.73	N/A
onion	8-oz	14.86	12.73	N/A
parsley	4-oz	14.86	12.73	N/A
parsnip	4-oz	14.86	12.73	N/A
pepper	8-oz	14.86	12.73	N/A
pumpkin	1.25-lb	14.86	12.73	N/A
radish	1.00-lb	14.86	12.73	N/A
spinach, New-Zealand	8-oz	14.86	22.29	N/A
spinach	8-oz	14.86	22.29	N/A
squash	1.25-lb	14.86	12.73	N/A
tomato	4-oz	14.86	12.73	N/A
turnip	6-oz	14.86	12.73	23.35
watermelon	1.25-lb	14.86	12.73	N/A))

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<u>Category</u>	<u>Crop kind</u>	<u>PURITY</u>	<u>GERM/1</u>	<u>TZ</u>	<u>Additional Crops in each Category/2</u>
1	<u>Agricultural Grasses</u>	<u>37.00</u>	<u>22.60</u>	<u>41.83</u>	<u>Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia</u>
2	<u>Alfalfa & Clover</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Alfalfa, Black Medic, Clover, Lupine, Milkvech, Sainfoin, Trefoil</u>
3	<u>Beans</u>	<u>26.72</u>	<u>24.66</u>	<u>41.83</u>	<u>Beans</u>
4	<u>Beets</u>	<u>39.06</u>	<u>43.16</u>	<u>41.83</u>	<u>Beets, Swiss chard, spinach</u>
5	<u>Bentgrass, redtop</u>	<u>65.78</u>	<u>34.94</u>	<u>41.83</u>	<u>Bentgrass, redtop</u>
6	<u>Bluegrass</u>	<u>45.22</u>	<u>30.82</u>	<u>41.83</u>	<u>Bluegrass, all types</u>
7	<u>Brassica sp.</u>	<u>69.88</u>	<u>34.94</u>	<u>41.83</u>	<u>Brassica Species</u>
8	<u>Brome</u>	<u>47.28</u>	<u>24.66</u>	<u>41.83</u>	<u>Brome: Mountain, Smooth, Meadow</u>
9	<u>Fescue</u>	<u>37.00</u>	<u>24.66</u>	<u>41.83</u>	<u>Fescue: Tall and Meadow</u>
10	<u>Fescue, all others</u>	<u>45.22</u>	<u>24.66</u>	<u>41.83</u>	<u>Fescue: Arizona, Blue, Blue Hard, chewings, creeping, Hard, Idaho, Red, Sheep</u>
11	<u>Flax</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Lewis flax</u>
12	<u>Orchardgrass</u>	<u>51.38</u>	<u>26.72</u>	<u>41.83</u>	<u>Orchardgrass</u>
13	<u>Peas</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Peas, other large seeded legumes</u>
14	<u>Primrose</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Primrose</u>
15	<u>Ryegrass</u>	<u>45.22</u>	<u>22.60</u>	<u>41.83</u>	<u>Ryegrass, (Perennial or Annual)</u>
16	<u>Small burnet</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Small burnet</u>
17	<u>Sudangrass</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Sudangrass</u>
18	<u>Vegetables</u>	<u>28.78</u>	<u>24.66</u>	<u>45.00</u>	<u>Vegetables: Asparagus, Cabbage, Cantaloupe, Carrot, Celery, Chard, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Kale, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, Turnip, Watermelon</u>
19	<u>Grains and Pulses</u>	<u>28.78</u>	<u>24.66</u>	<u>41.83</u>	<u>Wheat, Triticale, Sunflower, Sorghum, Sunflower, Rye, Rice, Millet, Lentils, Buckwheat, Barley, Oats, Chickpeas, Vetch</u>
20	<u>Wheatgrass, Wildrye, other native sp.</u>	<u>78.12</u>	<u>30.82</u>	<u>41.83</u>	<u>Wheatgrass: Beardless, Bluebunch, Crested, Intermediate, Pubescent, R/S, Slender, Siberian, Tall, Thickspike, Western Wildrye</u> <u>Other Native Species: Echinacea, Green needlegrass, Indian ricegrass, Junegrass, Little bluestem, Needle and Thread, Squirrel-tail, Kochia, Penstemon, Oatgrass, Prairie sandreed, Sand dropseed, Sand Lovegrass, Sideoats grama</u>

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-210 Fees for special seed tests. ((Fees for special seed tests are as follows: (Standard noxious exam size unless otherwise specified.))

<u>Test</u>	<u>Fee</u>	<u>((Other Considerations)) Additional Information</u>
(1) All states noxious weed examination	\$ ((10-60)) <u>33.38</u>	

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Test	Fee	((Other Considerations)) <u>Additional Information</u>
((2)) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, or crop or weed seeds	\$ 22.29 hourly rate))	
<u>(2) Dormant Seed Test</u>	<u>\$ 41.83</u>	
<u>(3) (a) For crops requiring a 400 seed TZ as required in the AOSA rules. This fee also applies to paired tests when required by AOSA rules</u>	<u>\$ 83.66</u>	
((3)) (4) Brassica seed chemical identification	\$ ((10.60)) <u>20.94</u>	
((4)) (5) Cold (vigor) test for wheat	\$ ((53.08)) <u>65.00</u>	
((5) Crop and weed exam (Required for all foundation and registered class grass seeds)	Purity fee minus \$ 5.30	Hourly rate will be assessed when applicable; hourly rate applies when a larger amount is requested))
<u>(6) Crop or weed exam</u>		<u>Standard noxious amount from AOSA rules</u>
<u>Turf-type and other small seeded grasses</u>	<u>\$ 38.00</u>	<u>Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues</u>
<u>Small seeded legumes and medium seeded crops</u>	<u>\$ 44.00</u>	<u>Brassicas, ryegrass, tall fescue</u>
<u>Wheatgrass and native species</u>	<u>\$ 50.00</u>	
<u>Grains and pulses</u>	<u>\$ 22.00</u>	
((6)) (7) Fescue seed ((fluorescence)) ammonia test	\$ ((15.94)) <u>30.82</u>	((Test required on certified samples))
((7)) (8) Fluorescence test (400 seed test)	\$ ((13.79)) <u>26.72</u>	
((8)) (9) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$ ((22.29 hourly rate)) <u>30.00/hour</u>	
((9)) (10) Pest and disease (phyto exam) or soil exam	\$ ((18.04)) <u>34.94</u>	
((10) Poa annua check)) (11) Quarantine tests on seed		
<u>Bluegrass and Bentgrass ((5-grams)</u>		
<u>Bluegrass (5 grams)</u>	\$ 18.04)) <u>\$ 18.04/5 grams</u>	
<u>Other grasses ((10 grams))</u>	<u>\$ 18.04/10 grams</u>	
((11)) (12) Rules test—Canadian	PURITY	GERMINATION
<u>Alfalfa, clover, peas, lentils</u>	\$ ((22.59)) <u>32.37</u>	\$ ((12.73)) <u>24.66</u>
<u>Kentucky bluegrass</u>	\$ ((33.97)) <u>49.34</u>	\$ ((15.91)) <u>30.82</u>
((Peas, lentils	\$ 22.59	\$ 12.73))
<u>Bentgrass</u>	\$ ((49.89)) <u>72.47</u>	\$ ((18.04)) <u>34.94</u>
((12)) (13) Rules test—I.S.T.A.	PURITY	GERMINATION
<u>Alfalfa, clover, peas, lentils</u>	\$ ((22.59)) <u>32.37</u>	\$ ((15.91)) <u>30.82</u>
<u>Kentucky bluegrass</u>	\$ ((33.97)) <u>49.34</u>	\$ ((15.91)) <u>30.82</u>
((Peas, lentils	\$ 22.59	\$ 15.91))
((13) Samples requiring special preparation for germination, for example pelleted seeds)) (14) Moisture test	\$ ((22.59)) <u>30.00</u>	((Additional Charge))
((14)) (15) Seed Count	\$ ((18.04)) <u>21.84</u>	

Test	Fee	((Other Considerations)) <u>Additional Information</u>
((15) Sod analysis check (25 gram exam to evaluate if a lot appears to be sod quality)) <u>(16) Outstanding charge</u>	\$ ((20.17)) <u>15.00</u>	((Phone report only))
((16) Sod seed analysis (A special test of turf grasses for those who need a detailed examination of seed before purchase and/or use)) <u>(17) Sod seed analysis</u>	Bluegrass \$ ((63.69)) Fescue <u>75.00</u> Ryegrass \$ ((44.59)) <u>52.00</u> \$ ((36.08)) <u>42.00</u>	((Bluegrass test includes purity, 25 gram crop and weed exam, and 10 gram Poa annua check. Ryegrass and Fescue test include purity and 50 gram crop and weed exam.))
((17)) <u>(18) Sodium Hydroxide test for presence of red and/or white wheat</u>	\$ ((10.60)) <u>20.54</u>	
((18) Soil exam or similar (A visual examination of a representative sample))	\$ 18.04	Reported on seed analysis certificate
<u>(19) Undesirable grass species test (includes an all states noxious test) examination (UGS test)</u>	\$ ((12.73)) <u>70.37</u>	
((20) Variety separation of Kentucky bluegrass	\$ 20.17	
If separated at time of purity analysis	\$ 9.55	

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-230 Official seed sampling or similar service. ~~((1) The fee for official seed sampling or similar service is as follows:))~~ Fees for official sampling are in addition to travel time and mileage.

Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	\$ 0.05 Per cwt.	\$ ((22.29)) <u>30.00</u>
For all other kinds	\$ 0.15 Per cwt.	\$ ((22.29)) <u>30.00</u>

~~((2) If a special trip is required to provide a service, the person requesting the service may be charged at the rate of \$ 18.04 per hour travel time plus a mileage fee set by the Washington State Office of Financial Management in addition to the specific fee for service. All standby time is charged at the rate of \$ 22.29 per man hour.))~~

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-240 Fees for blending seed. ~~((Fees for blending seed are five cents per one hundred pounds based on the pounds of seed bagged plus cost of a purity and germination test which is required on the official sample of each blend. All fees are payable by persons or firm requesting permission for said blend.))~~ Blending fee is not applicable to salvage blends.

<u>Grass option B*</u>	<u>Washington origin seed</u>	\$ 1.02 per cwt.
<u>Grass option B*</u>	<u>Out-of-state origin</u>	\$ 0.61 per cwt.
<u>Grass option A and all other blends of other crops</u>		\$ 0.05 per cwt.
<u>*See WAC 16-303-320, footnote 6 for information on option A and option B.</u>		

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-250 Miscellaneous charges for seed services. ~~((1))~~ Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ ((12.73)) <u>15.00</u>
<u>High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)</u>	\$ 150.00
Phone reports on test result, per call	\$ ((3.70 per call)) <u>7.18</u>
Preliminary report on germination ((Phone report only))	\$ ((8.49)) <u>20.00</u> <u>\$ 1.59</u>

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Service	Fee
Additional mailing of report	\$ ((2-64)) <u>5.12</u> each destination
Additional copies of reports	\$ ((2-64)) <u>5.12</u> (()) minimum fee (())
Revised reports	\$ ((5-29)) <u>10.26</u> <u>minimum (hourly</u> <u>fee when applica-</u> <u>ble)</u> ((minimum fee— or hourly fee— when applica- ble))
Fee for special <u>shipping and handling</u> service, for example Federal Express, Air Parcel or air freight	\$ 3.70 <u>plus exact shipping cost</u>
Fee for facsimile transmission of documents ((Travel time—additional or special requested trips	\$ ((3-70)) <u>5.39</u> per document <u>\$ 18.04))</u>
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management

~~((2) Test plot examinations or consultant work in seed plots, seed fields, seed conditioning plants, etc., shall be at the rate of \$ 22.29 per hour plus mileage and travel time at the rate of \$ 18.04 per hour traveled.))~~

Stand-by time - or \$ 30.00/hour
travel time

Travel time to be charged when special trip is requested.

Sample envelopes

Customer will be charged the exact cost of the envelopes.

~~((FEES FOR SEED CERTIFICATION OR OTHER SERVICES))~~

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-300 Phyto-sanitary certification of seed—Fees. ~~((1) Fees for phyto-sanitary certification of seed are as follows:))~~

Service	Fee	((Other Considerations)) <u>Additional Information</u>
Phyto-sanitary certificate	\$ ((22-29 each)) <u>30.00</u>	

Service	Fee	((Other Considerations)) <u>Additional Information</u>
Field inspection—All seed except wheat seed (for each required inspection)	\$ ((5-29)) <u>5.30</u> per acre, <u>per required inspection</u>	\$ ((21-22)) <u>50.00</u> minimum fee ((payable with application)), <u>per inspection</u> ((Payable with application)) <u>\$ 50.00 minimum fee, per inspection</u>
Field inspection—Wheat seed only ((for each required inspection))	\$ ((2-11)) <u>2.12</u> per acre or fraction thereof	((Payable with application)) <u>\$ 50.00 minimum fee, per inspection</u>
Area inspection (billed at time certificate is issued)	\$ 0.5 per cwt.	\$ ((21-22)) <u>50.00</u> minimum fee per certificate \$ 159.25 maximum fee per certificate ((Billed at time certificate is issued))
<u>Late fee - per application</u>	<u>\$ 41.00</u>	
((Late fee—		
Application	\$ 31.84 each	
Sampling (When Required)—		
Beans, peas, lentils, and cereal grains	\$ 0.05 per cwt.	
Other crops	\$ 15 per cwt.	
Serology test	Fee as established by the testing laboratory.	
Laboratory analysis of plant material to verify disease	An additional fee of actual cost shall be charged when necessary to examine plant material and/or seed))	

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees. In addition to fees required by applicable Washington certification rules, the following fees shall apply to all seed tagged O.E.C.D. and is payable by the person requesting O.E.C.D. certificate. The certifying agency may require fees paid in advance:

Service	Fee	((Other Considerations)) <u>Additional Information</u>
O.E.C.D. certificate	\$ ((40-60)) <u>15.41</u> each	
O.E.C.D. grow out test	\$ ((48-83)) <u>65.72</u> each entry	No charge for control entry
<u>O.E.C.D. assessment</u>	<u>cost to program</u>	
<u>O.E.C.D. tagging fee</u>	<u>\$ 0.84/cwt.</u> <u>\$ 0.53/cwt.</u>	<u>grasses</u> <u>all other crops</u>

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-315 Service fee for sod quality seed tags and tagging. Service fee for sod quality seed tags and tagging shall be ~~\$(0-10)~~ 0.12 per cwt. ~~((The official sampling fee is charged when resampling is required.))~~

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-317 Annual and rough bluegrass quarantine fees. Fees for sampling and analysis for the presence of annual or rough bluegrass are those fees established in this chapter and:

(1) Annual bluegrass and rough bluegrass - inspection fee for nursery plantings for the presence of annual bluegrass is ~~\$(53-08)~~ 59.10 per acre or portion thereof. The tagging fee is ~~\$(0-52)~~ 0.53 cwt. with a minimum fee of ~~\$(10-60)~~ 23.12.

~~(2) ((Rough Bluegrass—inspection fee for nursery plantings is \$ 53.08 per acre or portion thereof.))~~ Quarantine inspection of grass seed fields found to be in violation of the quarantine requirements will be charged at the rate of \$ 150.00 per field inspection.

AMENDATORY SECTION (Amending WSR 03-08-005, filed 3/20/03, effective 4/20/03)

WAC 16-303-320 Certification fees for seed certified by the department ((except grasses)). ~~((Fees for seed certification services for seed certified by the department other than grasses are as follows.))~~ (1) Fees apply to both new and renewal applications(=).

The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in this section.

Seed	Application Fee 1/	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes ((sampling and)) tagging) 7/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$(15-94) <u>23.12</u> per variety per grower	\$(1-84) <u>1.85</u> /acre	\$(31-84) <u>41.00</u>	\$(42-46) <u>53.44</u> ea. field	\$(0-52) <u>0.53</u> /cwt. 5/	\$(0-19) <u>0.20</u> /cwt.
Bean	\$(15-94) <u>23.12</u> per variety per grower	\$(1-84) <u>1.85</u> /acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$(31-84) <u>41.00</u>	\$(42-46) <u>53.44</u> ea. field	\$(0-52) <u>0.53</u> /cwt.	\$(0-19) <u>0.20</u> /cwt.
Turnip, Rutabaga	<u>23.12</u> per field	<u>3.70</u> /acre (two inspections)	<u>41.00</u>	<u>53.44</u> each field	<u>0.53</u> /cwt.	<u>0.20</u>
Perennial Grasses 6/	<u>23.12</u> per field	<u>41.00</u> per field	<u>41.00</u>	<u>53.44</u> each field	Option A <u>0.84</u> /cwt. Option B <u>1.17</u> /cwt. (min. \$ <u>11.66</u>)	<u>0.31</u>
Corn	\$(15-94) <u>23.12</u> for each separate combination/or isolation	\$(26-53) <u>50.00</u> first acre \$(10-60) <u>10.99</u> ea. additional acre except hybrid corn \$(3-70) <u>4.85</u> ea. additional acre	—	—	—	—
((Sudangrass)) Annual grasses	\$(15-94) <u>23.12</u> per field	\$(1-84) <u>1.85</u> /acre	\$(31-84) <u>41.00</u> per field	—	<u>0.42</u> /cwt.	((—)) <u>0.20</u>
Rapeseed	\$(15-94) <u>23.12</u> per variety per grower	\$(1-84) <u>1.85</u> /acre (one inspection)	\$(15-94) <u>41.00</u> per grower	\$(21-22) <u>53.44</u> ea. field	\$(0-52) <u>0.53</u> /cwt.	((—)) <u>0.20</u>

1/ ~~((Refer to WAC 16-302-050 for seed certification application due dates.))~~ Seed certification application due dates can be found in WAC 16-302-050.

2/ ~~((Refundable if acreage is withdrawn before inspection. Except for bean seed, required of seedling fields to be harvested for certification the year of planting. Notification of seeding field to be harvested for certification and required fees are due July 31.))~~ Seedling producing or field inspection fees are refundable if the acreage is withdrawn

before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.

- 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
- 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
- 5/ ~~((Sampling and))~~ Production fees are billed at completion of laboratory analysis tests. If ((none of the))

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no seed is tagged, ((~~ten cents~~)) \$ 0.10 of the ((~~fifty-two cents~~)) \$ 0.53 per cwt. production fee is refundable.

6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.

Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

7/ Does not include shipping and handling charge.

(2) Other fees associated with grass seed certification:

Out-of-state origin seed tagged with interagency certification tags.

<u>Grass Option A:</u>	<u>\$ 0.31 per cwt.</u>
<u>Grass Option B:</u>	<u>\$ 0.68 per cwt.</u>
<u>Reissuance of cert. tags:</u>	<u>\$ 0.11 per tag or minimum fee of \$ 11.66</u>

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-303-220 Inventory testing for seed germination.
- WAC 16-303-330 Certification fees for grass seed.

**WSR 03-18-072
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed August 29, 2003, 10:45 a.m.]

Date of Adoption: August 29, 2003.

Purpose: The adopted amendments to chapters 16-301 and 16-302 WAC amend:

- The "official seed laboratory" definition in WAC 16-301-005 to include accredited seed laboratories;
- 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;
- WAC 16-302-045 to eliminate the requirement that payment be sent with the application when applying for certification;
- WAC 16-302-110(1) to read that certification tags "must be" attached to a container of certified seed before it is distributed;
- WAC 16-302-110(2) by replacing the words "under the supervision of the certifying agency" with "in accordance with the certifying agencies rules";

- 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;
- WAC 16-302-255(1) by replacing "preceding three years" with "preceding one year."
- 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 rice grass.
- WAC 16-302-410(3) to delete "a ten gram Poa annua check."

Citation of Existing Rules Affected by this Order: Chapters 16-301 and 16-302 WAC; amending WAC 16-301-005, 16-301-010, 16-301-055, 16-302-045, 16-302-110, 16-302-150, 16-302-155, 16-302-255, 16-302-385, and 16-302-410.

Statutory Authority for Adoption: Chapters 15.49 and 34.05 RCW.

Adopted under notice filed as WSR 03-15-145 on July 23, 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 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.

August 29, 2003

Valoria Loveland

Director

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-005 General seed standards—Definitions. Definitions for terms used in this chapter and in chapters 16-302 and 16-303 WAC may be found in chapter 15.49 RCW, seed. For the purposes of these chapters, the following definitions shall apply unless otherwise provided for in law or rule:

"**Agricultural seed**" as defined in RCW 15.49.011(2) includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

"**AOSA**" means the Association of Official Seed Analysts.

"**AOSCA**" means the Association of Official Seed Certifying Agencies.

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"Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

"Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

"Bean" means common beans and adzuki beans.

"Blend" as defined in RCW 15.49.011(3) means seed consisting of more than one variety of a species, each in excess of five percent by weight of the whole.

"Blending" as related to this chapter shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

"Buyer" means a person who purchases seeds.

"Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

"Certifying agency" as defined in RCW 15.49.011(5) means:

(a) An agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

"Common bean" means *Phaseolus vulgaris* L.

"Complete record" means information which relates to the origin, treatment, germination and purity (including variety) of each lot of seed. Records include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests and examinations.

"Dealer" as defined in RCW 15.49.011(7) means any person who distributes seeds.

"Department" as defined in RCW 15.49.011(8) means the Washington state department of agriculture or its duly authorized representative.

"Director" as defined in RCW 15.49.011(9) means the director of the department of agriculture.

"Field standards" means the tolerances permitted as determined by established field inspection procedures.

"Fiscal year" means the twelve-month period July 1 through June 30.

"Flower seeds" as defined in RCW 15.49.011(11) include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

"Germination" as defined in RCW 15.49.011(13) means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

"Interagency certification" means the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

"Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same species).

"Label" as defined in RCW 15.49.011(18) includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and may include other information including the requirement for arbitration.

"Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

"Mixture, mixed or mix" as defined in RCW 15.49.011(22) means seed consisting of more than one species, each in excess of five percent by weight of the whole.

"Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacing to facilitate roguing.

"O.E.C.D." means the Organization for Economic Cooperation and Development certification scheme.

"Off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

"Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

"Official sample" as defined in RCW 15.49.011(23) means any sample taken and designated as official by the department.

"Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 21 N 1st Avenue, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon. This definition is to include any laboratory that has an accreditation process in place.

"Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

"Person" as defined in RCW 15.49.011(26) means an individual, partnership, corporation, company, association, receiver, trustee or agent.

"Proprietary variety" means that crop variety for which a person has exclusive production and/or marketing rights.

"Representative sample" means a sample drawn in accordance with sampling procedures adopted in WAC 16-301-095.

"Seeds" as defined in RCW 15.49.011(33) means agricultural or vegetable seeds, or other seeds as determined by rules adopted by the department. The word seed or seeds as used in this chapter shall include all propagating materials.

"Seed labeling permit" means a permit issued by the department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

"Seed program advisory committee" means a committee of representatives from the small grains, pea, lentil, bean, vegetable, small seeded legumes, and grass seed industries selected by the program manager in consultation with the industry.

"Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

"Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry viruses.

"Stock seed" means breeders, prebasic, or like initial generation of seed.

"Sudangrass" means *Sorghum bicolor x drummondii*.

"University" means the Washington State University.

"USDA" means the United States Department of Agriculture.

"Vegetable seeds" as defined in RCW 15.49.011(38) include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

"WSCIA" means the Washington State Crop Improvement Association.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-010 What publications are adopted in chapters 16-301, 16-302, and 16-303 WAC and where can they be obtained? (1) The AOSCA rules and procedures for certification adopted in the year ~~((2000))~~ 2003. A copy may be obtained by writing; AOSCA, 600 Watertower Lane, Suite D, Meridian, Idaho 83642-6286.

(2) The AOSA rules for testing seed adopted in the year ~~((2000))~~ 2003. A copy may be obtained by contacting the administrative office for AOSA at McBride and Associates, Inc., P.O. Box 80705, Lincoln, NB 68501-0705.

(3) The Federal Seed Act and Code of Federal Regulations (CFR) Part 201 as revised January 1, 1998. A copy may be obtained by writing to the USDA, AMS, Washington, D.C. 20250.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-055 Tolerances for seed law enforcement. Tolerances for seed law enforcement shall be in accord with the code of federal regulations, C.F.R. Title 7, Section 201 as revised January 1, 1998 and/or those adopted by the Association of Official Seed Analysts, as amended on October 1, ~~((2000))~~ 2003, except for the tolerances for prohibited noxious and restricted noxious weed seed which shall be as the Washington state seed law specifies for labeling.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-045 How may a person apply for seed certification in Washington state? If a person wishes to participate in the Washington state seed certification pro-

gram, you must submit an application to the appropriate certifying agency ~~((along with the required fees (application fee, field inspection fee and late application fee if applicable)))~~.

(1) An application for seed certification must be submitted for each crop, variety and field.

(2) Applications may be obtained from a certified seed processor or the certifying agency listed in WAC 16-302-010.

(3) The applicant is responsible for payment of all fees. Washington State University, its official agents and USDA Plant Material Center are exempt from paying fees on seed stock.

(4) The applicant must attach to the application for seed certification official tags/labels and/or other verification from seed stock planted. The applicant must also attach proof of quarantine compliance when required, under chapter 16-301 WAC. Refer to chapter 16-303 WAC for appropriate fees.

(5) When it is necessary for a grower to reseed due to a failure to get a stand, the grower will retain records of seed lots used and the date of reseeding. Reseeding must be done within two years of the original planting date for grasses or within one year for all other crops. If seed stock of a different lot is used for reseeding, the grower must submit proof of seed stock used on a seedling application form. An additional application fee will be charged.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-110 Completion of seed certification—When may seed be labeled with a seed certification tag, label or seal? (1) The seed certification tag, label or seal is evidence of the genetic identity and purity of the contents ~~((and is))~~ must be attached to a container of certified seed prior to distribution. Seed that fails to meet certification standards because of genetic purity is not eligible for labeling.

(2) Seed certification tags, labels, and seals must be obtained from the certifying agency except as allowed in WAC 16-302-390, and must be attached to seed containers ~~((under the supervision of the certifying agency))~~ in accordance with the certifying agency's rules.

(3) Certification of seed is valid only if the tag, label or seal is affixed to each container in accordance with the AOSCA procedures as shown in WAC 16-301-010.

(4) No tag, label or seal may be removed and reused without permission of the certifying agency.

(5) A certified seed sale certificate will be issued upon completion of final certification for all seed to be sold in bulk. This certificate must accompany any shipment or transfers including those to other seed plants, out-of-state shipments or with any brokered seed. The seed plants own invoice may be used in lieu of a certified seed sale certificate for retail sales to growers.

(6) Seed that fails to meet certification requirements on factors other than genetic purity may be designated substandard at the discretion of the certifying agency. The certification tag or label attached to the seed must clearly show the reason the seed is substandard. Seed may not be tagged substandard if the seed can be remilled to meet minimum seed standards.

(7) Refer to chapter 16-301 WAC for seed labeling requirements.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-150 Eligibility for interagency certification. (1) Seed recognized for interagency certification must be received in containers carrying official certification labels or evidence of its eligibility from another official certifying agency together with the following information:

- (a) Variety and species;
- (b) Quantity of seed;
- (c) Class of seed; and
- (d) Field or lot number traceable to the previous certifying agency's records.

(2) Seed tagged and sealed with official certification tags is eligible for interagency certification without obtaining approval from the certifying agency of the originating state.

(3) An "interagency certified seed" report form must be submitted to all certifying agencies involved. Forms can be obtained from the department seed program. Information required to complete the form includes:

Part A

- Name
- Address of shipper
- Destination
- Shipping weight
- Lot number
- Grower name
- Field number
- Date of seed shipment
- Amount of seed used

Part B (~~and C~~)

- Date shipment is received by the receiving state
- Receiving weight and lot number
- Clean weight
- Bag count
- New lot number if different than the receiving lot number
- Screenings weight

(4) Certified seed not tagged and sealed with official certification tags must follow the interagency certification procedure in WAC 16-302-155.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-155 Interagency seed certification procedure. Certified seed that is produced in Washington state and shipped out-of-state must comply with the interagency seed certification procedure.

(1) The interagency seed certification procedure for field pea, lentil, soybean, small grain and sorghum seed is as follows:

(a) A certified seed sale certificate must be executed by the department for unprocessed seed pending final certification when moved out-of-state.

(b) Unprocessed seed pending final certification is subject to all certification fees when moved out-of-state.

(2) The interagency seed certification procedure for all other kinds of seed except field pea, lentil, soybean, small grain and sorghum seed shipped out-of-state is as follows:

(a) Obtain approval of all certifying agencies involved prior to shipment:

- Complete section (A) of "interagency certified seed" report referred to in WAC 16-302-150(3). Prior to shipment one copy of the "interagency certified seed" report must be submitted to the department seed program and one copy to the certifying agency where seed is being processed.
- Clearly mark each container with the lot number and Washington field number.

(b) Upon completion of seed processing, section ~~(and C)~~ (B) of "interagency certified seed" report referred to in WAC 16-302-150(3) must be completed and submitted to the department seed program.

• If the department is to finalize certification, a representative of the certifying agency in the receiving state must draw an official sample. The sample must be submitted to the department seed program.

• When Washington state certification tags are used, the lot must be tagged and sealed under supervision of the department. The applicant must pay a mileage fee and hourly rate for all additional mileage and travel time required.

• When Washington state interagency tags are used, the tags must be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(c) If another state receives seed and finalizes certification, the department must advise the receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging shall be in accordance with the receiving state's requirements.

(d) The applicant for interagency seed certification is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved. Fees for Washington's interagency certification program must be paid upon submission to the department of the "interagency certified seed" report, section (A).

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-255 Land requirements for bean seed certification. Land requirements for the production of bean seed are as follows:

(1) A field to be eligible for the production of certified class must not have been planted to beans of a different variety the preceding ~~((three))~~ one year(s).

A field to be eligible for the production of foundation or registered classes must not have been planted to beans for the previous three years unless those beans were of the same variety of equal or higher class. The fields must be free of bacterial diseases during the previous two years of planting.

(2) A bean field is not eligible for production of certified seed for more than two consecutive years.

AMENDATORY SECTION (Amending WSR 02-12-060, filed 5/30/02, effective 6/30/02)

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	SEED STANDARDS												MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS						
	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. (i) REG. (i)	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %		
BLUEGRASS															
Big (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25		
Canby (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25		
Kentucky (A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25		
Canada, Upland (A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25		
BROMEGRASS															
Smooth & Meadow (C) (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25		
Mountain & Sweet	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25		
DEERTONGUE (C)															
	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%				
FESCUE															
Tall & Meadow (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25		
Hard & Sheep (m) Turf Type (e)	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
Reclamation/Range Type		80	85	95	92	5	8	.03	.3(c)	.1	.5	9 /lb.	45 /lb.	.25	
Chewings Red, Idaho and other Fescue (C)	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25		
ORCHARDGRASS (C)															
	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25		
		80 for	penlate	& latar											
RYEGRASS															
Pennfine (C)	85	90 (l)	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25		
	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25		
TIMOTHY															
	80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25		
WHEATGRASS (n)															
Beardless (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Bluebunch (C) (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Intermediate, Tall (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Pubescent	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Western, R/S Streambank, (C)															
Thickspike (S)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Slender (C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
Crested & Siberian	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25		
INDIAN RICEGRASS ((C)) (S)															
	80(j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25		
PUCCINELLIA (n)															
distans (C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25		
WILD RYE (n)															
	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25		
BENTGRASS (C)															
	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)					
REDTOP (C)															
	80	80	92	92	8	8	.3	.5 (f)	.5	.2					
Ann.															
CANARYGRASS (C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.					
GREEN (n) (C)	80	80	80	80	20	20	.1	.3(c)	.1	.5					
NEEDLEGRASS															
SWITCHGRASS (C)	60	60	90	90	10	10	.5	1.5	.1	.25					

The following (a) - ((C)) (S) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.

- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.
- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big

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Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.
- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.
- (o) Turf type fescues 97% pure seed. Range/reclamation types 92% pure seed. Varietal designation of turf or range/reclamation types are to be made by the breeder or variety owner. If no designation is made, the variety will be considered a turf type.

- *** Must be free of Big, Canby and Sandberg bluegrass, rattail fescue, dock, chickweed, crabgrass, plantain, annual bluegrass, velvetgrass, short-awn foxtail, and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105. An additional 0.07% of weedy Bromus spp. will be allowed.
- **** 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.

(3) A sod seed analysis certificate is the basis of determining if a lot meets sod quality standards. This certificate is issued by the certifying agency and represents a purity analysis, a twenty-five gram noxious all weed all crop exam ((-a ten-gram Poa annua cheek)) and a germination test ((on an official sample)), except a 50-gram noxious all weed all crop exam is required for fescues and ryegrass.

(4) In addition to a seed certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.

WSR 03-18-089
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed September 2, 2003, 9:17 a.m.]

PERMANENT

AMENDATORY SECTION (Amending WSR 02-12-060, filed 5/30/02, effective 6/30/02)

WAC 16-302-410 Standards for sod quality seed. (1)

Except for ryegrass sod quality seed, seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

- * Must be free of ryegrass, orchardgrass, timothy, Agrostis sp., black medic, Poa trivialis, brome, reed canarygrass, tall fescue, clover, and meadow foxtail. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).
- ** Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, rattail fescue and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105.

(2) Seed standards for sod quality ryegrass seed are as follows:

Variety	Minimum Purity	Germination****	Other Crop*	Maximum Weed***
Ryegrass**	98%	90%	0.10%	.02%

- * Must be free of black medic, orchardgrass, timothy, Agrostis sp., Poa trivialis, brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.
- ** Maximum fluorescence levels as determined by breeder or variety owner.

Date of Adoption: September 2, 2003.

Purpose: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

The purpose of this rule making is to make minor technical corrections, including:

- Correct an inappropriate reference in WAC 296-46B-905 (9)(a);
- Correct a fee that was inadvertently increased in WAC 296-46B-905(3); and
- Correct compliance dates in WAC 296-46B-930 and 296-46B-950 to ensure consistency with the compliance schedule established in these rules.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-905, 296-46B-930, and 296-46B-950.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551.

Other Authority: Chapter 19.28 RCW.

Adopted under notice filed as WSR 03-13-100 on June 17, 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 3, 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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 2, 2003

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$70.80
Each additional 500 sq. ft. or portion of	\$22.70
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$29.60
(iii) Each outbuilding or detached garage - inspected separately	\$46.70
(iv) Each swimming pool - inspected with the service	\$46.70
(v) Each swimming pool - inspected separately	\$70.80
(vi) Each hot tub, spa, or sauna - inspected with the service	\$29.60
(vii) Each hot tub, spa, or sauna - inspected separately	\$46.70
(viii) Each septic pumping system - inspected with the service	\$29.60
(ix) Each septic pumping system - inspected separately	\$46.70

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$76.30	\$22.70
201 to 400	\$94.80	\$46.70
401 to 600	\$130.20	\$64.90
601 to 800	\$167.00	\$89.00

801 and over	\$238.10	\$178.60
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(c) Single or multifamily altered services or feeders including circuits.

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$64.90
201 to 600	\$94.80
601 and over	\$142.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$35.20

(d) Single or multifamily residential circuits only (no service inspection).

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	\$46.70
(ii) Each additional circuit (see note above)	\$5.20

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only	\$46.70
(ii) Mobile home service and feeder	\$76.30

(f) Mobile home park sites and RV park sites.

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder	\$46.70
(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder	\$29.60

(2) Commercial/industrial.

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$76.30	\$46.70
101 to 200	\$94.80	\$59.40
201 to 400	\$178.60	\$70.80
401 to 600	\$208.20	\$83.20
601 to 800	\$269.10	\$113.30
801 to 1000	\$328.50	\$137.10
1001 and over	\$358.40	\$191.20

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$76.30
201 to 600	\$178.60
601 to 1000	\$269.10
1001 and over	\$298.90

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(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$64.90

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$59.40
- (ii) Each additional circuit per branch circuit panel \$5.20
- (d) Over 600 volts surcharge per permit. \$59.40

(3) Temporary service(s).

Note:

(1) See WAC 296-46B-527 for information about temporary installations.
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$40.90	\$21.00
61 to 100	\$46.70	\$22.70
101 to 200	\$59.40	\$29.60
201 to 400	\$70.80	\$35.30
401 to 600	\$(98.80) 94.80	\$46.70
601 and over	\$107.50	\$53.60

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.20
- (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$70.80
- (c) Each additional tower \$5.20

(5) Miscellaneous - commercial/industrial and residential.

(a) Low-voltage thermostats controlling a single piece of utilization equipment.

- (i) First thermostat \$35.30
- (ii) Each additional thermostat inspected at the same time as the first \$11.10

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

- (i) First 2500 sq. ft. or less \$40.90
- (ii) Each additional 2500 sq. ft. or portion thereof \$11.10

(c) Signs and outline lighting.

- (i) First sign (no service included) \$35.30
- (ii) Each additional sign inspected at the same time on the same building or structure \$16.80

(d) Berth at a marina or dock.

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock \$46.70
- (ii) Each additional berth inspected at the same time \$29.60

(e) Yard pole, pedestal, or other meter loops only.

- (i) Yard pole, pedestal, or other meter loops only \$46.70
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.10

(f) Emergency inspections requested outside of normal working hours.

Regular fee plus surcharge of: \$89.00

(g) Generators.

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$64.90

(h) Electrical - annual permit fee.

Note:

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,710.80
4 to 6 plant electricians	24	\$3,423.30
7 to 12 plant electricians	36	\$5,134.60
13 to 25 plant electricians	52	\$6,847.10
More than 25 plant electricians	52	\$8,559.60

(i) Telecommunications - annual permit fee.

Note:

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum \$141.60
 Each additional hour, or portion thereof, of portal-to-portal inspection time \$70.80

(j) Permit requiring ditch cover inspection only.

Each 1/2 hour, or portion thereof \$35.30

(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor. \$59.40

(6) Carnival inspections.

(a) First carnival field inspection each calendar year.

- (i) Each ride and generator truck \$16.80

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(ii) Each remote distribution equipment, concession, or gaming show	\$5.20
(iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be:	\$89.00
(b) Subsequent carnival inspections.	
(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$89.00
(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$5.20
(c) Concession(s) or ride(s) not part of a carnival.	
(i) First field inspection each year of a single concession or ride, not part of a carnival	\$70.80
(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$46.70
(7) Trip fees.	
(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$70.80
(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$35.30
(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$35.30
(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$35.30
(e) Each trip necessary to remove a noncompliance notice.	\$35.30
(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$35.30
(g) Installations that are covered or concealed before inspection.	\$35.30
(8) Progress inspections.	
Note:	
The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.	
On partial or progress inspections, each 1/2 hour.	\$35.30
(9) Plan review.	
Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-910, plus a plan review submission and shipping/handling fee of:	\$59.40
(a) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$70.80
(b) Plan review shipping and handling fee.	\$16.80
(10) Out-of-state inspections.	
(a) Permit fees will be charged according to the fees listed in this section.	
(b) Travel expenses:	
All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.	

(11) Other inspections.	
Inspections not covered by above inspection fees must be charged portal-to-portal per hour:	\$70.80
(12) Refund processing fee.	
All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)	\$11.10
(13) Variance request processing fee.	
Variance request processing fee. This fee is non-refundable once the transaction has been validated.	\$70.80
(14) Marking of industrial utilization equipment.	
(a) Standard(s) letter review (per hour of review time).	\$70.80
(b) Equipment marking - charged portal-to-portal per hour:	\$70.80
(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.	

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

- (a) The sole proprietor;
- (b) A partner on file with the department of licensing; or
- (c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28-.041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR	<ul style="list-style-type: none"> • Domestic well (03A), • HVAC/refrigeration - restricted (06B), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (07B), • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D), • Equipment repair (New - 07E), • Door, gate and similar systems (10).
Last date to submit application for temporary administrator	((September 30)) July 31, 2004. ^{(2), (3)}
Required business status in the contracting specialty	Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).
Minimum previous experience for firm making temporary designation	N/A
Begin interim enforcement	Effective date of this chapter. ⁽¹⁾
Begin full enforcement	August 1, 2004. ⁽¹⁾
Must pass specialty administrator examination no later than:	Twelve months after submitting temporary specialty administrator assignment. ⁽³⁾
Notes:	
(1) See Figure 955-1 for enforcement procedures.	
(2) To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.	
(3) A firm may only designate a single individual as a temporary administrator in a specialty.	
(4) An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.	

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

- (1) The specific specialty for which credit is being sought;
- (2) The specific date time period for which credit is being sought; and
- (3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

PERMANENT

Table 950-1 Specialty Electrician Open Window to apply previous work experience

SPECIALTIES Available for Open Window	<ul style="list-style-type: none"> • HVAC/refrigeration (06A), HVAC/refrigeration - restricted (06B) 	<ul style="list-style-type: none"> • Domestic well (03A), • Nonresidential maintenance (07), • Nonresidential lighting maintenance and lighting retrofit (07A), • Residential maintenance (07B), • Door, gate and similar systems (10) 	<ul style="list-style-type: none"> • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D) • Equipment repair (New - 07E)
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Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000 ⁽³⁾	Work performed prior to June 30, 2001 ⁽³⁾	Work performed prior to the effective date of this chapter ⁽³⁾
Last date to submit application for previous work experience	Make application on or before (September 30) <u>July 31</u> , 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter ⁽¹⁾		
Begin full enforcement	August 1, 2004 ⁽¹⁾		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application. ⁽²⁾		

- Notes:**
- ⁽¹⁾See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
 - ⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.
 - ⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.
 - ⁽⁴⁾Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.
 - ⁽⁵⁾Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.
 - ⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.
 - ⁽⁷⁾No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.
 - ⁽⁸⁾An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

WAC, several references were also updated throughout our chapters. These 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 corrected 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 were clarified for ease of use and understanding. These changes are housekeeping in nature and do not increase requirements.

WAC 296-24-120 Sanitation.

- Requirements relating to sanitation are now located in chapter 296-800 WAC, Safety and health core rules.
- Added 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. Repealed this section.

WAC 296-24-12002 Definitions.

- Definitions relating to sanitation are now located in chapter 296-800 WAC, Safety and health core rules. Repealed this section.

WAC 296-24-12010 Showers.

- Requirements relating to showers are now located in chapter 296-800 WAC, Safety and health core rules. Repealed 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. Repealed 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. Repealed this section.

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels.

- Updated a reference.

PERMANENT

**WSR 03-18-090
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 2, 2003, 9:19 a.m., effective November 1, 2003]

Date of Adoption: September 2, 2003.

Purpose: Chapter 296-800 WAC, Safety and health core rules; 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, and chapter 296-115 WAC Safety requirements for charter boats. The primary reason for this rule making was 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 296-62-07308 General regulated area requirements.

- Subsection (3)(c)(ii), updated a reference.

WAC 296-62-07336 Acrylonitrile.

- Subsection (13), deleted a reference.
- Subsection (13)(a), updated a reference.
- Subsection (13)(b)(i), updated a reference.

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

- Subsection (13)(b)(iii), updated a reference.

WAC 296-62-07347 Inorganic arsenic.

- Subsection (13)(a), updated a reference.
- Subsection (13)(b)(ii), updated a reference.

WAC 296-62-07419 Hygiene areas and practices.

- Subsection (1), deleted a reference.

WAC 296-62-07460 Butadiene.

- Subsection (6), deleted a reference.

WAC 296-62-07521 Lead.

- Subsection (1)(b), updated a reference.
- Subsection (10)(c)(ii), updated a reference.

WAC 296-62-07719 Hygiene facilities and practices.

- Subsection (1)(b), updated a reference.
- Subsection (2)(b), updated a reference.
- Subsection (3)(a)(i)(B), updated a reference.

WAC 296-62-20015 Hygiene facilities and practices.

- Subsection (2)(b), updated a reference.

WAC 296-62-31020 Showers and change rooms used for decontamination.

- Updated a reference.

WAC 296-62-31335 Showers and change rooms.

- Subsection (2), updated a reference.

WAC 296-115-050 General requirements.

- Subsection (13)(a), updated a reference.
- Subsection (13)(c), updated 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."

WAC 296-800-11030 Prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements.

- Changed the title of this section to read "Prohibit employees from using tools and equipment that are not safe."
- Deleted the first bullet for clarity.
- Amended the second bullet to read "Take responsibility for the safe condition of tools and equipment used by employees."
- Removed the words "under control of" in the note.

WAC 296-800-170 Summary.

- Added a new subsection to this summary page titled "Include multiemployer workplaces in your program if necessary."
- Changed 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.

- Moved requirements relating to multiemployer worksites from this section into a new section, WAC 296-800-17007.
- Clarified the language in this section.

WAC 296-800-17007 Include multiemployer worksites in your program if necessary.

- Created this section and moved 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.

- Changed 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.

- Changed title of this section to "Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH."
- Clarified 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.

- Amended this section to reflect the requirements moved here from chapter 296-24 WAC.
- Added section headings for clarity.

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace.

- Clarified the language in this section.
- Added 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 and 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.

- Changed 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.

- Moved these requirements to WAC 296-800-23050 for better organization of information.
- Repealed this section.

WAC 296-800-23035 Remove garbage and waste in a way that does not create a health hazard.

- Moved 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.

- Created this section and moved requirements from WAC 296-24-12017 into this section.

WAC 296-800-23045 Follow these requirements if you provide food service to your employees.

- Created this section and moved requirements from WAC 296-24-12017 into this section.

WAC 296-800-23050 Dispose of garbage and waste safely.

- Incorporated 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.

- Moved 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.

- Created this section and moved requirements from WAC 296-24-12017 into this section.

WAC 296-800-23065 Provide showers when required for employees working with chemicals.

- Created this section and moved requirements from WAC 296-24-12010 into this section.

WAC 296-800-23070 Provide change rooms when required.

- Created this section and moved requirements from WAC 296-24-12011 into this section.

WAC 296-800-23075 Make sure any work clothes you provide are dry.

- Created this section and moved requirements from WAC 296-24-12011 into this section.

WAC 296-800-31050 Mark exits adequately.

- Added a bullet that reads "Make sure the letters in the word "EXIT" are at least six inches high and 3/4s 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.

- Changed the title of WAC 296-800-35038 to read "Minimum and maximum adjusted base penalty amounts."

WAC 296-800-35038 Maximum base penalty amount.

- Changed the title of this section to "Minimum and maximum adjusted base penalty amounts" for clarity.
- Added 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.

- Clarified language relating to repeat violations.
- Clarified language relating to failure-to-abate violations.

WAC 296-800-35062 WISHA's response to your request for more time.

- Clarified 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.

- Deleted the word "you" from the first bullet.
- Deleted unnecessary language from the second bullet.
- Deleted the last secondary bullet. This requirement is in WAC 296-800-35065.

WAC 296-800-370 Definitions.

- Amended 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
- Added the following definitions:
 - Ceiling
 - Dust
 - Fume
 - Gas
 - Irritant
 - Mist
 - Short-term exposure limit (STEL)
 - Time weighted average (TWA₈)
 - Toxicant
 - Vapor

Deleted the following definition:

- Strong irritant

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-120 Sanitation, 296-45-48535 Chemical cleaning of boilers and pressure vessels, 296-62-07308 General regulated area requirements, 296-62-07336 Acrylonitrile, 296-62-07342 1,2-Dibromo-3-chloropropane, 296-62-07347 Inorganic arsenic, 296-62-07419 Hygiene areas and practices, 296-62-07460 Butadiene, 296-62-07521 Lead, 296-62-07719 Hygiene facilities and practices, 296-62-20015 Hygiene facilities and practices, 296-62-31020 Showers and change rooms used for decontamination, 296-62-31335 Showers and change rooms, 296-115-050 General requirements, 296-800-110 Summary, 296-800-11030 Prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements, 296-800-170 Summary, 296-800-17005 Develop, implement, maintain, and make available a written chemical hazard communication program, 296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used, 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees, 296-800-230 Summary, 296-800-23005 Provide safe drinking (potable) water in your workplace, 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable), 296-800-23020 Provide bathrooms for your employees, 296-800-23025 Provide convenient, clean washing facilities, 296-800-31050 Mark exits adequately, 296-800-350 Summary, 296-800-35038 Maximum base penalty amount, 296-800-35040 Reasons for increasing civil penalty amounts, 296-800-35062 WISHA's response to your request for more time, 296-800-35064 A hearing can be requested about the department's response and 296-800-370 Definitions; and repealing WAC 296-24-12001 Scope, 296-24-12002 Definitions, 296-24-12010 Showers, 296-24-12011 Change rooms, 296-24-12017 Consumption of food and beverages on the premises, 296-800-23030 Keep containers used for garbage or waste in a sanitary condition, and 296-800-23035 Remove garbage and waste in a way that does not create a health hazard.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 03-12-072 on June 3, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-800-370 Definitions, deleted an outdated reference from the definition of "material safety data sheet (MSDS)."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 8, Amended 32, Repealed 7; 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 9, Amended 32, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 32, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 32, Repealed 7.

Effective Date of Rule: November 1, 2003.

September 2, 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.

PERMANENT

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 sep-

arate storage facilities for the protective clothing for the number of such employees required to change clothes.

(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 CH₂=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.

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(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.
	(ii)	Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(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.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use		Respirator Type	
(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

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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.

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TABLE I
RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than	Respirator Type
(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.

(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

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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.

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(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 adaption 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 practices, 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.

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(C) Any full facepiece self-contained breathing apparatus. (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.

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 $\mu\text{g}/\text{m}^3$ (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 $\mu\text{g}/\text{m}^3$ (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) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(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 $\mu\text{g}/\text{m}^3$	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge.

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Concentration of Inorganic Arsenic (as As) or Condition of Use

Required Respirator

(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.

(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 ((296-24-12011)) 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 µg/m³ 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.

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(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 standard 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:

PERMANENT

- (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 lunch-

room 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 $\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$ 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 design-

nated 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 use
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.

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 50 ppm (50 times PEL)	<p>(b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours.</p> <p>(c) Continuous flow supplied air respirator equipped with a hood or helmet.</p> <p>(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.</p> <p>(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.</p>
Less than or equal to 1,000 ppm (1,000 times PEL)	<p>(a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.</p>
Greater than 1,000 ppm	<p>(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.</p> <p>(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.</p>

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Escape from IDLH Conditions	<p>(a) Any positive pressure self-contained breathing apparatus with an appropriate service life.</p> <p>(b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.</p>

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.

(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

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(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 apparent, 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 Article 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 exposures 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; biethylenene; bivenyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) Formula: $(CH_2)=CH-CH=CH_2$.

(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.

(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

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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).**
+	+	+	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 nor-

mal 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 occupational 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; vinylethylene.

(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 referenced 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 pretreated 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

ug/uL = 54.09/MV

ug/standard = (ug/uL)(uL) 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 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/m(3) to ppm:

$$\text{ppm} = (\text{mg/m}(3))(24.46)/54.09$$

Where:

mg/m(3) = 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

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?

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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 _____
- 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: _____

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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 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 _____

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- 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.

(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 µg/m³) 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:

$$\text{Maximum permissible limit (in } \mu\text{g/m}^3\text{)} = 400 \div \text{hours worked in the day.}$$

(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

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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 $30 \mu\text{g}/\text{m}^3$.

(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 $\mu\text{g}/\text{m}^3$, 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 $\mu\text{g}/\text{m}^3$.

TABLE 1

Industry	Compliance dates: ¹ (50 $\mu\text{g}/\text{m}^3$)
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 $\mu\text{g}/\text{m}^3$ 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 $\mu\text{g}/\text{m}^3$ 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 $\mu\text{g}/\text{m}^3$ 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 $\mu\text{g}/\text{m}^3$. 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 $\mu\text{g}/\text{m}^3$ 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 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

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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
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.

(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.

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(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 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ 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 $\mu\text{g}/100\text{ ml}$, 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 program, 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.

(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 rea-

sonable 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 number 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-pressure 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 hazardous 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

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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 collec-

tive 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 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 $\mu\text{g}/\text{m}^3$ (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 $\mu\text{g}/\text{m}^3$ 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 $\mu\text{g}/\text{m}^3$ 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).

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(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 on 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 com-

plaints 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 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 40 µg/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 impairment 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 µg/m³ or more whenever either of the following circumstances apply. (I) a blood lead level of 60 µg/100g 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 µg/100g, unless the last blood sample indicates a blood lead level at or below 40 µg/100g, in which case the employee need not be removed. Medical removal is to con-

tinue until two consecutive blood lead levels are 40 µg/100g 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 µg/100g. 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 µg/m³. Workers so removed are to be returned to work when their blood lead levels are at or below 60 µg/100g of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is 70 µg/100g. During this period workers need only be removed

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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 procedures 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 percent 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 or 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 litera-

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ture concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 µg/100g with a population mean of 15 µg/100g. Blood lead levels in the fetus and newborn likewise should not exceed 30 µg/100g.

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 µg/100g 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 respira-

tory 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 conse-

quently 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 $\mu\text{g}/1$ 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 $\mu\text{g}/\text{m}^3$ 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.

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

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 ((296-24-12014)) 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.

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.

PERMANENT

- 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.

PERMANENT

• 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

(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:

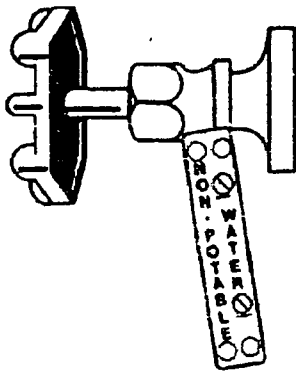
- Concentrations of chemicals, ~~((for example,))~~ such as lead or chlorine
- Fecal coliform bacteria.

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.

PERMANENT



Outlets for water not fit to drink must be marked.

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.

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

Maximum Number of Employees Present at Any One Time During a Shift	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

Note: 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 1/3 of the required toilets.

You must:

(2) Provide toilet paper and a toilet paper roll holder for each toilet.

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(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((7)) 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 towel~~((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.

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
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.

PERMANENT

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:

- 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

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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

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

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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,~~

~~■ 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 representa-

tives. 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;
 - 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((-ete-)))~~ 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((s)) 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.

PERMANENT

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 undergrounded 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. |

PERMANENT

WSR 03-18-093

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed September 2, 2003, 11:39 a.m.]

Date of Adoption: September 2, 2003.

Purpose: The proposed rule restructures a fee schedule, implemented August 16, 2002, pursuant to the 2002 Supplemental Operating Budget, Section 220, chapter 371, Laws of 2002, that is assessed to commercial shellfish operations to pay for PSP testing of commercially harvested geoduck. The proposed rule realigns fee assessment in relationship to the number of geoduck PSP tests performed for each entity in 2002. Although the restructure will result in revenue neutral fees, the new schedule will increase some fees over the I-601 limit while reducing others. Authority to exceed the I-601 limit was approved by the legislature for fiscal year 2004.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 03-14-145 on July 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 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.

September 2, 2003

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 02-15-094 [03-14-037], filed 7/16/02 [6/23/03], effective 8/16/02 [7/24/03])

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.

(3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$173
Harvester	3 or more	\$259
Shellstock Shipper	≤ 2	\$195
0 - 49 acres		
Shellstock Shipper	3 or more	\$292
0 - 49 acres		
Shellstock Shipper	N/A	\$468
50 or greater acres		
Shucker-Packer	≤ 2	\$354
(plants < 2000 ft ²)		
Shucker-Packer	3 or more	\$533
(plants < 2000 ft ²)		
Shucker-Packer	≤ 2	\$429
(plants 2000-5000 ft ²)		
Shucker-Packer	3 or more	\$644

Fee Category

Type of Operation	Number of Harvest Sites	Fee
(plants 2000-5000 ft ²)		
Shucker-Packer	N/A	\$1,189
(plants > 5000 ft ²)		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

(ii) January 1 of each year for companies licensed as harvesters; or

(iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting ((subtidal)) geoduck ((below extreme low tide)) are as follows:

Harvester	Fee
Department of natural resources	\$((17,178))
(((leased)) quota tracts harvested by ((nontribal licensees)) DNR contract holders)	9,987
Jamestown S'Klallam Tribe	\$((3,135))
	10,442
Lower Elwah Klallam Tribe	\$((3,423))
	1,249
Lummi Nation	\$454
Nisqually Indian Tribe	\$((4,316))
	2,497
Port Gamble S'Klallam Tribe	\$((5,312))
	5,675
Puyallup Tribe of Indians	\$((3,862))
	3,859
(((Skagit System Cooperative	\$555))
Skokomish Indian Tribe	\$((2,490))
	908
Squaxin Island Tribe	\$((5,153))
	4,994
Suquamish Tribe	\$((11,595))
	7,832
Swinomish Tribe	\$568
Tulalip Tribe	\$((981))
	2,724
Chelsea Farms LLC DBA Duc's, Inc.	\$227
Seattle Shellfish	\$454
Taylor Shellfish Company, Inc. (Shelton)	\$795
Washington Shell Fish, Inc.	\$5,335

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

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(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 03-18-109
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 2, 2003, 5:22 p.m.]

Date of Adoption: September 2, 2003.

Purpose: To bring the managed care program into compliance with the federal Balanced Budget Act (BBA) of 1997. Also to add and update definitions, update incorrect cross-references and enrollment criteria, update payment methodologies, consolidate exemptions listed in WAC 388-538-080 into WAC 388-535-130, amend the scope of services to comply with the BBA, and add information from the healthy options/state children's health insurance program (SCHIP) contract about emergency services.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-538-080; and amending WAC 388-538-050, 388-538-060, 388-538-070, and 388-538-095.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Adopted under notice filed as WSR 03-14-064 on June 25, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-538-050, "Appeal" means a request by a provider or covered enrollee for reconsideration of an action. ~~The reconsideration includes independent review under RCW 48.43.535.~~ Change made as a result of comments received.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 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 4, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-050 Definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions, apply to this chapter.

"Action" means:

(1) The denial or limited authorization of a requested service, including the type or level of service;

(2) The reduction, suspension, or termination of a previously authorized service;

(3) The denial, in whole or in part, of payment for a service;

(4) The failure to provide services in a timely manner, as defined by the state; or

(5) The failure of an MCO to act within the timeframes provided in 42 C.F.R. 438.408(b).

"Ancillary health services" means health services ordered by a provider, including but not limited to, laboratory services, radiology services, and physical therapy.

"Appeal" means a ~~((formal))~~ request by a provider or covered enrollee for reconsideration of ~~((a decision such as a utilization review recommendation, a benefit payment, an administrative action, or a quality of care or service issue, with the goal of finding a mutually acceptable solution))~~ an action.

"Assign" or "assignment" means that MAA selects a managed care organization (MCO) or primary care case management (PCCM) provider to serve a client who lives in a mandatory enrollment area and who has failed to select an MCO or PCCM provider.

"Basic health (BH)" means the health care program authorized by chapter 70.47 RCW and administered by the health care authority (HCA). MAA considers basic health to be third-party coverage, however, this does not include basic health plus (BH+).

~~((**"Children's health insurance program (CHIP)"** means the health insurance program authorized by Title XXI of the Social Security Act and administered by the department of social and health services (DSHS). This program also is referred to as the state children's health insurance program (SCHIP).))~~

"Children with special health care needs" means children identified by the department of social and health services (DSHS) as having special health care needs. This includes:

(1) Children designated as having special health care needs by the department of health (DOH) and served under the Title V program;

(2) Children who meet disability criteria of Title 16 of the Social Security Act (SSA); and

(3) Children who are in foster care or who are served under subsidized adoption.

"Client" means an individual eligible for any medical program who is not enrolled with a managed care organiza-

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tion (MCO) or primary care case management (PCCM) provider. In this chapter, client refers to a person before the person is enrolled in managed care, while enrollee refers to an individual eligible for any medical program who is enrolled in managed care.

~~("Complaint" means an oral or written expression of dissatisfaction by an enrollee.)~~

"Emergency medical condition" means a condition meeting the definition in ~~((42 U.S.C. 1396u-2 (b)(2)(C)))~~ 42 C.F.R. 438.114(a).

"Emergency services" means services as defined in ~~((42 U.S.C. 1396u-2 (b)(2)(B)))~~ 42 C.F.R. 438.114(a).

"End enrollment" means an enrollee is currently enrolled in managed care, either with a managed care organization (MCO) or with a primary care case management (PCCM) provider, and requests to discontinue enrollment and return to the fee-for-service delivery system for one of the reasons outlined in WAC 388-538-130. This is also referred to as "disenrollment."

"Enrollee" means an individual eligible for any medical program who is enrolled in managed care through a ~~((managed))~~ managed care organization (MCO) or primary care case management (PCCM) provider that has a contract with the state.

"Enrollees with ~~((chronic conditions))~~ special health care needs" means persons having chronic and disabling conditions, including persons with special health care needs that meet all of the following conditions:

- (1) Have a biologic, psychologic, or cognitive basis;
- (2) Have lasted or are virtually certain to last for at least one year; and
- (3) Produce one or more of the following conditions stemming from a disease:
 - (a) Significant limitation in areas of physical, cognitive, or emotional function;
 - (b) Dependency on medical or assistive devices to minimize limitation of function or activities; or
 - (c) In addition, for children, any of the following:
 - (i) Significant limitation in social growth or developmental function;
 - (ii) Need for psychologic, educational, medical, or related services over and above the usual for the child's age; or
 - (iii) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

"Exemption" means a client, not currently enrolled in managed care, makes a preenrollment request to remain in the fee-for-service delivery system for one of the reasons outlined in WAC ~~((388-538-080))~~ 388-538-130.

"Grievance" means an expression of dissatisfaction about any matter other than an action, as "action" is defined in this section.

"Grievance system" means the overall system that includes grievances and appeals handled at the MCO level and access to the state fair hearing process.

"Health care service" or "service" means a service or item provided for the prevention, cure, or treatment of an illness, injury, disease, or condition.

"Healthy options contract or HO contract" means the agreement between the department of social and health services (DSHS) and a managed care organization (MCO) to provide prepaid contracted services to enrollees.

"Healthy options program or HO program" means the medical assistance administration's (MAA) prepaid managed care health program for Medicaid-eligible clients and CHIP clients.

"Managed care" means a comprehensive system of medical and health care delivery including preventive, primary, specialty, and ancillary health services. These services are provided either through a managed care organization (MCO) or primary care case management (PCCM) provider.

~~("Managed care organization" or "MCO" means ((a health maintenance organization or health care service contractor))~~ "Managed care organization" or "MCO" means ((a health maintenance organization or health care service contractor)) an organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with the department of social and health services (DSHS) under a comprehensive risk contract to provide prepaid health care services to eligible medical assistance administration (MAA) clients under MAA's managed care programs.

"Nonparticipating provider" means a person or entity that does not have a written agreement with a managed care organization (MCO) but that provides MCO-contracted health care services to managed care enrollees with the authorization of the MCO. The MCO is solely responsible for payment for MCO-contracted health care services that are authorized by the MCO and provided by nonparticipating providers.

"Participating provider" means a person or entity with a written agreement with a managed care organization (MCO) to provide health care services to managed care enrollees. A participating provider must look solely to the MCO for payment for such services.

"Primary care case management (PCCM)" means the health care management activities of a provider that contracts with the department to provide primary health care services and to arrange and coordinate other preventive, specialty, and ancillary health services.

"Primary care provider (PCP)" means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee, initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

"Prior authorization (PA)" means a process by which enrollees or providers must request and receive MAA approval for services provided through MAA's fee-for-service program, or MCO approval for services provided through the MCO, for certain medical services, equipment, drugs, and supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization. See WAC 388-501-0165.

"Timely" - in relation to the provision of services, means an enrollee has the right to receive medically necessary health care ~~((without unreasonable delay))~~ as expedi-

tiously as the enrollee's health condition requires. In relation to authorization of services and grievances and appeals, means in accordance with the Healthy Options (HO)/State Childrens Health Insurance Program (SCHIP) contract and the timeframes stated in this chapter.

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-060 Managed care and choice. (1) MAA requires a client ((is required)) to enroll in managed care when that client meets all of the following conditions:

(a) Is eligible for one of the medical programs for which clients must enroll in managed care;

(b) Resides in an area, determined by the medical assistance administration (MAA), where clients must enroll in managed care;

(c) Is not exempt from managed care enrollment as determined by MAA, consistent with WAC ((388-538-080)) 388-538-130, and any related fair hearing has been held and decided; and

(d) Has not had managed care enrollment ended by MAA, consistent with WAC 388-538-130.

(2) American Indian/Alaska Native (AI/AN) clients who meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally-recognized tribal members and their descendants may choose one of the following:

(a) Enrollment with a managed care organization (MCO) available in their area;

(b) Enrollment with an Indian or tribal primary care case management (PCCM) provider available in their area; or

(c) MAA's fee-for-service system.

(3) A client may enroll with an MCO or PCCM provider by calling MAA's toll-free enrollment line or by sending a completed enrollment form to MAA.

(a) Except as provided in subsection (2) of this section for clients who are AI/AN (~~and in subsection (5) of this section for cross-county enrollment~~), a client required to enroll in managed care must enroll with an MCO or PCCM provider available in the area where the client lives.

(b) All family members must either enroll with the same MCO or enroll with PCCM providers.

(c) Enrollees may request an MCO or PCCM provider change at any time.

(d) When a client requests enrollment with an MCO or PCCM provider, MAA enrolls a client effective the earliest possible date given the requirements of MAA's enrollment system. MAA does not enroll clients retrospectively.

(4) MAA assigns a client who does not choose an MCO or PCCM provider as follows:

(a) If the client has family members enrolled with an MCO, the client is enrolled with that MCO;

(b) If the client does not have family members enrolled with an MCO, and the client was enrolled in the last six months with an MCO or PCCM provider, the client is re-enrolled with the same MCO or PCCM provider;

(c) If a client does not choose an MCO or a PCCM provider, but indicates a preference for a provider to serve as the client's primary case provider (PCP), MAA attempts to contact the client to complete the required choice. If MAA is not

able to contact the client in a timely manner, MAA documents the attempted contacts and, using the best information available, assigns the client as follows. If the client's preferred PCP is:

(i) Available with one MCO, MAA assigns the client in the MCO where the client's PCP provider is available. The MCO is responsible for PCP choice and assignment;

(ii) Available only as a PCCM provider, MAA assigns the client to the preferred provider as the client's PCCM provider;

(iii) Available with multiple MCOs or through an MCO and as a PCCM provider, MAA assigns the client to an MCO as described in (d) of this subsection;

(iv) Not available through any MCO or as a PCCM provider, MAA assigns the client to an MCO or PCCM provider as described in (d) of this subsection.

(d) If the client cannot be assigned according to (a), (b), or (c) of this subsection, MAA assigns the client as follows:

(i) If an AI/AN client does not choose an MCO or PCCM provider, MAA assigns the client to a tribal PCCM provider if that client lives in a zip code served by a tribal PCCM provider. If there is no tribal PCCM provider in the client's area, the client continues to be served by MAA's fee-for-service system. A client assigned under this subsection may request to end enrollment at any time.

(ii) If a non-AI/AN client does not choose an MCO or PCCM provider, MAA assigns the client to an MCO or PCCM provider available in the area where the client lives. The MCO is responsible for PCP choice and assignment. An MCO must meet the healthy options (HO) contract's access standards unless the MCO has been granted an exemption by MAA. The HO contract standards are as follows:

(A) There must be two PCPs within ten miles for ninety percent of HO enrollees in urban areas and one PCP within twenty-five miles for ninety percent of HO enrollees in rural areas;

(B) There must be two obstetrical providers within ten miles for ninety percent of HO enrollees in urban areas and one obstetrical provider within twenty-five miles for ninety percent of HO enrollees in rural areas;

(C) There must be one hospital within twenty-five miles for ninety percent of HO enrollees in the contractor's service area;

(D) There must be one pharmacy within ten miles for ninety percent of HO enrollees in urban areas and one pharmacy within twenty-five miles for ninety percent of HO enrollees in rural areas.

(iii) MAA sends a written notice to each household of one or more clients who are assigned to an MCO or PCCM provider. The notice includes the name of the MCO or PCCM provider to which each client has been assigned, the effective date of enrollment, the date by which the client must respond in order to change MAA's assignment, and either the toll-free telephone number of:

(A) The MCO for enrollees assigned to an MCO; or

(B) MAA for enrollees assigned to a PCCM provider.

(iv) An assigned client has at least thirty calendar days to contact MAA to change the MCO or PCCM provider assignment before enrollment is effective.

(5) ~~((A client may enroll with a plan in an adjacent county when the client lives in an area, designated by MAA, where residents historically have traveled a relatively short distance across county lines to the nearest available practitioner.~~

(6)) An MCO enrollee's selection of the enrollee's PCP or the enrollee's assignment to a PCP occurs as follows:

(a) MCO enrollees may choose:

- (i) A PCP or clinic that is in the enrollee's MCO and accepting new enrollees; or
- (ii) Different PCPs or clinics participating with the same MCO for different family members.

(b) The MCO assigns a PCP or clinic that meets the access standards set forth in subsection (4)(d)(ii) of this section if the enrollee does not choose a PCP or clinic;

(c) MCO enrollees may change PCPs or clinics in an MCO ~~((at least once a year))~~ for any reason, ~~((and at any time for good cause))~~ with the change becoming effective no later than the beginning of the month following the enrollee's request; or

(d) In accordance with this subsection, MCO enrollees may file ~~((an appeal))~~ a grievance with the MCO ~~((and/or a fair hearing request with the department of social and health services (DSHS)))~~ and may change plans if the MCO denies an enrollee's request to change PCPs or clinics.

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

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-070 Managed care payment. (1) The medical assistance administration (MAA) pays managed care organizations (MCOs) monthly capitated premiums that:

(a) Have been determined using generally accepted actuarial methods based on analyses of historical healthy options (HO) contractual rates and MCO experience in providing health care for the populations eligible for HO; and

(b) Are paid based on legislative allocations for the HO program.

(2) MAA pays primary care case management (PCCM) providers a monthly case management fee according to contracted terms and conditions.

(3) MAA does not pay providers on a fee-for-service basis for services that are the MCO's responsibility under the HO contract, even if the MCO has not paid for the service for any reason. The MCO is solely responsible for payment of MCO-contracted health care services:

(a) Provided by an MCO-contracted provider; or

(b) That are authorized by the MCO and provided by nonparticipating providers.

(4) MAA pays an additional monthly amount, known as an enhancement rate, to federally qualified health care centers (FQHC) and rural health clinics (RHC) for each client enrolled with MCOs through the FQHC or RHC. MCOs may contract with FQHCs and RHCs to provide services under HO. FQHCs and RHCs receive an enhancement rate from MAA on a per member, per month basis in addition to the negotiated payments they receive from the MCOs for services provided to MCO enrollees.

~~((a) MAA pays the enhancement rate only for the categories of service provided by the FQHC or RHC under the HO contract [contract]. MAA surveys each FQHC or RHC in order to identify the categories of services provided by the FQHC or RHC.~~

(b) MAA bases the enhancement rate on both of the following:

(i) The upper payment limit (UPL) for the county in which the FQHC or RHC is located; and

(ii) An enhancement percentage.

~~(c) MAA determines the UPL for each category of service based on MAA's historical fee-for-service (FFS) experience, adjusted for inflation and utilization changes.~~

~~(d) MAA determines the enhancement percentage for HO enrollees as follows:~~

~~(i) For FQHCs, the enhancement percentage is equal to the FQHC finalized audit period ratio. The "finalized audit period" is the latest reporting period for which the FQHC has a completed audit approved by, and settled with, MAA.~~

~~(A) For a clinic with one finalized audit period, the ratio is equal to:~~

~~(FQHC total costs) — (FFS reimbursements + HO reimbursements) / (FFS + HO reimbursements).~~

~~(B) For a clinic with two finalized audit periods, the ratio is equal to the percentage change in the medical services encounter rate from one finalized audit period to the next. A "medical services encounter" is a face-to-face encounter between a physician or mid-level practitioner and a client to provide services for prevention, diagnosis, and/or treatment of illness or injury. A "medical services encounter rate" is the individualized rate MAA pays each FQHC to provide such services to clients, or the rate set by Medicare for each RHC for such services.~~

~~(C) For FQHCs without a finalized audit, the enhancement percentage is the statewide weighted average of all the FQHCs' finalized audit period ratios. Weighting is based on the number of enrollees served by each FQHC.~~

~~(ii) For RHCs, MAA applies the same enhancement percentage statewide.~~

~~(A) On a given month, MAA determines the number of HO enrollees enrolled with each RHC that is located in the same county as an FQHC. This number is expressed as a percentage of the total number of RHC enrollees located in counties that have both FQHCs and RHCs.~~

~~(B) For each county that has both an FQHC and an RHC, MAA multiplies the FQHC enhancement percentage, as determined under subsection (4)(d)(i) of this section, by the percentage obtained in section (4)(d)(ii)(A) of this section.~~

~~(C) The sum of all these products is the weighted statewide RHC enhancement percentage.~~

~~(iii) The HO enhancement percentage for FQHCs and RHCs is updated once a year.~~

~~(e) For each category of service provided by the FQHC or RHC, MAA multiplies the UPL, as determined under subsection (4)(c) of this section, by the FQHC's or RHC's enhancement percentage. The sum of all these products is the enhancement rate for the individual FQHC or RHC.~~

~~(f) To calculate the enhancement rate for FQHCs and RHCs that provide maternity and newborn delivery services, MAA applies each FQHC's or RHC's enhancement percent-~~

age to the delivery case rate (DCR), which is a one-time rate paid by MAA to the HO plan for each pregnant enrollee who gives birth.))

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-095 Scope of care for managed care enrollees. (1) Managed care enrollees are eligible for the scope of medical care as described in WAC 388-529-0100 for categorically needy clients.

(a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005.

(b) The managed care organization (MCO) covers the services included in the healthy options (HO) contract for MCO enrollees. In addition, MCOs may, at their discretion, cover services not required under the HO contract.

(c) The medical assistance administration (MAA) covers the medically necessary, covered categorically needy services not included in the HO contract for MCO enrollees.

(d) MAA covers services on a fee-for-service basis for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee or refer the enrollee to other providers who are contracted with MAA for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. The services that require PCCM provider referral are described in the PCCM contract. MAA informs enrollees about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

(e) MCO enrollees may obtain certain services from either a MCO provider or from a medical assistance provider with a DSHS core provider agreement without needing to obtain a referral from the PCP or MCO. These services are described in the HO contract, and are communicated to enrollees by MAA and MCOs as described in (f) of this subsection.

(f) MAA sends each client written information about covered services when the client is required to enroll in managed care, and any time there is a change in covered services. This information describes covered services, which services are covered by MAA, and which services are covered by MCOs. In addition, MAA requires MCOs to provide new enrollees with written information about covered services.

(2) For services covered by MAA through PCCM contracts for managed care:

(a) MAA covers medically necessary (~~eovers~~) services included in the categorically needy scope of care and rendered by providers with a current department of social and health services (DSHS) core provider agreement to provide the requested service;

(b) MAA may require the PCCM provider to obtain authorization from MAA for coverage of nonemergency services;

(c) The PCCM provider determines which services are medically necessary;

(d) An enrollee may request a fair hearing for review of PCCM provider or MAA coverage decisions (see WAC 388-538-110); and

(e) Services referred by the PCCM provider require an authorization number in order to receive payment from MAA.

(3) For services covered by MAA through contracts with MCOs:

(a) MAA requires the MCO to subcontract with a sufficient number of providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers;

(b) MAA requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services;

(c) For nonemergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), or the provider to obtain authorization from the MCO, according to the requirements of the HO contract;

(d) MCOs and their providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the HO contract;

(e) An enrollee may appeal an MCO (~~eoverage decisions~~) action using the MCO's appeal process, as described in WAC (~~388-538-0110~~) 388-538-110. After exhausting the MCO's appeal process, an enrollee may also request a department fair hearing for review of an MCO (~~eoverage decision~~) action as described in (~~chapter 388-02~~) WAC 388-538-112;

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100 from any women's health care provider participating with the MCO. Any covered services ordered and/or prescribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

(4) Unless the MCO chooses to cover these services, or an appeal or a fair hearing decision reverses an MCO or MAA denial, the following services are not covered:

(a) For all managed care enrollees:

(i) Services that are not medically necessary;

(ii) Services not included in the categorically needy scope of services; and

(iii) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions.

(b) For MCO enrollees:

(i) Services received from a participating specialist that require prior authorization from the MCO, but were not authorized by the MCO; and

(ii) Services received from a nonparticipating provider that require prior authorization from the MCO that were not authorized by the MCO. All nonemergency services covered under the HO contract and received from nonparticipating providers require prior authorization from the MCO.

(c) For PCCM enrollees, services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

(5) A provider may bill an enrollee for noncovered services as described in subsection (4) of this section, if the ~~((enrollee and provider sign an agreement))~~ requirements of WAC 388-502-0160 are met. The provider must give the original agreement to the enrollee and file a copy in the enrollee's record.

(a) The agreement must state all of the following:

(i) The specific service to be provided;

(ii) That the service is not covered by either MAA or the MCO;

(iii) An explanation of why the service is not covered by the MCO or MAA, such as:

(A) The service is not medically necessary; or

(B) The service is covered only when provided by a participating provider.

(iv) The enrollee chooses to receive and pay for the service; and

(v) Why the enrollee is choosing to pay for the service, such as:

(A) The enrollee understands that the service is available at no cost from a provider participating with the MCO, but the enrollee chooses to pay for the service from a provider not participating with the MCO;

(B) The MCO has not authorized emergency department services for nonemergency medical conditions and the enrollee chooses to pay for the emergency department's services rather than wait to receive services at no cost in a participating provider's office; or

(C) The MCO or PCCM has determined that the service is not medically necessary and the enrollee chooses to pay for the service.

(b) For limited English proficient enrollees, the agreement must be translated or interpreted into the enrollee's primary language to be valid and enforceable.

(c) The agreement is void and unenforceable, and the enrollee is under no obligation to pay the provider, if the service is covered by MAA or the MCO as described in subsection (1) of this section, even if the provider is not paid for the covered service because the provider did not satisfy the payor's billing requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-538-080 Managed care exemptions.

WSR 03-18-110
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed September 2, 2003, 5:23 p.m.]

Date of Adoption: September 2, 2003.

Purpose: To bring the managed care program into compliance with the federal Balanced Budget Act (BBA) of 1997. Also to update and clarify the criteria for exemptions and

ending enrollment in managed care in order to provide a simpler, more flexible decision-making process while preserving clients' rights.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-538-100 and 388-538-110.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Adopted under notice filed as WSR 03-14-065 on June 25, 2003.

Changes Other than Editing from Proposed to Adopted Version: As a result of comments received, the following changes were made in the rules as proposed (additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

WAC 388-538-110 (6)(b) ~~...and~~ (c) Access to the department's fair hearing process for actions as defined in WAC 388-538-050.

WAC 388-538-110 (6)(d) Access to an independent review (IR) as described in RCW 48.43.535, for actions as defined in WAC 388-538-050 (see WAC 388-538-112 for information about the IR); and

WAC 388-538-110 (6)(e) Access to the board of appeals (BOA) for actions as defined in WAC 388-538-050 (also see chapter 388-02 WAC and WAC 388-538-112).

WAC 388-538-110 (7)(d) The MCO must give enrollees any reasonable assistance necessary in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers).

WAC 388-538-110 (8)(f)(viii)(B) For standard service authorization decisions that deny or limit services, not to exceed fourteen calendar days following receipt of the request for service, with a possible extension of up to fourteen additional calendar days if the enrollee or provider requests extension. If the request for extension is granted, the MCO must: (I) Give the enrollee written notice of the reason for the decision for the extension and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and (II) Issue and carry out the determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

WAC 388-538-110 (8)(g) The MCO must give enrollees any reasonable assistance necessary in taking procedural steps for an appeal (e.g., interpreter services and toll-free numbers).

WAC 388-538-110 (8)(j)(i) For standard resolution of appeals, ~~including independent review under RCW 48.43.535~~ and notice to the affected parties....

WAC 388-538-110 (8)(l)(i) For appeals regarding a standard service, within ~~twenty ninety~~ days of the date of the MCO's notice of resolution of the appeal;

WAC 388-538-110 (9)(b)(iii) Ten calendar days pass after the state office of administrative hearings (OAH) mails the notice of the fair hearing decision issues a fair hearing decision adverse to the enrollee and the enrollee has not requested an independent review (IR) within the ten days; or (iv) Ten calendar days pass after the IR mails the decision, and the enrollee has not requested adverse to the enrollee and the enrollee does not file a timely request for a review with the board of appeals (BOA) within the ten days; (v) The board of appeals issues a decision adverse to the enrollee; or

(vi) The time period or service limits of a previously authorized service has been met.

WAC 388-538-112 (3)(a) For appeals regarding a standard service, within ~~twenty~~ ninety days of the date of the MCO's notice of resolution of the appeal;

WAC 388-538-112(6) If an enrollee disagrees with the department fair hearing decision, the enrollee may request an independent review (IR) per RCW 48.43.535.

WAC 388-538-112(7) If there is disagreement with the IR decision, the state board of appeals (BOA) issues the final administrative decision.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 2, 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 2, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-100 Managed care emergency services. (1) A managed care enrollee may obtain emergency services, for emergency medical conditions in any hospital emergency department. ~~((These definitions differ from the emergency services definition that applies to services covered under the medical assistance administration's (MAA's) fee for service system))~~ ("emergency services" and "emergency medical condition" are as defined in this chapter).

(a) The managed care organization (MCO) covers emergency services for MCO enrollees.

(b) MAA covers emergency services for primary care management (PCCM) enrollees.

(2) Emergency services for emergency medical conditions do not require prior authorization by the MCO, primary care provider (PCP), PCCM provider, or MAA.

(3) MCOs must cover all emergency services ((received by an MCO)) provided to an enrollee ((for nonemergency medical conditions must be authorized by the plan for enrollee's MCO)) by a provider who is qualified to furnish Medicaid services, without regard to whether the provider is a participating or nonparticipating provider.

(4) An enrollee who requests emergency services is entitled to receive an exam to determine if the enrollee has an emergency medical condition. What constitutes an emer-

gency medical condition may not be limited on the basis of diagnosis or symptoms.

(5) The MCO must cover emergency services provided to an enrollee when:

(a) The enrollee had an emergency medical condition, including cases in which the absence of immediate medical attention would not have had the outcomes specified in the definition of an emergency medical condition; and

(b) The plan provider or other MCO representative instructs the enrollee to seek emergency services.

(6) In any disagreement between a hospital and the MCO about whether the enrollee is stable enough for discharge or transfer, or whether the medical benefits of an unstabilized transfer outweigh the risks, the judgment of the attending physician(s) actually caring for the enrollee at the treating facility prevails.

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-110 The grievance system for managed care ((~~complaints, appeals, and fair hearings~~)) organizations (MCO). (1) A managed care enrollee ~~((has the right to voice a complaint or submit an appeal of an MAA, MCO, PCCM, PCP or provider decision, action, or inaction. An enrollee may do this through the following process:~~

~~(a) For managed care organization (MCO) enrollees, the MCO's complaint and appeal processes, and through the department's fair hearing process; or~~

~~(b) For primary care case management (PCCM) enrollees, the complaint and appeal processes of the medical assistance administration (MAA), and through the department's fair hearing process (chapter 388-02 WAC).~~

~~(2) To ensure the rights of MCO enrollees are protected, MAA approves each MCO's complaint and appeal policies and procedures annually or whenever the plan makes a change to the process.~~

~~(3) MAA requires MCOs to inform MCO enrollees in writing within fifteen days of enrollment about their rights and how to use the MCO's complaint and appeal processes. MAA requires MCOs to obtain MAA approval of all written information sent to enrollees.~~

~~(4) MAA provides PCCM enrollees with information equivalent to that described in subsection (3) of this section.~~

~~(5) MCO enrollees may request assistance from the MCO when using the MCO's complaint and appeals processes. PCCM enrollees may request assistance from MAA when using MAA's complaint and appeal process.~~

~~(6) An MCO enrollee who submits a complaint under this section is entitled to a written or verbal response from the MCO or from MAA within the timeline in the MAA-approved complaint process.~~

~~(7) When an enrollee is not satisfied with how the complaint is resolved by the MCO or by MAA, or if the complaint is not resolved in a timely fashion, the enrollee may submit an appeal to the MCO or to MAA. An enrollee may also appeal an MAA, MCO, primary care provider (PCP), or provider decision, or reconsideration of any action or inaction. An enrollee who appeals an MAA, MCO, PCP, or provider decision is entitled to all of the following:~~

(a) A review of the decision being appealed. The review must be conducted by an MCO or MAA representative who was not involved in the decision under appeal;

(b) Continuation of the service already being received and which is under appeal, until a final decision is made;

(c) A written decision from MAA or the MCO, within the timeline(s) in the appeal process standards, in the enrollee's primary language. The decision does not need to be translated if an enrollee with limited English proficiency prefers correspondence in English, and the deciding authority documents the enrollee's preference. The notice must clearly explain all of the following:

(i) The decision and any action MAA or the MCO intends to take;

(ii) The reason for the decision;

(iii) The specific information that supports MAA's or the MCO's decision; and

(iv) Any further appeal or fair hearing rights available to the enrollee, including the enrollee's right to continue receiving the service under appeal until a final decision is made.

(d) An expedited decision when it is necessary to meet an existing or anticipated acute or urgent medical need.

(8) An enrollee may file a fair hearing request without also filing an appeal with MAA or the MCO or exhausting MAA's or the MCO's appeal process.

(9) The MCO's medical director or designee reviews all fair hearings requests, and any related appeals, when the issues involve an MCO's determination of medical necessity.

(10) MAA's medical director or the medical director's designee reviews all fair hearings requests, and any related appeals, when the PCCM enrollee's issues involve an MAA determination of medical necessity)) may be enrolled in a managed care organization (MCO) or with a primary care case management (PCCM) provider. This section contains information about the grievance system for MCO enrollees, which includes grievances and appeals as defined in WAC 388-538-050. See WAC 388-538-111 for information about the grievance system for PCCM enrollees, which includes grievances and appeals. See WAC 388-538-112 for the department's fair hearing process for appeals by MCO enrollees.

(2) An MCO enrollee may voice a grievance or appeal an action by an MCO either orally or in writing.

(3) If an MCO fails to meet the timeframes in this section concerning any appeal, the MCO must provide the services that are the subject of the appeal.

(4) MCOs must maintain records of grievances and appeals and must review the information as part of the MCO's quality strategy.

(5) MCOs must provide information describing the MCO's grievance system to all providers and subcontractors in any contract.

(6) Each MCO must have a grievance system in place for enrollees. The system must comply with the requirements of this section and the regulations of the state office of the insurance commissioner (OIC), insofar as OIC regulations are not in conflict with this chapter. Where such a conflict exists, the requirements of this chapter take precedence. The MCO grievance system must include all of the following:

(a) A grievance process for complaints about any matter other than an action, as defined in WAC 388-538-050. See subsection (7) of this section for this process;

(b) An appeal process for an action, as defined in WAC 388-538-050. See subsection (8) of this section for the standard appeal process and subsection (9) of this section for the expedited appeal process;

(c) Access to the department's fair hearing process for actions as defined in WAC 388-538-050. The department's fair hearing process described in chapter 388-02 WAC applies to this chapter. Where conflicts exist, the requirements in this chapter take precedence. See WAC 388-538-112 for the department's fair hearing process for MCO enrollees;

(d) Access to an independent review (IR) as described in RCW 48.43.535, for actions as defined in WAC 388-538-050 (see WAC 388-538-112 for additional information about the IR); and

(e) Access to the board of appeals (BOA) for actions as defined in WAC 388-538-050 (also see chapter 388-02 WAC and WAC 388-538-112).

(7) The MCO grievance process:

(a) Only an enrollee may file a grievance with an MCO; a provider may not file a grievance on behalf of an enrollee.

(b) To ensure the rights of MCO enrollees are protected, MAA approves each MCO's grievance process.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's grievance process, including how to use the department's fair hearing process. MAA must approve all written information the MCO sends to enrollees.

(d) The MCO must give enrollees any assistance necessary in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers).

(e) The MCO must acknowledge receipt of each grievance.

(f) The MCO must ensure that the individuals who make decisions on grievances are individuals who:

(i) Were not involved in any previous level of review or decision-making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) A grievance regarding denial of an expedited resolution of an appeal; or

(B) A grievance involving clinical issues.

(g) The MCO must complete the disposition of a grievance and notice to the affected parties within ninety days of receiving the grievance.

(8) The MCO appeal process:

(a) An MCO enrollee, or a provider acting on behalf of the enrollee and with the enrollee's written consent, may appeal an MCO action. A provider may not request a department fair hearing on behalf of an enrollee.

(b) To ensure the rights of MCO enrollees are protected, MAA approves each MCO's appeal process.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's appeal process and the department's fair hearing pro-

cess. MAA must approve all written information the MCO sends to enrollees.

(d) For standard service authorization decisions, an enrollee must file an appeal, either orally or in writing, within ninety calendar days of the date on the MCO's notice of action. This also applies to an enrollee's request for an expedited appeal.

(e) For appeals for termination, suspension, or reduction of previously authorized services, if the enrollee is requesting continuation of services, the enrollee must file an appeal within ten calendar days of the date of the MCO mailing the notice of action. Otherwise, the timeframes in subsection (8)(d) of this section apply.

(f) The MCO's notice of action must:

(i) Be in writing;

(ii) Be in the enrollee's primary language and be easily understood as required in 42 C.F.R. 438.10 (c) and (d);

(iii) Explain the action the MCO or its contractor has taken or intends to take;

(iv) Explain the reasons for the action;

(v) Explain the enrollee's or the provider's right to file an MCO appeal;

(vi) Explain the procedures for exercising the enrollee's rights;

(vii) Explain the circumstances under which expedited resolution is available and how to request it (also see subsection (9) of this section);

(viii) Explain the enrollee's right to have benefits continue pending resolution of an appeal, how to request that benefits be continued, and the circumstances under which the enrollee may be required to pay the costs of these services (also see subsection (10) of this section); and

(ix) Be mailed as expeditiously as the enrollee's health condition requires, and as follows:

(A) For denial of payment, at the time of any action affecting the claim. This applies only when the client can be held liable for the costs associated with the action.

(B) For standard service authorization decisions that deny or limit services, not to exceed fourteen calendar days following receipt of the request for service, with a possible extension of up to fourteen additional calendar days if the enrollee or provider requests extension. If the request for extension is granted, the MCO must:

(I) Give the enrollee written notice of the reason for the decision for the extension and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and

(II) Issue and carry out the determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

(C) For termination, suspension, or reduction of previously authorized services, ten days prior to such termination, suspension, or reduction, except if the criteria stated in 42 C.F.R. 431.213 and 431.214 are met. The notice must be mailed by a method which certifies receipt and assures delivery within three calendar days.

(D) For expedited authorization decisions, in cases where the provider indicates or the MCO determines that following the standard timeframe could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain

maximum function, no later than three calendar days after receipt of the request for service.

(g) The MCO must give enrollees any assistance necessary in taking procedural steps for an appeal (e.g., interpreter services and toll-free numbers).

(h) The MCO must acknowledge receipt of each appeal.

(i) The MCO must ensure that the individuals who make decisions on appeals are individuals who:

(i) Were not involved in any previous level of review or decision-making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) An appeal of a denial that is based on lack of medical necessity; or

(B) An appeal that involves clinical issues.

(j) The process for appeals must:

(i) Provide that oral inquiries seeking to appeal an action are treated as appeals (to establish the earliest possible filing date for the appeal), and must be confirmed in writing, unless the enrollee or provider requests an expedited resolution. Also see subsection (9) for information on expedited resolutions;

(ii) Provide the enrollee a reasonable opportunity to present evidence, and allegations of fact or law, in person as well as in writing. The MCO must inform the enrollee of the limited time available for this in the case of expedited resolution;

(iii) Provide the enrollee and the enrollee's representative opportunity, before and during the appeals process, to examine the enrollee's case file, including medical records, and any other documents and records considered during the appeal process; and

(iv) Include as parties to the appeal, the enrollee and the enrollee's representative, or the legal representative of the deceased enrollee's estate.

(k) MCOs must resolve each appeal and provide notice, as expeditiously as the enrollee's health condition requires, within the following timeframes:

(i) For standard resolution of appeals and notice to the affected parties, no longer than forty-five calendar days from the day the MCO receives the appeal. This timeframe may not be extended.

(ii) For expedited resolution of appeals, including notice to the affected parties, no longer than three calendar days after the MCO receives the appeal.

(iii) For appeals for termination, suspension, or reduction of previously authorized services, no longer than forty-five calendar days from the day the MCO receives the appeal.

(l) The notice of the resolution of the appeal must:

(i) Be in writing. For notice of an expedited resolution, the MCO must also make reasonable efforts to provide oral notice (also see subsection (9) of this section).

(ii) Include the results of the resolution process and the date it was completed.

(iii) For appeals not resolved wholly in favor of the enrollee:

(A) Include information on the enrollee's right to request a department fair hearing and how to do so (also see WAC 388-538-112);

(B) Include information on the enrollee's right to receive services while the hearing is pending and how to make the request (also see subsection (10) of this section); and

(C) Inform the enrollee that the enrollee may be held liable for the cost of services received while the hearing is pending, if the hearing decision upholds the MCO's action (also see subsection (11) of this section).

(m) If an MCO enrollee does not agree with the MCO's resolution of the appeal, the enrollee may file a request for a department fair hearing within the following timeframes (see WAC 388-538-112 for the MAA fair hearing process for MCO enrollees):

(i) For appeals regarding a standard service, within ninety days of the date of the MCO's notice of the resolution of the appeal.

(ii) For appeals regarding termination, suspension, or reduction of a previously authorized service, within ten days of the date on the MCO's notice of the resolution of the appeal.

(n) The MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to filing an appeal (a request for a department fair hearing) with MAA.

(9) The MCO expedited appeal process:

(a) Each MCO must establish and maintain an expedited appeal review process for appeals when the MCO determines (for a request from the enrollee) or the provider indicates (in making the request on the enrollee's behalf or supporting the enrollee's request), that taking the time for a standard resolution could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function.

(b) The MCO must make a decision on the enrollee's request for expedited appeal and provide notice, as expeditiously as the enrollee's health condition requires, within three calendar days after the MCO receives the appeal. The MCO must also make reasonable efforts to provide oral notice.

(c) The MCO must ensure that punitive action is neither taken against a provider who requests an expedited resolution or supports an enrollee's appeal.

(d) If the MCO denies a request for expedited resolution of an appeal, it must:

(i) Transfer the appeal to the timeframe for standard resolution; and

(ii) Make reasonable efforts to give the enrollee prompt oral notice of the denial, and follow up within two (2) calendar days with a written notice.

(10) Continuation of previously authorized services:

(a) The MCO must continue the enrollee's services if all of the following apply:

(i) The enrollee or the provider files the appeal on or before the later of the following:

(A) Unless the criteria in 42 C.F.R. 431.213 and 431.214 are met, within ten calendar days of the MCO mailing the notice of action, which for actions involving services previously authorized, must be delivered by a method which certifies receipt and assures delivery within three calendar days; or

(B) The intended effective date of the MCO's proposed action.

(ii) The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment;

(iii) The services were ordered by an authorized provider;

(iv) The original period covered by the original authorization has not expired; and

(v) The enrollee requests an extension of services.

(b) If, at the enrollee's request, the MCO continues or reinstates the enrollee's services while the appeal is pending, the services must be continued until one of the following occurs:

(i) The enrollee withdraws the appeal;

(ii) Ten calendar days pass after the MCO mails the notice of the resolution of the appeal and the enrollee has not requested a department fair hearing (with continuation of services until the department fair hearing decision is reached) within the ten days;

(iii) Ten calendar days pass after the state office of administrative hearings (OAH) issues a fair hearing decision adverse to the enrollee and the enrollee has not requested an independent review (IR) within the ten days (see WAC 388-538-112);

(iv) Ten calendar days pass after the IR mails a decision adverse to the enrollee and the enrollee has not requested a review with the board of appeals within the ten days (see WAC 388-538-112);

(v) The board of appeals issues a decision adverse to the enrollee (see WAC 388-53-112); or

(vi) The time period or service limits of a previously authorized service has been met.

(c) If the final resolution of the appeal upholds the MCO's action, the MCO may recover the amount paid for the services provided to the enrollee while the appeal was pending, to the extent that they were provided solely because of the requirement for continuation of services.

(11) Effect of reversed resolutions of appeals:

(a) If the MCO or OAH reverses a decision to deny, limit, or delay services that were not provided while the appeal was pending, the MCO must authorize or provide the disputed services promptly, and as expeditiously as the enrollee's health condition requires.

(b) If the MCO or OAH reverses a decision to deny authorization of services, and the enrollee received the disputed services while the appeal was pending, the MCO must pay for those services.

NEW SECTION

WAC 388-538-111 Primary care case management (PCCM) grievances and appeals. (1) A managed care enrollee may be enrolled in a managed care organization (MCO) or with a primary care case management (PCCM) provider. This section contains information about the grievance system for PCCM enrollees, which includes grievances and appeals. See WAC 388-538-110 for information about the grievance system for MCO enrollees, which includes grievances and appeals. See WAC 388-538-112 for the fair hearing process for appeals by MCO enrollees.

(2) A PCCM enrollee may voice a grievance or appeal an MAA action, either orally or in writing. PCCM enrollees use

the medical assistance administration's (MAA's) grievance and appeal processes.

(3) The grievance process for PCCM enrollees;

(a) A PCCM enrollee may file a grievance with MAA. A provider may not file a grievance on behalf of a PCCM enrollee.

(b) MAA provides PCCM enrollees with information equivalent to that described in WAC 388-538-110 (7)(c).

(c) When a PCCM enrollee files a grievance with MAA, the enrollee is entitled to:

(i) Any reasonable assistance in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers);

(ii) Acknowledgment of MAA's receipt of the grievance;

(iii) A review of the grievance. The review must be conducted by an MAA representative who was not involved in the grievance issue; and

(iv) Disposition of a grievance and notice to the affected parties within ninety days of MAA receiving the grievance.

(4) The appeal process for PCCM enrollees:

(a) A PCCM enrollee may file an appeal of an MAA action with MAA. A provider may not file an appeal on behalf of a PCCM enrollee.

(b) MAA provides PCCM enrollees with information equivalent to that described in WAC 388-538-110 (8)(c).

(c) The appeal process for PCCM enrollees follows that described in chapter 388-02 WAC. Where a conflict exists, the requirements in this chapter take precedence.

NEW SECTION

WAC 388-538-112 The medical assistance administration's (MAA's) fair hearing process for enrollee appeals of managed care organization (MCO) actions. (1) The fair hearing process described in chapter 388-02 WAC applies to the fair hearing process described in this chapter. Where a conflict exists, the requirements in this chapter take precedence.

(2) An MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to filing an appeal (a request for a department fair hearing) with MAA. See WAC 388-538-110 for the MCO grievance system.

(3) If an MCO enrollee does not agree with the MCO's resolution of the enrollee's appeal, the enrollee may file a request for a department fair hearing within the following time frames:

(a) For appeals regarding a standard service, within ninety days of the date of the MCO's notice of the resolution of the appeal.

(b) For appeals regarding termination, suspension, or reduction of a previously authorized service, or the enrollee is requesting continuation of services, within ten days of the date on the MCO's notice of the resolution of the appeal.

(4) The entire appeal process, including the MCO appeal process, must be completed within ninety calendar days of the date the MCO enrollee filed the appeal with the MCO, not including the number of days the enrollee took to subsequently file for a department fair hearing.

(5) Parties to the MAA fair hearing include the MCO, the enrollee, and the enrollee's representative or the representative of a deceased enrollee's estate.

(6) If an enrollee disagrees with the department fair hearing decision, the enrollee may request an independent review (IR) per RCW 48.43.535.

(7) If there is disagreement with the IR decision, the state board of appeals (BOA) issues the final administrative decision.

WSR 03-18-111

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 2, 2003, 5:24 p.m.]

Date of Adoption: September 2, 2003.

Purpose: To bring the managed care program into compliance with the federal Balanced Budget Act (BBA) of 1997. Also to update and clarify the criteria for exemptions and ending enrollment in managed care in order to provide a simpler, more flexible decision-making process while preserving clients' rights.

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-130 and 388-538-140.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Adopted under notice filed as WSR 03-14-066 on June 25, 2003.

Changes Other than Editing from Proposed to Adopted Version: As a result of comments received, the following changes were made in the rules as proposed (additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

WAC 388-538-130(1) The medical assistance administration (MAA) ~~may~~ exempts a client from mandatory enrollment in managed care or ~~may end~~ an enrollee's enrollment in managed care as specified in this section ~~on a case-by-case basis~~.

WAC 388-538-130 (2)(a) If a client requests exemption prior to the enrollment effective date, the client is not enrolled until MAA approves or denies the request ~~and any related fair hearing is held and decided~~.

WAC 388-538-130(8) ...If MAA approves the request for a limited time, the client or enrollee is notified in writing or by telephone of the time limitation, the process for renewing the exemption or the ending of enrollment ~~and fair hearing rights~~.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, 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 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-130 Exemptions and ending enrollment in managed care. (1) ~~(MAA ends an enrollee's enrollment in a managed care organization (MCO) or with a primary care case management (PCCM) provider when the enrollee meets any of the following conditions. The enrollee:~~

~~(a) Is no longer eligible for a medical program subject to enrollment; or~~

~~(b) Is receiving foster care placement services from the division of children and family services; or~~

~~(c) Is or becomes eligible for Medicare, basic health (BH), CHAMPUS/TRICARE, or any other accessible third party health care coverage that would require involuntary disenrollment from:~~

~~(i) An MCO in accordance with MAA's healthy options (HO) contract for MCO enrollees; or~~

~~(ii) A PCCM provider in accordance with MAA's PCCM contract for PCCM enrollees.~~

~~(2) An enrollee or the enrollee's representative as defined in RCW 7.70.065 may request MAA to end enrollment as described in subsections (3) through (10) of this section. A managed care organization (MCO) may request MAA to end enrollment for an enrollee as described in subsection (11) of this section. Only MAA has authority to remove an enrollee from managed care. Pending MAA's final decision, the enrollee remains enrolled unless staying in managed care would adversely affect the enrollee's health status.~~

~~(3) MAA grants an enrollee's request to have the enrollee's enrollment ended under the following conditions:~~

~~(a) Is American Indian or Alaska Native (AI/AN) and requests disenrollment; or~~

~~(b) Is identified by DSHS as a child who meets the definition of "children with special health care needs" and requests disenrollment.~~

~~(4) MAA grants an enrollee's requests to be removed from managed care when the client is pregnant or when there is a verified medical need to continue an established course of care. These end enrollments are limited to the following situations: The enrollee:~~

~~(a) Has a documented medical need to continue a client/provider relationship due to an established course of care with a physician, physician assistant, or advanced registered nurse practitioner. The standards for documenting a medical need are those in WAC 388-538-080 (3)(a). The established course of care must begin:~~

~~(i) While the enrollee was enrolled with managed care but the PCP is no longer available to the enrollee under managed care; or~~

~~(ii) Prior to enrollment in managed care and the PCP is not available under any MCO or as a PCCM provider.~~

~~(b) Is pregnant and requests to continue her course of prenatal care that was established with an obstetrical provider:~~

~~(i) While she was enrolled with the MCO but that provider is no longer available to her in managed care; or~~

~~(ii) Prior to enrollment with the current MCO but that provider is not available to her under managed care.~~

~~(c) Is scheduled for a surgery with a provider not available to the enrollee in the enrollee's current MCO and the surgery is scheduled to be performed within the first thirty days of enrollment[.]~~

~~(5) Except as provided in subsection (4) of this section, MAA does not permit an enrollee to obtain an end enrollment by establishing a course of care with a provider who is not participating with the enrollee's MCO.~~

~~(6) MAA ends enrollment on a case-by-case basis when the enrollee presents evidence that the managed care program does not provide medically necessary care that is reasonable available and accessible as offered to the enrollee. MAA considers enrollee requests under this subsection with the same criteria as listed in WAC 388-538-080 (3)(f).~~

~~(7) MAA ends enrollment temporarily if an enrollee asks to be taken out of the current MCO in order to stay with the enrollee's established provider, but is willing to enroll in the established provider's MCO for the next enrollment month. MAA reviews the enrollee request according to the criteria in subsections (4) and (6) of this section. MAA's decision under this subsection include all of the following:~~

~~(a) The decision is given verbally and in writing;~~

~~(b) Verbal and written notices include the reason for the decision and information on hearings so the enrollee may appeal the decision;~~

~~(c) If the request to end enrollment is approved, it may be effective back to the beginning of the month the request is made; and~~

~~(d) If the request to end enrollment is denied, and the enrollee requests a hearing, the enrollee remains in the MCO or with the PCCM until the hearing decision is made as provided in subsection (2) of this section.~~

~~(8) MAA ends enrollment for the period of time the circumstances or conditions that led to ending the enrollment are expected to exist. If the request to end enrollment is approved for a limited time, the client is notified in writing or by telephone of the time limitation, the process for renewing the disenrollment, and their fair hearing rights.~~

~~(9) MAA does not approve an enrollee's request to end enrollment solely to pay for services received but not authorized by the MCO.~~

~~(10) The enrollee remains in managed care as provided in subsection (1) of this section and receives timely notice by telephone or in writing when MAA approves or denies the enrollee's request to end enrollment. Except as provided in subsection (7) of this section, MAA gives the reasons for a denial in writing. The written denial notice to the enrollee contains all of the following:~~

- (a) The action MAA intends to take;
- (b) The reason(s) for the intended action;
- (c) The specific rule or regulation supporting the action;
- (d) The enrollee's right to request a fair hearing; and
- (e) A translation into the enrollee's primary language when the enrollee has limited English proficiency.

(11) MAA may end an enrollee's enrollment in a MCO or with a PCCM provider when the enrollee's MCO or PCCM provider substantiates in writing, to MAA's satisfaction, that:

(a) The enrollee's behavior is inconsistent with the MCO or PCCM provider rules and regulations, such as intentional misconduct; and

(b) After the MCO or PCCM provider has provided:

(i) Clinically appropriate evaluation(s) to determine whether there is a treatable problem contributing to the enrollee's behavior; and

(ii) If so, has provided clinically appropriate referral(s) and treatment(s), but the enrollee's behavior continues to prevent the provider from safely or prudently providing medical care to the enrollee; and

(c) The enrollee received written notice from the MCO or PCCM provider of the MCO or PCCM provider intent to request the enrollee's removal, unless MAA has waived the requirement for the MCO or PCCM provider notice because the enrollee's conduct presents the threat of imminent harm to others. The MCO or PCCM provider notice to the enrollee must include both of the following:

(i) The enrollee's right to use the appeal process as described in WAC 388-538-110 to review the MCO or PCCM provider request to end the enrollee's enrollment; and

(ii) The enrollee's right to use the department fair hearing process.

(12) MAA makes a decision to remove an enrollee from enrollment in managed care within thirty days of receiving the MCO or PCCM provider request to do so. Before making a decision, MAA attempts to contact the enrollee and learn the enrollee's perspective. If MAA approves the MCO or PCCM provider request to remove the enrollee, MAA sends a notice at least ten days in advance of the effective date that enrollment will end. The notice includes the reason for MAA's approval to end enrollment and information about the enrollee's fair hearing rights.

(13) MAA does not approve a request to remove an enrollee from managed care when the request is solely due to an adverse change in the enrollee's health or the cost of meeting the enrollee's needs. The medical assistance administration (MAA) exempts a client from mandatory enrollment in managed care or ends an enrollee's enrollment in managed care as specified in this section. Only MAA has authority to exempt a client from enrollment in, or remove an enrollee from, managed care.

(2) A client or enrollee, or the client's or enrollee's representative as defined in RCW 7.70.065, may request MAA to exempt or end enrollment in managed care as described in this section.

(a) If a client requests exemption prior to the enrollment effective date, the client is not enrolled until MAA approves or denies the request.

(b) If an enrollee requests to end enrollment, the enrollee remains enrolled pending MAA's final decision, unless stay-

ing in managed care would adversely affect the enrollee's health status.

(c) The client or enrollee receives timely notice by telephone or in writing when MAA approves or denies the client's or enrollee's request. MAA follows a telephone denial by written notification. The written notice contains all of the following:

(i) The action MAA intends to take;

(ii) The reason(s) for the intended action;

(iii) The specific rule or regulation supporting the action;

(iv) The client's or enrollee's right to request a fair hearing; and

(v) A translation into the client's or enrollee's primary language when the client or enrollee has limited English proficiency.

(3) A managed care organization (MCO) or primary care case management (PCCM) provider may request MAA to end enrollment. The request must be in writing and be sufficient to satisfy MAA that the enrollee's behavior is inconsistent with the MCO's or PCCM provider's rules and regulations (e.g., intentional misconduct). MAA does not approve a request to remove an enrollee from managed care when the request is solely due to an adverse change in the enrollee's health or the cost of meeting the enrollee's health care needs. The MCO or PCCM provider's request must include documentation that:

(a) The provider furnished clinically appropriate evaluation(s) to determine whether there is a treatable problem contributing to the enrollee's behavior;

(b) Such evaluation either finds no treatable condition to be contributing, or after evaluation and treatment, the enrollee's behavior continues to prevent the provider from safely or prudently providing medical care to the enrollee; and

(c) The enrollee received written notice of the provider's intent to request the enrollee's removal, unless MAA has waived the requirement for provider notice because the enrollee's conduct presents the threat of imminent harm to others. The provider's notice must include:

(i) The enrollee's right to use the provider's grievance system as described in WAC 388-538-110 and 388-538-111; and

(ii) The enrollee's right to use the department's fair hearing process, after the enrollee has exhausted all grievance and appeals available through the provider's grievance system (see WAC 388-538-110 and 388-538-111 for provider grievance systems, and WAC 388-538-112 for the fair hearing process for enrollees).

(4) When MAA receives a request from an MCO or PCCM provider to remove an enrollee from enrollment in managed care, MAA attempts to contact the enrollee for the enrollee's perspective. If MAA approves the request, MAA sends a notice at least ten days in advance of the effective date that enrollment will end. The notice includes:

(a) The reason MAA approved ending enrollment; and

(b) Information about the enrollee's fair hearing rights.

(5) MAA will exempt a client from mandatory enrollment or end an enrollee's enrollment in managed care when any of the following apply:

(a) The client or enrollee is receiving foster care placement services from the division of children and family services (DCFS);

(b) The client has or the enrollee becomes eligible for Medicare, basic health (BH), CHAMPUS/TRICARE, or any other accessible third-party health care coverage that would require exemption or involuntary disenrollment from:

(i) An MCO, in accordance with MAA's healthy options (HO) contract; or

(ii) A primary care case management (PCCM) provider, in accordance with MAA's PCCM contract.

(6) MAA will grant a client's request for exemption or an enrollee's request to end enrollment when:

(a) The client or enrollee is American Indian/Alaska Native (AI/AN) as specified in WAC 388-538-060(2);

(b) The client or enrollee has been identified by MAA as a child who meets the definition of "children with special health care needs";

(c) The client or enrollee is homeless or is expected to live in temporary housing for less than one hundred twenty days from the date of the request; or

(d) The client or enrollee speaks limited English or is hearing impaired and the client or enrollee can communicate with a provider who communicates in the client's or enrollee's language or in American Sign Language and is not available through the MCO and the MCO does not have a provider available who can communicate in the client's language.

(7) On a case-by-case basis, MAA may grant a client's request for exemption or an enrollee's request to end enrollment when, in MAA's judgment, the client or enrollee has a documented and verifiable medical condition, and enrollment in managed care could cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(8) Upon request, MAA may exempt the client or end enrollment for the period of time the circumstances or conditions that lead to exemption or ending enrollment are expected to exist. MAA may periodically review those circumstances or conditions to determine if they continue to exist. If MAA approves the request for a limited time, the client or enrollee is notified in writing or by telephone of the time limitation, the process for renewing the exemption or the ending of enrollment.

(9) An MCO may refer enrollees to MAA's patients requiring regulation (PRR) program in accordance with WAC 388-501-0135.

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-140 Quality of care. (1) In order to assure that managed care enrollees receive ~~((appropriate access to))~~ quality health care ~~((and))~~ services, the medical assistance administration (MAA) ~~((does all of the following))~~ requires managed care organizations (MCOs) to comply with quality improvement standards as stated in the medical assistance administration (MAA) managed care contract as follows:

~~(a) ((Requires managed care organizations (MCOs) to have a fully operational quality assurance system that meets a~~

~~comprehensive set of quality improvement program (QIP) standards:~~

~~(b) Monitors MCO performance through on-site visits and other audits, and requires corrective action for deficiencies that are found.~~

~~(c) Requires MCOs to report annually on standardized clinical performance measures that are specified in the contract with MAA, and requires corrective action for substandard performance.~~

~~(d) Contracts with a professional review organization to conduct independent external review studies of selected health care and service delivery.~~

~~(e) Conducts enrollee satisfaction surveys.~~

~~(f) Annually publishes individual MCO performance information and primary care case management (PCCM) program performance information including certain clinical measures and enrollee satisfaction surveys and makes reports of site monitoring visits available upon request.~~

~~(2) MAA requires MCOs and PCCM providers to have a method to assure consideration of the unique needs of enrollees with chronic conditions. The method includes:~~

~~(a) Early identification;~~

~~(b) Timely access to health care; and~~

~~(c) Coordination of health service delivery and community linkages)) Have a clearly defined quality organizational structure and operation, including a fully operational quality assessment, measurement, and improvement program;~~

~~(b) Have effective means to detect both underutilization and overutilization of services;~~

~~(c) Maintain a grievance system that includes a process for enrollees to file grievances and appeals according to the requirements of WAC 388-538-110;~~

~~(d) Maintain a system for provider and practitioner credentialing and recredentialing;~~

~~(e) Ensure that MCO subcontracts and the delegation of MCO responsibilities are in accordance with MAA standards and regulations;~~

~~(f) Cooperate with an MAA-contracted qualified independent external review organization (EORO) conducting review activities as described in 42 C.F.R. 438.358;~~

~~(g) Have an effective means to assess the quality and appropriateness of care furnished to enrollees with special health care needs;~~

~~(h) Submit annual reports to MAA, including HEDIS performance measures, specified by MAA;~~

~~(i) Maintain a health information system that:~~

~~(i) Collects, analyzes, integrates, and reports data as requested by MAA;~~

~~(ii) Provides information on utilization, grievances and appeals, enrollees ending enrollment for reasons other than the loss of Medicaid eligibility, and other areas as defined by MAA;~~

~~(iii) Collects data on enrollees, providers, and services provided to enrollees through an encounter data system, in a standardized format as specified by MAA; and~~

~~(iv) Ensures data received from providers is adequate and complete by verifying the accuracy and timeliness of reported data and screening the data for completeness, logic, and consistency.~~

(j) Conduct performance improvement projects designed to achieve significant improvement, sustained over time, in clinical care outcomes and services, and that involve the following:

(i) Measuring performance using objective quality indicators;

(ii) Implementing system changes to achieve improvement in service quality;

(iii) Evaluating the effectiveness of system changes;

(iv) Planning and initiating activities for increasing or sustaining performance improvement;

(v) Reporting each project status and the results as requested by MAA; and

(vi) Completing each performance improvement project timely so as to generally allow aggregate information to produce new quality of care information every year.

(k) Ensure enrollee access to health care services;

(l) Ensure continuity and coordination of enrollee care; and

(m) Ensure the protection of enrollee rights and the confidentiality of enrollee health information.

(2) MAA may impose intermediate sanctions in accordance with 42 C.F.R. 438.700 and corrective action for substandard rates of clinical performance measures and for deficiencies found in audits and on-site visits.

WSR 03-18-112
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed September 2, 2003, 5:25 p.m.]

Date of Adoption: September 2, 2003.

Purpose: To provide the potential for broader provider participation in managed care.

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-067.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Adopted under notice filed as WSR 03-14-067 on June 25, 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.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-538-067 Managed care provided through managed care organizations (MCOs). (1) Managed care organizations (MCOs) may contract with the department of social and health services (DSHS) to provide prepaid health care services to eligible medical assistance administration (MAA) clients (~~((under the healthy options (HO) managed care program))~~). The MCOs must meet the qualifications in this section to be eligible to contract with DSHS. The MCO must:

(a) Have a certificate of registration from the office of the insurance commissioner (OIC) (~~((as either a health maintenance organization (HMO) or a health care services contractor (HCSC)))~~) that allows the MCO to provide the services in subsection (1) of this section;

(b) Accept the terms and conditions of DSHS' HO contract;

(c) Be able to meet the network and quality standards established by DSHS; and

(d) Accept the prepaid rates published by DSHS.

(2) DSHS reserves the right not to contract with any otherwise qualified MCO.

WSR 03-18-113
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed September 2, 2003, 5:26 p.m., effective November 1, 2003]

Date of Adoption: August 28, 2003.

Purpose: Amend WAC 388-452-0005, to clarify when clients do not need an interview, when a phone interview is acceptable, and when they must have a face-to-face interview.

Citation of Existing Rules Affected by this Order: Amending WAC 388-452-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: 7 C.F.R. 273.2(e).

Adopted under notice filed as WSR 03-15-026 on July 8, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 1, Repealed 0.

Effective Date of Rule: November 1, 2003.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

WAC 388-452-0005 Do I have to be interviewed in order to get benefits? (1) Unless you are applying for medical only (~~or meet certain hardship criteria listed in subsection (8) below~~), you or your authorized representative must have (~~a face-to-face~~) an interview with the department:

(a) At initial certification; and

(b) At least once every twelve months if your assistance unit (AU) is certified for twelve months or less.

(2) You (~~are not required~~) do not have to attend an interview (~~when your application or review is just for~~) if you are applying for or recertifying medical benefits only. If we deny your application for cash or Basic Food (~~assistance~~) because you did not (~~appear for~~) have an interview, we continue to process your request for medical benefits(~~:~~

(a) ~~If you are pregnant;~~

(b) ~~If you are a child under the age of nineteen;~~

(c) ~~If you have a family with children under the age of nineteen; or~~

(d) ~~If we have enough information to determine if you are eligible or can get the information by mail).~~

(3) You will have just one interview even (~~when you apply~~) if you are applying for or have a review for benefits from more than one (~~assistance~~) program.

(4) If (~~you are~~) we do not (~~interviewed~~) interview you on the same day that we get your application, we schedule an interview appointment for you. We schedule your appointment the day we get your application or on the next business day if we get your application outside of our scheduled business hours, on a holiday or a weekend.

(5) We schedule an interview so your AU has at least ten days after the interview to provide needed verification:

(a) Before the end of the thirty-day processing period for applications; or

(b) Before your certification period ends for eligibility reviews.

(6) If you miss your first interview and (~~request~~) ask for another interview within thirty days of the date (~~of your application~~) you applied for benefits, we schedule a second interview for you.

(7) (~~You or another person~~) If you must have an interview for benefits, you or someone who can give us the information we need about your AU must (~~attend~~) participate in the interview. You may bring (~~another~~) any person (~~to the interview~~) you (~~may~~) choose (~~another person to go~~) to (~~the~~) your interview(~~for you when~~

~~(a) You cannot come to the local office for us to decide if you are eligible for cash assistance; or~~

~~(b) You have an authorized representative as described in WAC 388-460-0005 for food assistance).~~

(8) You may choose someone to take your place in your interview:

(a) For cash assistance if you cannot come to the local office for us to decide if you are eligible for benefits; or

(b) For Basic Food if the person is your authorized representative as described in WAC 388-460-0005.

(9) We usually have interviews at the local office. You can have a scheduled telephone interview (~~or an interview in your home if attending~~) if there is any reason you cannot attend an interview at the local office (~~causes a hardship for you or your representative~~). Examples of (~~hardships~~) reasons you may be unable to attend an interview include:

(a) (~~If your entire assistance unit is elderly or mentally or physically disabled;~~

(b) ~~If you live in a remote area or have transportation problems;~~

(c) ~~Severe weather;~~

(d) ~~If someone in your AU is ill, or you have to stay home to care for an AU member;~~

(e) ~~Your work or training (hours) schedule make it (difficult to come into the office) inconvenient for you to attend an in-office interview during regular business hours;~~

~~((f)) (b) You are unable to take time off of work to attend an in-office interview, because you would not get paid for this time or you fear you could lose your job;~~

(c) Someone in your AU is ill, or you have to stay home to care for an AU member;

(d) You are having transportation problems;

(e) You can't safely get to the office because of severe weather;

(f) You live in a remote area and can't easily get to the local office;

(g) All the people in your AU are elderly, mentally disabled, or physically disabled;

(h) Someone in your AU is affected by family violence such as physical or mental abuse, harassment, or stalking by the abuser; or

~~((g)) (i) You have any other (problem which would make) situation that makes it difficult for you to come into the office for an interview.~~

WSR 03-18-114

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 2, 2003, 5:27 p.m., effective October 15, 2003]

Date of Adoption: August 28, 2003.

Purpose: The Division of Child Support (DCS) has reviewed and revised the rules regarding the license suspension program, especially to clarify who is subject to license suspension and to provide for a stay of certification after ser-

vice of a notice of noncompliance on a noncustodial parent who is incarcerated or receiving public assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-4500, 388-14A-4505, 388-14A-4510, 388-14A-4515, 388-14A-4520, 388-14A-4525, and 388-14A-4530.

Statutory Authority for Adoption: RCW 74.20A.320.

Adopted under notice filed as WSR 03-15-027 on July 8, 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 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Effective Date of Rule: October 15, 2003.

August 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4500 What is the division of child support's license suspension program? (1) RCW 74.20A.320 provides that, in some circumstances, the division of child support (DCS) may certify for license suspension a noncustodial parent (NCP) who is not in compliance with a child support order. The statute calls the NCP the responsible parent.

(a) "Certify" means to ~~((establish))~~ notify the department of licensing or other state licensing entities that the NCP is not in compliance with a child support order and to ask ((the department of licensing and other state licensing entities)) them to take appropriate action against licenses held by the NCP. Before DCS can certify an NCP, DCS serves a notice on the NCP as described in WAC 388-14A-4505 and 388-14A-4510. This notice is called the notice of noncompliance and intent to suspend licenses, and is sometimes called the notice of noncompliance.

(b) "Responsible parent" is defined in 388-14A-1020. The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14A-4510.

(3) When DCS certifies the NCP, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the NCP's license, according to the terms of RCW 74.20A.320 (8) and (12).

(4) This section and sections WAC 388-14A-4505 through 388-14A-4530 cover the DCS license suspension program.

(5) DCS may certify an NCP who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS ~~((shall consider))~~ considers:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

(7) In certain circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS may serve the notice of noncompliance on a noncustodial parent but may stay the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b).

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4505 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a noncustodial parent (NCP) for noncompliance, the division of child support (DCS) must serve the NCP with a notice of noncompliance and intent to suspend licenses. This notice tells the NCP that DCS intends to submit the NCP's name to the department of licensing and any other appropriate licensing entity as a licensee who is not in compliance with a child support order.

(2) DCS must serve the notice by certified mail, return receipt requested. If DCS is unable to serve the notice by certified mail, DCS must serve the notice by personal service, as provided in RCW 4.28.080.

(3) The notice must include a copy of the NCP's child support order and must contain the address and phone number of the DCS office which issued the notice.

(4) The notice must contain the information required by RCW 74.20A.320(2), telling the NCP that:

(a) The NCP may request an administrative hearing, but that the hearing is limited in scope (see WAC 388-14A-4530);

(b) DCS will certify the NCP unless the NCP makes a request for hearing within twenty calendar days of the date of service of the notice, except when a longer period of time is given, as provided in WAC 388-14A-4510 (2) or (3);

(c) The NCP may avoid certification by agreeing to make timely payments of current support and agreeing to a reasonable payment schedule on the support debt;

(d) Certification by DCS will result in suspension or nonrenewal of the NCP's license by the licensing entity until DCS issues a release stating that the NCP is in compliance with the child support order;

- (e) Suspension of a license may affect the NCP's insurance coverage, depending on the terms of any policy;
- (f) Filing a petition to modify the support obligation may stay (or put a hold on) the certification process; and
- (g) Even after certification, the NCP may obtain a release from certification by complying with the support order.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4510 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may ~~((certify))~~ serve a notice of noncompliance on a noncustodial parent (NCP) who is not in compliance with a child support order when:

- (a) The NCP is required to pay child support under a court order or administrative order;
- (b) The NCP is at least six months in arrears; and
- (c) ~~((The NCP is not:~~
 - ~~(i) In jail or prison, except if the NCP has other resources available;~~
 - ~~(ii) A recipient of temporary assistance for needy families (TANF), Supplemental Security Income (SSI) or other exempt public assistance program; or~~
 - ~~(iii) A WorkFirst participant who does not receive a cash grant.~~

~~((d))~~ The NCP is not currently making payments to the Washington state support registry under a wage withholding action issued by DCS.

(2) DCS may serve a notice of noncompliance on an NCP who meets the criteria of subsection (1) above, even if the NCP is in jail or prison. Unless the NCP has other resources available while in jail or prison, DCS stays the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b) until the NCP has been out of jail or prison for thirty days.

(3) DCS may serve a notice of noncompliance on an NCP who meets the criteria of subsection (1) above, even if the NCP is a public assistance recipient. DCS stays the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b) until the thirty days after the NCP's cash assistance grant is terminated.

(4) "Noncompliance with a child support order" for the purposes of the license suspension program means a NCP has:

- (a) Accumulated a support debt, also called an arrearage or arrears, totaling more than six months of child support payments;
- (b) Failed to make payments under a written agreement with DCS towards a support debt in an amount that is more than six months' worth of payments; or
- (c) Failed to make payments required by a ~~((superior))~~ court order or administrative order towards a support debt in an amount that is more than six months' worth of payments.

~~((3))~~ (5) There is no minimum dollar amount for the six months of arrears. The following are examples of when a NCP is at least six months in arrears:

- (a) The child support order requires monthly payments of five hundred dollars. The NCP has not made a single pay-

ment since the order was entered seven months ago. This NCP is at least six months in arrears;

(b) The child support order requires monthly payments of one hundred dollars. The NCP has paid for the last few months, but owes a back debt of over six hundred dollars. This NCP is at least six months in arrears;

(c) The NCP owes a support debt according to a ~~((superior court))~~ judgment, which requires payments of one hundred dollars per month. The NCP has not made payment for eight months. This NCP is at least six months in arrears; or

(d) The child support order required monthly payments of two hundred dollars, but the child is over eighteen so no current support is owed. However, the NCP has a debt of over twelve hundred dollars. This NCP is at least six months in arrears.

~~((4))~~ (6) For the purposes of the license suspension program, a NCP is in compliance with the child support order when the amount owed in arrears is less than six months' worth of support.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4515 How do I avoid having my license suspended for failure to pay child support? (1) After service of the notice of noncompliance, DCS stays certification action if the noncustodial parent (NCP) takes the following action within twenty days of service of the notice:

(a) Requests an administrative hearing under WAC 388-14A-4530; or

(b) Contacts DCS to negotiate a reasonable payment schedule on the arrears and agrees to make timely payments of current support.

(i) The stay for negotiation may last a maximum of thirty calendar days after the NCP contacts DCS; and

(ii) If no payment schedule has been agreed to in writing after thirty calendar days have passed, DCS may proceed with certification of noncompliance;

(iii) A reasonable payment schedule is described in WAC 388-14A-4520, below; and

(iv) The NCP may request a conference board review under WAC 388-14A-6400 if the NCP feels that DCS has not negotiated in good faith.

(2) If the NCP files a court or administrative action to modify the child support obligation, DCS stays the certification action.

(3) The stay for modification action may not exceed six months unless DCS finds good cause to extend the stay.

(4) The NCP must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

(5) A stay of certification does not require DCS to withdraw the notice of noncompliance.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4520 Signing a repayment agreement may avoid certification for noncompliance. (1) If a noncustodial parent (NCP) signs a repayment agreement, DCS stays the certification action. The NCP must agree to pay current

support in a timely manner and make regular payments on the support debt.

(2) The repayment agreement must state that if the NCP fails to make payments under the terms of the agreement, DCS may resume certification action.

(3) The signing of a repayment agreement does not require DCS to withdraw the notice of noncompliance.

(4) In setting the repayment amount, DCS must take into account the financial situation of the NCP and the needs of all children who rely on the NCP for support. The NCP must supply sufficient financial information to allow DCS to analyze and document the NCP's financial situation and requirements, including normal living expenses and emergencies.

((4)) (5) A reasonable monthly arrears payment is defined as a percentage of the NCP's "adjusted net income," which is the NCP's net monthly income minus any current support obligation. The following table sets forth the suggested monthly payments on arrears:

Monthly adjusted net income (ANI)	Monthly arrears payment =Percentage of ANI
\$1,000 or less	2%
\$1,001 to \$1,200	3%
\$1,201 to \$1,500	4%
\$1,501 to \$1,900	5%
\$1,901 to \$2,400	6%
\$2,401 to \$3,000	7%
\$3,001 or more	8%

((5)) (6) Examples of how to calculate the arrears payment are as follows:

(a) Monthly net income	=	\$1,500
Current support	=	\$300
Adjusted net income	=	\$1,200
Arrears payment = 3% of ANI (\$1,200)	=	\$36
(b) Monthly net income	=	\$3,100
Current support	=	\$-0-
Adjusted net income	=	\$3,100
Arrears payment = 8% of ANI (\$3,100)	=	\$248

((6)) (7) The NCP must document any factors which make the NCP eligible for an arrears payment less than the amount shown in the table in subsection ((4)) (5). Such factors include, but are not limited to:

- (a) Special needs children, or
- (b) Uninsured medical expenses.

((7)) (8) The custodial parent and/or DCS must document any factors which make the NCP eligible for an arrears payment higher than the amount shown in the table in subsection ((4)) (5). Such factors include, but are not limited to the factors listed in RCW 26.19.075 for deviation from the standard calculation for child support obligations.

(9) If the NCP signs a repayment agreement under this section under the circumstances spelled out in WAC 388-14A-4510 (2) or (3), the NCP may make voluntary payments

but DCS does not resume certification action until thirty days after NCP is released or stops receiving public assistance.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4525 How to obtain a release of certification for noncompliance. (1) After DCS has certified a noncustodial parent (NCP) to a licensing entity, the NCP may obtain a release from DCS by taking the following actions:

- (a) Paying the support debt in full; or
- (b) Signing a repayment agreement under WAC 388-14A-4520 and paying the first installment due under the agreement. Signing a repayment agreement does not require DCS to withdraw the notice of noncompliance.

(2) DCS must provide a copy of the release to any licensing entity to which DCS has certified the NCP.

(3) The NCP must comply with any requirements of the licensing entity to get the license reinstated or reissued.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4530 Administrative hearings regarding license suspension are limited in scope. (1) An administrative hearing on a notice of noncompliance under WAC 388-14A-4505 is limited to the following issues:

- (a) Whether the person named in the child support order is the noncustodial parent (NCP);
- (b) Whether the NCP is required to pay child support under a child support order; and
- (c) Whether the NCP is at least six months in arrears.

(2) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the NCP is at least six months in arrears. Any debt calculation shall not be binding on the department or the NCP beyond the determination that there is at least six months of arrears.

(3) If the NCP requests a hearing on the notice, DCS stays the certification process until the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP.

(4) If the NCP requests a hearing on the notice of non-compliance under the circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS asks the office of administrative hearings to schedule a hearing. If the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP, DCS stays the certification process until thirty days after the NCP is released or stops receiving cash public assistance.

PERMANENT



**WSR 03-18-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-204—Filed August 22, 2003, 8:38 a.m.]

Date of Adoption: August 21, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-62000L; and amending WAC 232-28-620.

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: These rules are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 21, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-62000M Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620 and WAC 220-56-180, effective immediately until further notice, it is unlawful to fish for salmon in coastal waters during 2003 except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Area 1 - Open immediately through September 30 - Daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho. Minimize size for chinook salmon is 26 inches in length.

(2) Area 2 - Open immediately through September 14 - Daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho. Minimize size for chinook salmon is 26 inches in length.

(a) Those waters of Grays Harbor Control Zone are closed - An area at the entrance to Grays Harbor bounded by a line from the lighthouse 1 mile south of the south jetty to

buoy #2 to buoy #3 to the tip of the north jetty to the tip of the exposed end of the south jetty.

(3) Area 2-1 - Open immediately until further notice - Daily limit 6 salmon, no more than 2 adults may be retained. Minimum size limit 12 inches in length. Single point barbless hooks required.

(4) Area 2-2 - Open east of the Buoy 13 line September 16 through November 30 - Daily limit 6 salmon, not more than 2 of which may be adult salmon, except release adult chinook.

(5) Notwithstanding the provisions of this section, Westport Boat Basin and Ocean Shore Boat Basin are open immediately until further notice - Daily limit 6 salmon, not more than 4 of which may be adult salmon. Minimize size is 12 inches in length.

(6) Area 3:

(a) Waters inside a line from Teahwhit Head to "Q" Buoy then to Cake Rock then east to shore only, open immediately through September 14 - Daily limit 2 salmon not more than one of which may be a chinook plus fishers may retain an additional third salmon if it is a pink salmon. Release wild coho. Minimize size for chinook salmon is 26 inches in length.

(b) Open September 20 through October 5 - Daily limit 2 salmon not more than one of which may be a chinook salmon. Release wild coho. Minimize size for chinook salmon is 26 inches in length.

(7) Area 4 - Open immediately through September 14 - except closed south of a line from Kydaka Point westerly to Shipwreck Point. Daily limit 2 salmon not more than one of which may be a chinook plus fishers may retain an additional third salmon if it is a pink salmon. Release chinook salmon caught east of the Bonilla-Tatoosh Line. Release chum salmon and wild coho salmon. Minimize size for chinook salmon is 26 inches in length.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000L Coastal salmon seasons. (03-158)

**WSR 03-18-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-205—Filed August 22, 2003, 11:46 a.m.]

Date of Adoption: August 20, 2003.

Purpose: Amend hunting regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-35200A; and amending WAC 232-28-352.

Statutory Authority for Adoption: RCW 77.12.047.

EMERGENCY

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 AHE antlerless elk hunts are designed to provide scientific data on organ fat information and to reduce depredation. These hunts are undersubscribed, and it is felt that AHE elk hunters who have an opportunity for a second animal will take that opportunity. This will provide needed elk management information and reduce elk damage claims. 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.

August 20, 2003

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-35200B Antlerless elk AHE hunts - 2003. (1) Notwithstanding the provisions of WAC 232-28-352, it is lawful for Advanced Hunter Education master hunters to possess a second elk taken in the following antlerless elk hunts during the open period for each respective hunt, provided the AHE master hunter has a second animal permit as provided for in this section:

- (a) Colockum A
- (b) Colockum B
- (c) Randle B
- (d) Green Mt. B
- (e) Merwin A
- (f) Merwin B
- (g) Grays River A
- (h) Grays River B
- (i) Grays River C
- (j) Grays River D
- (k) Grays River E
- (l) Grays River F
- (m) Grays River G
- (n) Grays River H

(2) AHE master hunters who wish to make application for a second animal permit must notify the department, in writing. Upon selection the AHE master hunter must pay the second animal fee set out in RCW 77.32.450, and will be issued the permit and transportation tag. If more AHE master hunters have made application than the number of permits available, selection will be by random drawing.

(3) AHE master hunters may make application for more than one area, but must state the order of preference on the application.

(4) Colockum A is restricted to muzzleloaders. All other areas are open to any lawful weapon.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-35200A Antlerless elk AHE hunts - 2003. (03-194)

**WSR 03-18-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-206—Filed August 22, 2003, 3:48 p.m., effective August 26, 2003, 6:00 a.m.]

Date of Adoption: August 22, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100H and 220-32-05100I; 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: Opens first three weeks of tribal commercial fishery. Allows commercial sale of platform and hook and line caught fish to be sold in the treaty Indian fishery. Season is consistent with the management agreement and the biological opinion. Consistent with action of the Columbia River compact of August 22, 2003, and 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 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: August 26, 2003, 6:00 a.m.

August 22, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100I 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 and Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River and White Salmon rivers, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, sturgeon, steelhead and walleye under the following provisions pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. August 26, 2003 to 6:00 p.m. August 30, 2003

6:00 a.m. September 2, 2003 to 6:00 p.m. September 5, 2003

6:00 a.m. September 9, 2003 to 6:00 p.m. September 12, 2003

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: No mesh restriction

c) Allowable sale includes: chinook, coho, steelhead, walleye, carp, and shad. Sturgeon may not be sold.

d) Sanctuaries: All standard sanctuaries except the small 150 foot sanctuary around Spring Creek Hatchery.

2) Open Periods: Immediately until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H, the Klickitat River and the White Salmon River.

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: Chinook, coho, steelhead, walleye, carp and shad. Sturgeon between 4-5 feet in length may not be sold but may be retained for subsistence purposes. Sockeye may not be sold but may be retained for subsistence purposes. Fish taken in the Klickitat and White Salmon rivers may be sold when those rivers are open pursuant to lawfully enacted tribal rules. The Klickitat River is currently open Tuesday through Saturday weekly and the White Salmon River is open Monday through Saturday weekly.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 26, 2003:

WAC 220-32-05100H Columbia River salmon seasons above Bonneville Dam. (03-193)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 12, 2003:

WAC 220-32-05100I Columbia River salmon seasons above Bonneville Dam.

WSR 03-18-019

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-207—Filed August 22, 2003, 3:51 p.m., effective August 25, 2003, 8:00 p.m.]

Date of Adoption: August 22, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000G and 220-33-01000H; and amending WAC 220-33-010.

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: Modifies the area in the late August fishery to the Zone 4 boundary for one day. Catches are projected to be within the guidelines of the allocation agreement. Sets the late August fishery consistent with the allocation agreement. The select areas are part of an ongoing BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on July 30, 2003, and August 22, 2003, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. 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 2.

EMERGENCY

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 25, 2003, 8:00 p.m.

August 22, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-01000H Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1D and 1E.

a) SEASON: 8:00 p.m. Monday, August 25, 2003 to 6:00 a.m. Tuesday, August 26, 2003

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh. Monofilament gear is allowed.

c) SANCTUARIES: Washougal, Sandy.

d) ALLOWABLE SALE: Salmon and sturgeon. Up to 7 sturgeon may be possessed or sold for each participating vessel per fishing week. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: SMCRA 1D upstream of the I-5 Bridge and 1E.

a) SEASON: 8:00 p.m. Wednesday, August 27, 2003 to 6:00 a.m. Thursday, August 28, 2003

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh. Monofilament gear is allowed.

c) SANCTUARIES: Washougal, Sandy.

d) ALLOWABLE SALE: Salmon and sturgeon. Up to 7 sturgeon may be possessed or sold for each participating vessel per fishing week. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the

Oregon shore. An area closure of about a 100' radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: 7:00 p.m. August 25 to 7:00 p.m. August 28, 2003 and

Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 16 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

4) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily. Only the Tongue Point area is open through September 12 and Tongue Point and South Channel areas are open after September 12.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

5) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. August 25, 2003:

WAC 220-33-01000G Columbia River seasons below Bonneville. (03-192)

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 31, 2003:

WAC 220-33-01000H Columbia River season below Bonneville.

**WSR 03-18-025
EMERGENCY RULES
SECRETARY OF STATE
[Filed August 25, 2003, 2:38 p.m.]**

Date of Adoption: August 25, 2003.

Purpose: Implement chapter 162, Laws of 2003.

Statutory Authority for Adoption: RCW 29.04.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is necessary to adopt the rules via the emergency procedure because time does not allow for the normal procedures before the September and November elections.

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 2, 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 2, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 25, 2003

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-240-210 Timely mailing of absentee ballots. (1) Ballots are considered mailed for the purposes of the requirements and certifications in RCW 29.36.270 when they have been delivered to the post office.

(2) The mailing and certification provisions of RCW 29.36.270 apply only to properly completed absentee ballot applications.

(3) The certification required by RCW 29.36.270(3) must be submitted to the office of the secretary of state by the fifteenth day before the primary or election. The office of the secretary of state shall design either an electronic or paper form for county auditors to complete this certification. The form will allow for a clear indication that absentee and mail ballots were available at least twenty days before the election and that absentee and mail ballots were mailed at least eighteen days before the primary or election.

(4) When a county auditor becomes knowledgeable that absentee ballots are not going to be available or mailed pursuant to the provisions of RCW 29.36.270(1), the county auditor shall within one business day complete and transmit the certification required in RCW 29.36.270(4).

(5) The report required in RCW 29.36.270(5) shall be submitted twenty days after the election is certified pursuant to RCW 29.62.020(2).

NEW SECTION

WAC 434-238-057 Timely mailing for mail ballot elections and precincts. The certification and reporting requirements of WAC 434-240-210 also apply to mail ballot precinct and mail ballot elections.

EMERGENCY

WSR 03-18-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed August 25, 2003, 4:00 p.m.]

Date of Adoption: August 21, 2003.

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires the adoption of new chapter 388-827 WAC, Division of Developmental Disabilities—State supplementary payment. These rules supersede the emergency rules filed as WSR 03-10-027 on April 28, 2003.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplementary payment. In its published ESSB 6387, the legislature also clearly stated: "New funding for family support and transition along with portions of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities..."

On July 18, 2003, the Social Security Administration informed the state that its current rules did not satisfy requirements under section 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382 (e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 20 C.F.R. 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day programs were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These emergency rules eliminate the restrictions on SSP for individuals in residential care and removes SSP funding for employment/day programs.

Immediate adoption is necessary to preserve the public health and general welfare by allowing the state to continue to receive federal financial participation (FFP) for its Medicaid program under Title XIX of the act. The loss of FFP

would effectively terminate medical assistance under Title XIX for low-income families and individuals in the state of Washington. Emergency adoption of these rules is necessary to implement ESSB 6387 and to comply with the requirements of federal law cited above.

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 26, 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 26, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 21, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-827 WAC

STATE SUPPLEMENTARY PAYMENT PROGRAM

NEW SECTION

WAC 388-827-0100 What is the State Supplementary Payment that is administered by the division of developmental disabilities (DDD)? The State Supplementary Payment (SSP) is a state-paid cash assistance program for certain clients of the division of developmental disabilities.

NEW SECTION

WAC 388-827-0105 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

NEW SECTION

WAC 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? You must be eligible for or receive Supplemental Security Income (SSI) cash assistance in the month in which the DDD/SSP is issued.

NEW SECTION

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and con-

tinue to demonstrate a need for and meet the DDD program eligibility requirements for these services.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,

(b) Family support;

(c) One or more of the following residential services:

- (i) Adult family home,
- (ii) Adult residential care facility,
- (iii) Alternative living,
- (iv) Group home,
- (v) Supported living,
- (vi) Agency attendant care,
- (vii) Supported living or other residential service allow-

ance,

(viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

- (a) You were on the family support opportunity waiting list prior to January 1, 2003; and
- (b) You are on the CAP waiver; and
- (c) You continue to meet the eligibility requirements for the family support opportunity program.

NEW SECTION

WAC 388-827-0120 How often will my eligibility for DDD/SSP be re-determined? Redetermination of eligibility for the DDD/SSP program will be conducted at least every twelve months, or more frequently if deemed necessary by DDD.

NEW SECTION

WAC 388-827-0125 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for this program.

NEW SECTION

WAC 388-827-0130 Can I choose not to accept DDD/SSP payments? If your service funding has been con-

verted to the DDD/SSP program, DDD/SSP payments are the only way you can receive that funding.

(1) If you choose not to receive DDD/SSP payments, you will not receive department funding for that service.

(2) Your community alternatives program (CAP) waiver service(s) not funded by DDD/SSP payments will not be affected by your choice to receive or reject DDD/SSP payments.

NEW SECTION

WAC 388-827-0131 What happens if I no longer meet the financial or programmatic requirements after my funding has been converted to the DDD/SSP program? If you no longer meet the eligibility requirements in WAC 388-827-0105, 388-827-0110, or 388-827-0115, you may continue to receive services only if an exception to the rules is approved in accordance with WAC 388-827-0300.

NEW SECTION

WAC 388-827-0135 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP but eligibility is limited to those meeting the eligibility requirements in WAC 388-827-0105, 388-827-0110, and 388-827-0115.

NEW SECTION

WAC 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? (1) You have the right to appeal the department's denial, termination, or reduction of services. Your rights to an adjudicative proceeding are in WAC 388-825-120.

(2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

NEW SECTION

WAC 388-827-0145 How much money will I receive? The purpose of the SSP is to increase the amount of income to meet your needs. The department will determine your payment amount based on your living arrangement and your assessed needs.

(1) For residential and VPP services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services at the time the funding source was converted to SSP. If the type of your residential living arrangement changes, your need will be reassessed and your payment adjusted based on your new living arrangement and assessed need.

(2) For family support services, refer to WAC 388-825-200 through 388-825-284.

(a) If you are on the community alternatives program (CAP) waiver:

(i) You will receive nine hundred dollars DDD/SSP money per year to use as you determine.

(ii) The remainder up to the maximum allowed may be authorized by DDD to purchase CAP waiver services and will be paid directly to the provider.

(b) If you are not on the CAP waiver, you will receive the yearly maximum allowed in the form of DDD/SSP money to use as you determine.

(c) The yearly amount of DDD/SSP money will be prorated into monthly amounts. You will receive one twelfth of the yearly amount each month.

NEW SECTION

WAC 388-827-0146 May I voluntarily remove myself from the community alternatives program (CAP) waiver in order to increase the amount of my SSP? You may voluntarily remove yourself from the CAP waiver but your SSP will not increase because of this action.

NEW SECTION

WAC 388-827-0150 How often will I receive my DDD/SSP warrant/check? You will receive a monthly warrant/check from the state.

NEW SECTION

WAC 388-827-0155 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative or protective payee or representative payee.

(2) If you are a person age eighteen and older, the warrant/check will be sent directly to your protective payee or representative payee if you have one.

(3) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

NEW SECTION

WAC 388-827-0160 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-827-0170 Are there rules restricting how I use my DDD/SSP money? There are no restrictions on how you use your DDD/SSP money.

NEW SECTION

WAC 388-827-0175 What changes must I report to the department? You must report changes in your circumstances within ten days from the date you become aware of the change. You must tell us if:

- (1) Your SSI stops;
- (2) Your address changes; or
- (3) There is a change in your living arrangement that affects your assessed need.

NEW SECTION

WAC 388-827-0180 Do I have additional responsibilities when I purchase my own services? (1) When you purchase in-home services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can contact the Internal Revenue Service.

(2) If you want to obtain a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities, you may get the background check done through the Washington State Patrol. You can ask DDD to assist you with completing these background checks.

NEW SECTION

WAC 388-827-0185 When will the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

- (1) You no longer are eligible for or receive SSI cash benefits;
- (2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or
- (3) Your DDD eligibility is terminated.

NEW SECTION

WAC 388-827-0200 What is a representative payee? A representative payee is a person, organization, institution or agency that manages your DDD/SSP. They may also provide services such as helping you manage your money.

NEW SECTION

WAC 388-827-0210 Who can be a representative payee for my DDD/SSP? (1) A representative payee may be:

- (a) The person, organization, institution or agency that acts as your representative payee for Supplemental Security Income (SSI);
- (b) Your parent, if you are under eighteen;
- (c) Your spouse; or
- (d) A person, organization, institution or agency you select if the department approves your selection.

(2) If you select a representative payee under subsection (1) (d) of this section, the department will evaluate the selection according to the following criteria:

- (a) The relationship of the payee to you;
- (b) The amount of interest the payee shows in you;
- (c) Any legal authority the payee has to act on your behalf;
- (d) Whether the payee has custody of you; and
- (e) Whether the payee is in a position to know of and look after your needs.

(3) The DDD director or designee will approve or deny your request for a representative under subsection (1) (d) of this section.

NEW SECTION

WAC 388-827-0215 What are the responsibilities of a representative payee? A representative payee has the responsibility to:

- (1) Spend the DDD/SSP on you or your behalf;
- (2) Notify the department if any event happens that may affect the amount of benefits you receive;
- (3) Submit to the department, upon our request, a written report accounting for the payments received; and
- (4) Notify the department of any change in the payee's circumstances that would affect performance of the payee responsibilities.

NEW SECTION

WAC 388-827-0300 Does DSHS make exceptions to the requirements in this chapter? DSHS may grant exceptions to the requirements specified in this chapter as long as the following conditions are met:

- (1) You or your case manager may request an exception to a rule in this chapter.
- (2) The case manager must submit a written request for an exception to his or her DDD regional administrator.
- (3) DSHS will evaluate requests for exceptions, considering:
 - (a) The federal and state rules governing SSP; and
 - (b) The impact on the client if the exception is not approved.
- (4) The DDD regional administrator will forward the request to the DDD director together with the regional administrator's recommendation to approve or deny the request.
- (5) The DDD director or designee will approve or deny the request in writing within sixty calendar days after receiving the request from the case manager.
- (6) The department will notify you of the decision.
- (7) You do not have rights to adjudicative proceedings when you receive a denial from DSHS for an exception to the rules in this chapter.

NEW SECTION

WAC 388-827-0400 What is an SSP overpayment? (1) An overpayment means any SSP paid that is more than the amount you were eligible to receive.

- (2) If you request a fair hearing and the fair hearing decision is in favor of the department, then some or all of the continued assistance you get before the fair hearing decision must be paid back to the department.

NEW SECTION

WAC 388-827-0410 When can an overpayment occur? An overpayment can occur when:

- (1) You were not eligible for and did not receive Supplemental Security Income in the month in which the SSP was issued;
- (2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

- (3) Your assessed need has changed.

NEW SECTION

WAC 388-827-0420 Who is liable for repayment of an overpayment? (1) If you received the money in your own name, you are responsible for repayment.

- (2) If you are paid through a representative payee, both you and the representative payee may be responsible for repayment.

(a) You are responsible to the extent that the incorrect payments were spent on you or your behalf. Funds conserved by a representative payee to which you do not have direct access have not been spent on you or your behalf.

(b) If the incorrect payments were spent on you or your behalf and the representative payee is without fault in connection with the overpayment, you are solely responsible for repayment.

(c) The representative payee is solely responsible for repayment if:

- (i) The incorrect payments were not spent on you or your behalf; and
- (ii) The representative payee is at fault in connection with the overpayment.

(d) A government entity or an institution can be a representative payee and can be found responsible for repayment—just as a private individual can.

(e) You and the representative payee are both responsible for repayment when the incorrect payments have been spent on you or your behalf and the representative payee is at fault.

- (3) The representative payee is at fault when the representative payee was aware of the reason you were not eligible for the SSP.

WSR 03-18-029**EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed August 25, 2003, 4:03 p.m.]

Date of Adoption: August 21, 2003.

Purpose: The Division of Developmental Disabilities (DDD) will establish a new program for individuals in need of employment/day program services. Under existing rules, employment and day program services were paid as state supplementary payments or through the counties. These emergency rules identify a new program whereby DDD will pay individuals directly with state-only funds and require that these individuals purchase the necessary employment/day program services. These rules supersede the emergency rules filed as WSR 03-10-027 on April 28, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-180, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

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: Conditions have changed since the emergency rule was adopted as WSR 03-10-027. On July 18, 2003, the Social Security Administration (SSA) informed the state that its current rules governing the payment of the state supplementary payments (SSP) did not satisfy requirements under section 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382 (e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 20 C.F.R. 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day program services under existing rules were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These rules create a new DDD program for individuals in employment/day programs and removes SSP funding for employment/day programs. The rules are necessary to implement chapter 371, Laws of 2002.

Immediate adoption is necessary to preserve the public health and general welfare for individuals with developmental disabilities who need employment/day program services. Further, immediate adoption is necessary to preserve the public health and general welfare by allowing the state to continue to receive federal financial participation (FFP) for its Medicaid program under Title XIX of the act. The loss of FFP would effectively terminate medical assistance under Title XIX for low-income families and individuals in the state of Washington. Establishment of a new DDD program for individuals in employment/day programs is necessary to continue support for these individuals.

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 4, Amended 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 4, Amended 10, Repealed 0.

Effective Date of Rule: Immediately.

August 21, 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 03-19 issue of the Register.

WSR 03-18-030

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 25, 2003, 4:04 p.m.]

Date of Adoption: August 21, 2003.

Purpose: The Division of Development Disabilities (DDD) has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapter 388-820 WAC. The department has filed a CR-101 Preproposal statement of inquiry (WSR 02-17-068), and in the process of completing the draft rules and filing a CR-102 Proposed rule-making notice to schedule public hearings. These rules supersede the emergency rules filed as WSR 03-10-026 on April 28, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-820-020, 388-820-060, and 388-820-120.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.10.020, 2001-03 Supplemental Budget ESSB 6387 (chapter 371, 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: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the DDD to begin paying an income supplement, called state supplementary payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplementary payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low... income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent while the department continues its rule-making proceeding to adopt permanent rules. DDD is in the process of completing the draft rules and filing a CR-102 Proposed rule-making notice to schedule public hearings.

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 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 3, Repealed 0.

Effective Date of Rule: Immediately.

August 21, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

((*) (1) Has a developmental disability;

((*) (2) Is eligible under RCW 71A.10.020 (for eligibility criteria, see chapter 388-825 WAC); and

((*) (3) Is authorized by DDD to receive residential services outlined in this chapter or privately purchases residential services. (~~((For eligibility criteria, see chapter 388-825 WAC.))~~)

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

((*) (1) Owned, leased, or rented by an entity other than the client;

((*) (2) Licensed by the applicable state authority; and

((*) (3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

((*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

((*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

((*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

((*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

((*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental,

or psychosocial well-being is or may be compromised or threatened.

"**Support**" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"**Supported living**" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"**Trust account**" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients (~~who~~) may receive residential services if they are at least eighteen years old and either authorized by DDD (~~may receive~~) or have an agreement with the service provider to purchase residential services from their own resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for residential services provided to department-funded clients under department contract at the contracted rate.

(2) (~~DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation~~) Clients not included in the department contract may purchase services privately through a separate agreement with the service provider.

(3) The service provider must inform DSHS when the (~~client~~) department-funded clients requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a department-funded client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

(5) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

WSR 03-18-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-215—Filed August 26, 2003, 10:48 a.m.]

Date of Adoption: August 26, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000M; and amending WAC 232-28-620.

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: These rules are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 26, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-62000N Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620 and WAC 220-56-180, effective immediately until further notice, it is unlawful to fish for salmon in coastal waters during 2003 except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Area 1 - Open immediately through September 30 - Daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho. Minimize size for chinook salmon is 26 inches in length.

(2) Area 2 - Open immediately through September 14 - Daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho. Minimize size for chinook salmon is 26 inches in length.

(a) Those waters of Grays Harbor Control Zone are closed - An area at the entrance to Grays Harbor bounded by a line from the lighthouse 1 mile south of the south jetty to

buoy #2 to buoy #3 to the tip of the north jetty to the tip of the exposed end of the south jetty.

(3) Area 2-1 - Open immediately until further notice - Daily limit 6 salmon, no more than 2 adults may be retained. Minimum size limit 12 inches in length. Single point barbless hooks required.

(4) Area 2-2 - Open east of the Buoy 13 line September 16 through November 30 - Daily limit 6 salmon, not more than 2 of which may be adult salmon, except release adult chinook.

(5) Notwithstanding the provisions of this section, Westport Boat Basin and Ocean Shore Boat Basin are open immediately until further notice - Daily limit 6 salmon, not more than 4 of which may be adult salmon. Minimize size is 12 inches in length.

(6) Area 3:

(a) Open immediately through September 14 - Daily limit 2 salmon not more than one of which may be a chinook plus fishers may retain an additional third salmon if it is a pink salmon. Release wild coho. Minimize size for chinook salmon is 26 inches in length.

(b) Waters inside a line from Teahwhit Head to "Q" Buoy then to Cake Rock then east to shore only Open September 20 through October 5 - Daily limit 2 salmon not more than one of which may be a chinook salmon. Release wild coho. Minimize size for chinook salmon is 26 inches in length.

(7) Area 4 - Open immediately through September 14 - except closed south of a line from Kydaka Point westerly to Shipwreck Point. Daily limit 2 salmon not more than one of which may be a chinook plus fishers may retain an additional third salmon if it is a pink salmon. Release chinook salmon caught east of the Bonilla-Tatoosh Line. Release chum salmon and wild coho salmon. Minimize size for chinook salmon is 26 inches in length.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000M Coastal salmon seasons. (03-204)

**WSR 03-18-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-213—Filed August 26, 2003, 10:48 a.m.]

Date of Adoption: August 25, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100A; and amending WAC 220-47-501.

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: Regulations for the 2003 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the second week of the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon and for an additional day of pink salmon fishing opportunity in Area 8A for both purse seine and gill net gear. This extra opportunity is provided to offset the unexpectedly low effort and catch level observed in the first week of the fishery. This fishery is not expected to exceed pink catch nor chinook by-catch levels modeled during the preseason process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 25, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-47-50100B Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

EMERGENCY

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
7:00 a.m. to 7:00 p.m. Daily	September 16 through October 15

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain wild coho salmon prior to October 1.

Reef Net Required DNA Tissue Sampling - It is unlawful to retain chum salmon taken with reef net gear prior to October 1 unless the reef net license holder provides the department with 24 hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (i) FAX transmission to (360) 902-2949;
- (ii) E-mail to psfishtickets@dfw.wa.gov; or
- (iii) Toll-free telephone call to 1-866-791-1279.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Launi-C and Stormbringer from 6:00 a.m. to 8:00 p.m. Wednesday August 27, 2003.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water.

(iii) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/8, 9/9, 9/10, 9/15, 9/16, 9/17
7:00 a.m. to 7:00 p.m.	September 21 through October 25

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m.	August 26 to 8:00 a.m. August 27
		7:00 p.m.	August 28 to 8:00 a.m. August 29
		7:00 p.m.	August 31 to 8:00 a.m. September 1
		7:00 p.m.	September 2 to 8:00 a.m. September 3
		7:00 p.m.	September 4 to 8:00 a.m. September 5.
7B	5" minimum	7:00 p.m.	September 7 to 8:00 a.m. September 8
		7:00 p.m.	September 9 to 8:00 a.m. September 10
		7:00 p.m.	September 11 to 8:00 a.m. September 12
7B	5" minimum	6:00 p.m.	September 14 to 8:00 a.m. September 15
		6:00 p.m.	September 16 to 8:00 a.m. September 17
		6:00 p.m.	September 18 to 8:00 a.m. September 19.
7B	5" minimum	7:00 p.m.	September 21 through 4:00 p.m. October 25

Area 8:

Purse Seines - Open to purse seines as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/28, 9/3

Gill Nets - Open to gill nets using 5-inch minimum mesh, 5 1/2-inch maximum mesh, and not exceeding 60 meshes in depth, as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/28, 9/3

Area 8A: Excepting waters of Area 8A southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock:

Purse Seine - Open to purse seine as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/26, 8/27, 8/28

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh and 5 1/2-inch maximum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m.	August 25 to 8:00 a.m. August 26
7:00 p.m.	August 26 to 8:00 a.m. August 27
7:00 p.m.	August 27 to 8:00 a.m. August 28

EMERGENCY

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/25, 10/2

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m.	September 23 to 8:00 a.m. September 24
6:00 p.m.	September 25 to 8:00 a.m. September 26
6:00 p.m.	September 28 to 8:00 a.m. September 29
6:00 p.m.	September 30 to 8:00 a.m. October 1
6:00 p.m.	October 2 to 8:00 a.m. October 3

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m.	August 26 to 8:00 a.m. August 27
7:00 p.m.	August 28 to 8:00 a.m. August 29
6:00 a.m.	August 31 through 4:00 p.m. October 25

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/25, 8/26, 8/27, 8/28, 8/29, 9/1, 9/2, 9/3, 9/4, 9/5, 9/8, 9/9, 9/10, 9/11, 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries: All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100A	Puget Sound all-citizen commercial salmon fishery. (03-197)
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**WSR 03-18-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-214—Filed August 26, 2003, 10:49 a.m., effective August 26, 2003, 12:00 noon]

Date of Adoption: August 26, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000T; and amending WAC 220-52-030.

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: The Willapa Spits fishery provides an important supply of crab bait to the local Dungeness crab industry and depending on size and condition of the clams, a fresh market restaurant trade. Biotxin levels currently fall below the regulatory threshold. 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: August 26, 2003, 12:00 noon.

August 26, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-03000T Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to dig for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Effective 12:00 noon August 26, 2003 through September 14, 2003, it is lawful to dig for and possess razor clams for commercial purposes in those waters and beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter Point.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 15, 2003:

WAC 220-52-03000T Commercial razor clams.

**WSR 03-18-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-212—Filed August 27, 2003, 2:26 p.m., effective September 1, 2003, 12:01 a.m.]

Date of Adoption: August 27, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
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: A large return of hatchery steelhead has been predicted for the Columbia and Snake River basins. Only a relatively small number of returning hatchery steelhead are needed for hatchery production. These are excess hatchery steelhead available 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 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, 12:01 a.m.

August 27, 2003

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Grande Ronde River, Mill Creek, Snake River, Touchet River, Tucannon River and Walla Walla River. Notwithstanding the provisions of WAC 232-28-619, effec-

tive immediately until further notice, special daily limit of three hatchery steelhead in the following waters:

(1) Grande Ronde River (Asotin Co.) - from County Road Bridge (about 2 1/2 miles upstream from the mouth) to Washington/Oregon state boundary. (CLOSED WATERS - all tributaries closed to fishing effective November 1, 2003).

(2) Mill Creek (Walla Walla Co.) - from mouth to Roosevelt St. Bridge within city limits of Walla Walla. (CLOSED WATERS - from concrete channel at 9th Ave. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla).

(3) Snake River - from the mouth upstream to Washington/Oregon boundary.

(4) Touchet River (Columbia/Walla Walla Co.) - from mouth to the confluence of the North and South Forks.

(5) Tucannon River (Columbia/Garfield Co.) - from mouth to Cummings Bridge. (CLOSED WATERS - all tributaries).

(6) Walla Walla River (Walla Walla Co.) - mainstem from the mouth upstream to the Washington/Oregon state boundary.

**WSR 03-18-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-217—Filed August 27, 2003, 2:28 p.m.]

Date of Adoption: August 26, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-55-180.

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 change is specifically required under chapter 389, Laws of 2003. This rule will remain in effect until expedited rule making is complete and the permanent rule takes effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 26, 2003
J. P. Koenings
Director

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 27, 2003
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-55-18000A Point-of-sale transaction fee. Notwithstanding the provisions of WAC 220-55-180, effective immediately until further notice the transaction fee charged by the automated licensing system is applied to all recreational documents issued through the system.

WSR 03-18-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-216—Filed August 27, 2003, 2:30 p.m.]

Date of Adoption: August 27, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100B; and amending WAC 220-47-501.

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: Regulations for the 2003 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. Night time hours in Area 9A were designated inadvertently so by scheduling daylight hours this will increase the opportunity for catch.

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 Mak-

NEW SECTION

WAC 220-47-50100C Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
7:00 a.m. to 7:00 p.m. Daily	September 16 through October 15

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain wild coho salmon prior to October 1.

Reef Net Required DNA Tissue Sampling - It is unlawful to retain chum salmon taken with reef net gear prior to October 1 unless the reef net license holder provides the department with 24 hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (i) FAX transmission to (360) 902-2949;
- (ii) E-mail to psfishtickets@dfw.wa.gov; or
- (iii) Toll-free telephone call to 1-866-791-1279.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Launi-C and Stormbringer from 6:00 a.m. to 8:00 p.m. Wednesday August 27, 2003.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water.

(iii) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/8, 9/9, 9/10, 9/15, 9/16, 9/17
7:00 a.m. to 7:00 p.m.	September 21 through October 25

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m.	August 28 to 8:00 a.m. August 29
		7:00 p.m.	August 31 to 8:00 a.m. September 1
		7:00 p.m.	September 2 to 8:00 a.m. September 3
		7:00 p.m.	September 4 to 8:00 a.m. September 5.
7B	5" minimum	7:00 p.m.	September 7 to 8:00 a.m. September 8
		7:00 p.m.	September 9 to 8:00 a.m. September 10
		7:00 p.m.	September 11 to 8:00 a.m. September 12
7B	5" minimum	6:00 p.m.	September 14 to 8:00 a.m. September 15
		6:00 p.m.	September 16 to 8:00 a.m. September 17
		6:00 p.m.	September 18 to 8:00 a.m. September 19.
7B	5" minimum	7:00 p.m.	September 21 through 4:00 p.m. October 25

Area 8:

Purse Seines - Open to purse seines as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/28, 9/3

Gill Nets - Open to gill nets using 5-inch minimum mesh, 5 1/2-inch maximum mesh, and not exceeding 60 meshes in depth, as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/28, 9/3

Area 8A:

Excepting waters of Area 8A southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock:

Purse Seine - Open to purse seine as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	8/27, 8/28

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh and 5 1/2-inch maximum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m.	August 27 to 8:00 a.m. August 28

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/25, 10/2

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m.	September 23 to 8:00 a.m. September 24
6:00 p.m.	September 25 to 8:00 a.m. September 26
6:00 p.m.	September 28 to 8:00 a.m. September 29
6:00 p.m.	September 30 to 8:00 a.m. October 1
6:00 p.m.	October 2 to 8:00 a.m. October 3

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
12:01 a.m. to 11:59 p.m.	August 28
6:00 a.m.	August 31 through 4:00 p.m. October 25

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/27, 8/28, 8/29, 9/1, 9/2, 9/3, 9/4, 9/5, 9/8, 9/9, 9/10, 9/11, 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries: All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100B Puget Sound all-citizen commercial salmon fishery. (03-213)

**WSR 03-18-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-218—Filed August 27, 2003, 4:43 p.m.]

Date of Adoption: August 27, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000H and 220-33-01000I; and amending WAC 220-33-010.

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: Expands area of last date of late August fishery. Harvestable numbers of salmon are available. Catches are projected to be within the guidelines of the allocation agreement. Sets the late August fishery consistent with the allocation agreement. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on July 30, 2003, and August 27, 2003, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. 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 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: Immediately.

August 27, 2003
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000I Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

- 1) OPEN AREA: SMCRA 1D and 1E.
- a) SEASON: 8:00 p.m. Wednesday, August 27, 2003 to 6:00 a.m. Thursday, August 28, 2003
- b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh. Monofilament gear is allowed.
- c) SANCTUARIES: Washougal, Sandy.
- d) ALLOWABLE SALE: Salmon and sturgeon. Up to 7 sturgeon may be possessed or sold for each participating vessel per fishing week. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

- 2) OPEN AREA: Blind Slough/Knappa Slough Select Area Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100' radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

- a) SEASON: Immediately to 7:00 p.m. August 28, 2003 and Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

- b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 16 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

- c) ALLOWABLE SALE: Salmon and sturgeon.
- 3) OPEN AREA: Tongue Point/South Channel Select Area Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott

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Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily. Only the Tongue Point area is open through September 12 and Tongue Point and South Channel areas are open after September 12.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

4) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 2 through October 31, 2003. Open hours from September 2 through 26 are 7:00 p.m. to 7:00 a.m. daily and beginning September 29, the open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000H Columbia River seasons below Bonneville. (03-207)

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 31, 2003:

WAC 220-33-01000I Columbia River season below Bonneville.

WSR 03-18-048 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-219—Filed August 28, 2003, 2:48 p.m.]

Date of Adoption: August 28, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100C.

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: The state sea cucumber harvest target amounts for the 2003 summer fishery, set by the Sea Cucumber/Sea Urchin Advisory Board, have been taken. 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 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 28, 2003

Evan Jacoby
for Jeff Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100C Sea cucumber. (03-185)

WSR 03-18-064 EMERGENCY RULES STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:46 p.m.]

Date of Adoption: August 21, 2003.

Purpose: To amend WAC 180-78A-505 and 180-78A-535 to allow teacher candidates to provide a letter to their employing school district to be admitted to the professional certificate program prior to the completion of provisional status.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-505 and 180-78A-535.

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: To allow teacher candidates to be fully admitted to a professional certificate program prior to the completion of provisional status.

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.

August 26, 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 ((#)) a state board-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 evidence 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

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candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

AMENDATORY SECTION (Amending WSR 03-04-024, filed 1/27/03, effective 2/27/03)

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with ~~((an))~~ a state board of education-approved private school or state agency providing educational services for students or the candidate provides to the program a letter from the candidate's employing district, state board of education-approved 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: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the 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" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) **Principal/program administrator.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college

or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

WSR 03-18-065
EMERGENCY RULES
STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:47 p.m.]

Date of Adoption: August 21, 2003.

Purpose: To amend WAC 180-24-00701, 180-24-215, and 180-24-220 to align with statutory changes.

Citation of Existing Rules Affected by this Order: Amending WAC 180-24-00701, 180-24-215, and 180-24-220.

Statutory Authority for Adoption: Chapter 28A.315 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: To be in compliance with statute.

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 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 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 26, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-00701 Regional committee decision making criteria. (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

(a) (~~Annual school performance reports~~) Student educational opportunities (see RCW 28A.315.205 (4)(a) for full text);

(b) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205 (4)(c) for full text);

(d) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(f) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e)).

(2) Under RCW 28A.315.195(2) the boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

(3) Under RCW 28A.315.205 (4)(a), every element of the annual school performance report shall be considered and no one element shall be given undue weight in comparison to any other element.

(4) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-215 Superintendent of public instruction staff review of regional committee proposals—When. Pursuant to RCW 28A.315.205(5), when a decision of a regional committee ((to approve a proposed transfer of territory)) is appealed to the state board of education, staff of the office of superintendent of public instruction, prior to the appeal hearing, shall be responsible for:

(1) Collecting from the applicable educational service district superintendent the written record of the approved transfer proposal and providing a copy of the written record to the state board of education;

(2) Reviewing the written record and, at the superintendent's discretion, providing to the state board the staff's judgment as to whether the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-220 Action by state board of education—When. Pursuant to RCW 28A.315.205(5), the state board of education shall act on a proposed transfer of territory only when there is an appeal to the board of a decision of a regional committee ((to approve a proposed transfer of territory)).

WSR 03-18-066

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed August 28, 2003, 4:48 p.m.]

Date of Adoption: August 21, 2003.

Purpose: The purpose of the amendments to this rule is to establish a list of endorsement related assignments and to allow a school district to assign a teacher to an endorsement related area when no teacher with an endorsement in the assignment area is available.

Citation of Existing Rules Affected by this Order: Amending WAC 180-82-105.

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: School districts need these amendments to this rule to facilitate their assignment of classroom teachers into teaching positions.

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.

August 27, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-038, filed 8/26/02, effective 9/26/02)

WAC 180-82-105 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates ((who have completed provisional status with a school district under RCW 28A.405-220)) may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-82-202.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11)(a) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teacher's endorsement and courses or classes which the board of directors of the district, using the endorsement-related assignment table published by the state board of education as a nonbinding guideline, determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(b) The endorsement-related assignment table published by the state board of education may not be changed without prior state board of education approval. Endorsement-related assigned classroom teachers must be evaluated annually specific to the assignment and achieve a satisfactory rating to continue in the assignment.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

WSR 03-18-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-221—Filed August 29, 2003, 2:30 p.m.]

Date of Adoption: August 29, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; 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: These rules are part of the agreed to North of Falcon annual fish management plans. These interim personal use rules are necessary to cover the time period until those permanent rules become effective.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 29, 2003
Thu Lang Ngo
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

Bogachiel River (Clallam County): Mouth to Highway 101 Bridge:

1) Effective immediately until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective September 1 until further notice, salmon daily limit: 6 fish of which no more than 3 may be adult salmon, and no more than a total of 2 of the adults may be chinook and wild coho.

Calawah River (Clallam County): Mouth to Highway 101 Bridge:

1) Effective immediately until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective September 1 until further notice, salmon daily limit: 6 fish of which no more than 3 may be adult salmon, and no more than a total of 2 of the adults may be chinook and wild coho.

Carbon River (Pierce County): From mouth to Voight Creek:

1) Effective immediately until further notice, single point barbless hooks required.

2) Effective September 1 until further notice, salmon daily limit: 6 fish of which no more than 4 may be adult salmon and of these 4 adults, no more than 2 may be adult hatchery chinook. Release chum salmon. Lawful to retain pink salmon.

Dickey River (Clallam County): Mouth to East Fork Dickey River:

1) Effective immediately until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective September 1 until further notice, salmon daily limit: 6 fish of which no more than 3 may be adult salmon, and no more than a total of 2 of the adults may be chinook and wild coho.

Elwha River (Clallam County): Effective immediately until further notice, closed from mouth to marker at outfall of WDFW rearing channel.

Hoh River South Fork (Jefferson County): outside Olympic National Park: Effective immediately until further notice, selective gear rules are in effect.

Johns River, including North and South forks (Grays Harbor County): Effective immediately until further notice, closed upstream of Ballon Creek.

McAllister Creek (Thurston County): Effective immediately until further notice, salmon daily limit: 6 fish of which no more than 4 may be adult salmon.

Nooksack River (Whatcom County): from Lummi Indian Reservation boundary to Mount Baker High School bus barn at Deming:

1) Salmon: open immediately through August 31, 2003, in mainstem from Lummi Indian Reservation boundary to Guide Meridian Bridge, daily limit 2 pink salmon only. Selective gear rules, except fishing from boats equipped with motor allowed.

2) Effective September 1 until further notice, salmon daily limit: 2, release chinook and wild coho.

Puyallup River (Pierce County): Effective immediately until further notice, salmon daily limit: of 6 fish of which no more than 2 may be adult salmon. Lawful to retain pink salmon.

Quillayute River, outside Olympic National Park (Clallam County):

1) Effective immediately until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective September 1 until further notice, salmon daily limit: 6 fish of which no more than 3 may be adult salmon, and no more than a total of 2 of the adults may be chinook and wild coho.

Salmon River (Jefferson County): Effective September 1 until further notice, from mouth to Q1000 bridge, salmon daily limit of 6 fish, of which no more than 3 may be adult salmon, and of the adults, no more than 2 may be chinook.

Skagit River (Skagit/Whatcom counties): Effective immediately until further notice, from mouth to mouth of Gilligan Creek, salmon: open with a daily limit of 4 fish, of which only 3 may be coho salmon and only 2 may be chum salmon. Release chinook.

Skykomish River (Snohomish County): Effective September 1 until further notice, from mouth to forks, salmon

daily limit: of 4 fish, of which no more than a total of 2 may be coho and chum salmon. Release chinook. Lawful to retain pink salmon.

Snohomish River (Snohomish County): Effective immediately until further notice, salmon: open with a daily limit of 4 fish, of which no more than a total of 2 may be coho and chum salmon. Release chinook. Lawful to retain pink salmon.

Sol Duc River (Clallam County):

1) Effective immediately until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective September 1 until further notice, from mouth to concrete pump station at Sol Duc Hatchery, salmon daily limit: 6 fish of which no more than 3 may be adults, and no more than a total of 2 of the adults may be chinook and wild coho.

3) Effective immediately until further notice, from Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary, selective gear rules are in effect.

Stillaguamish River (Snohomish County): Effective September 1 until further notice, from mouth to forks, salmon: open with a daily limit of 4 fish, of which no more than a total of 2 may be coho and chum salmon. Release chinook.

Willapa River (Pacific County): Effective immediately until further notice, from mouth to Fork Creek, line and weight and lure or bait must be moving (not stationary).

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 6, 2003:

WAC 232-28-61900V Exceptions to statewide rules
- 2003 North of Falcon.

WSR 03-18-082 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-220—Filed August 29, 2003, 2:30 p.m., effective September 1, 2003, 12:01 a.m.]

Date of Adoption: August 29, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100L and 232-28-62100M; and amending WAC 232-28-621.

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: An abundance of Fraser River pink salmon are migrating through the Strait of Juan de Fuca and Puget Sound. Escapement goals are expected to be met on all Puget Sound rivers. This emergency personal use rule increases the daily limit in Areas 5, 6 and 9 so that anglers may catch excess pink salmon. 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: September 1, 2003, 12:01 a.m.

August 29, 2003

Thu Lang Ngo

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-62100M Puget Sound salmon seasons—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-621 and WAC 220-56-195, effective 12:01 a.m. September 1, 2003 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 5** - Open September 1 through September 15 - Daily limit 4 salmon, no more than 2 coho and release chum, chinook, and wild coho.

(2) **Area 6** - Open September 1 through September 15 - Daily limit 4 salmon, no more than 2 coho and release chum, chinook, and wild coho.

(3) **Area 7** - Open immediately through September 30 - Daily limit 4 salmon, no more than 2 coho and chinook in total, no more than 1 chinook, except release chum and wild coho.

(4) **Area 8-1** - Open immediately through September 30 - Daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(5) Area 8-2:

(a) Effective immediately through September 29 - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week - Daily limit 2 salmon.

(b) Effective September 30 - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open and regulated concurrent with all other waters of Area 8-2

(c) All other waters of Area 8-2, open immediately through September 30 - Daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(6) Area 9 - Open immediately until further notice with the following limits and species restrictions:

(a) Effective September 1 through September 15 - Daily limit 4 salmon, no more than 2 coho and release chum and chinook.

(b) Salmon fishing open year-round from Edmonds fishing pier - Daily limit 2 salmon, not more than one of which may be a chinook, and release chum.

(c) Fishing from the Hood Canal Bridge fishing pontoon is closed.

(7) Area 10 - Effective immediately until further notice:

(a) Open until further notice with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook, and through September 15 release chum.

(i) Lawful to retain chinook through September 15 in waters of Sinclair Inlet and Port Orchard 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.

(ii) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(b) Salmon fishing open year-round from Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum through September 15.

(8) Area 11:

(a) Open immediately until further notice - Daily limit 2 salmon.

(b) Salmon fishing open year-round from Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12:

(a) Waters north of Ayock Point:

(i) Open immediately until further notice - Daily limit 4, coho only.

(b) Waters south of Ayock Point:

(i) Open immediately until further notice - Daily limit 4, no more than 2 of which may be chinook, and release chum.

(c) Waters of the Hoodsport Hatchery Zone regulated under provisions in WAC 220-56-124.

(10) Area 13: Open until further notice with the following area rules, limits and species restrictions:

(a) Daily limit 2, release wild coho.

(i) Waters at mouth of Minter Creek within 1,000 ft. of outer oyster stakes closed to salmon fishing through September 30 (as provided in WAC 220-56-195 (2)(b)).

(ii) Budd Inlet - Night closure and non-buoyant lure restriction in effect in waters south of a line projected true west from the KGY radio tower and north of a line from the northwest corner of the Thriftway Market building to a point 100 yards north of the railroad bridge located on the western side of the inlet (as provided in WAC 220-56-126).

(ii) Budd Inlet - Closed to fishing for food fish south of the Fourth Avenue Bridge (as provided in WAC 220-56-128 (2)).

(b) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and release wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2003:

WAC 232-28-62100L Puget Sound salmon seasons - 2003 North of Falcon. (03-169)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 15, 2003:

WAC 232-28-62100M Puget Sound salmon seasons - 2003 North of Falcon

**WSR 03-18-095
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-222—Filed September 2, 2003, 3:45 p.m.]

Date of Adoption: September 2, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100C; and amending WAC 220-47-501.

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: Regulations for the 2003 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation

provides for the third and final week of the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon.

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.

September 2, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-47-50100D Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
7:00 a.m. to 7:00 p.m.	September 16 through October
Daily	15

EMERGENCY

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain wild coho salmon prior to October 1.

Reef Net Required DNA Tissue Sampling - It is unlawful to retain chum salmon taken with reef net gear prior to October 1 unless the reef net license holder provides the department with 24 hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

- (i) FAX transmission to (360) 902-2949;
- (ii) E-mail to psfishtickets@dfw.wa.gov; or
- (iii) Toll-free telephone call to 1-866-791-1279.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Norman B and Launi-C from 6:00 a.m. to 8:00 p.m. Wednesday September 3, 2003.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water.

(iii) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/8, 9/9, 9/10, 9/15, 9/16, 9/17
7:00 a.m. to 7:00 p.m.	September 21 through October 25

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m.	September 2 to 8:00 a.m. September 3
		7:00 p.m.	September 4 to 8:00 a.m. September 5.
7B	5" minimum	7:00 p.m.	September 7 to 8:00 a.m. September 8
		7:00 p.m.	September 9 to 8:00 a.m. September 10
		7:00 p.m.	September 11 to 8:00 a.m. September 12
7B	5" minimum	6:00 p.m.	September 14 to 8:00 a.m. September 15
		6:00 p.m.	September 16 to 8:00 a.m. September 17
		6:00 p.m.	September 18 to 8:00 a.m. September 19.
7B	5" minimum	7:00 p.m.	September 21 through 4:00 p.m. October 25

Area 8:

Purse Seines - Open to purse seines as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/3

Gill Nets - Open to gill nets using 5-inch minimum mesh, 5 1/2-inch maximum mesh, and not exceeding 60 meshes in depth, as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. to 8:00 p.m.	9/3

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/25, 10/2

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m.	September 21 to 8:00 a.m. September 22
6:00 p.m.	September 23 to 8:00 a.m. September 24
6:00 p.m.	September 25 to 8:00 a.m. September 26
6:00 p.m.	September 28 to 8:00 a.m. September 29
6:00 p.m.	September 30 to 8:00 a.m. October 1
6:00 p.m.	October 2 to 8:00 a.m. October 3

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
Continuously through 4:00 p.m.	October 25

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 9/2, 9/3, 9/4, 9/5, 9/8, 9/9, 9/10, 9/11, 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries: All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100C Puget Sound all-citizen commercial salmon fishery. (03-216)

EMERGENCY

WSR 03-18-014
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—August 21, 2003]

Pursuant to RCW 42.30.075, following is Bates Technical College board of trustees' regularly scheduled meetings for the year 2003-2004.

The board of trustees of Bates Technical College regularly meets on the third Wednesday of each month except August and with the exception of our September meeting. All meetings begin at 3 p.m.

Date (2003-04)	Location
September 29, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
October 15, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
November 19, 2003	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
December 17, 2003	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
January 21, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
February 18, 2004	Bates Technical College 2320 South 19th Street Tacoma, WA 98405-2946 (Mohler Campus)
March 17, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
April 21, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)
May 19, 2004	Bates Technical College 2201 South 78th Tacoma, WA 98409 (South Campus)
June 16, 2004	Bates Technical College 1101 South Yakima Avenue Tacoma, WA 98405-4895 (Clyde Hupp Board Room)

Date (2003-04)	Location
July 21, 2004	Bates Technical College 2320 South 19th Street Tacoma, WA 98405-2946 (Mohler Campus)

WSR 03-18-015
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE

[Memorandum—August 20, 2003]

The following dates and times need to be reflected for the Tacoma Community College board of trustees meetings.

Change to: Thursday, September 4, 4:00 (previously scheduled for September 18 at 4:00)

Change to: Thursday, October 2, 4:00 (previously scheduled for October 16 at 4:00 p.m.)

Change to: Thursday, November 13, 3:00 (previously scheduled for November 20 at 4:00 p.m.)

Change to: Thursday, December 4, 4:00 (previously scheduled for December 18 at 4:00 p.m.)

The meetings listed above will be held in the Learning Resources Center, Building 7, Baker Room at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466.

If you need any other information, Cathie Bitz can be reached at (253) 566-5101.

WSR 03-18-017
DEPARTMENT OF AGRICULTURE

[Filed August 22, 2003, 1:36 p.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE

The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicide Rodeo® (glyphosate), surfactant (R-11, X-77 or LI-700) and marker dyes may be used between June 1, 2003, and October 31, 2003. Properly licensed pesticide applicators who have obtained coverage under a WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply Rodeo® to control the noxious weed *Spartina* on the saltwater tide-flats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of the herbicide Rodeo® is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging or covering.

For more information, including locations of possible application sites, contact the WSDA *Spartina* Control Program at (360) 902-1923 or (360) 902-1853, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-

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2560. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

WSR 03-18-020
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Interagency Committee for Outdoor Recreation)
 [Memorandum—August 22, 2003]

SEPTEMBER IAC MEETING CHANGE

After reviewing various options to maintain a quorum for the September IAC meeting, Chair Ruth Mahan and Director Johnson agreed on the need to change the meeting format and time.

The IAC meeting will not be in Spokane on September 11 and 12, 2003.

The meeting will be on Thursday, September 11, by telephone conference call. The conference call will be from 9 a.m. to not later than 10:30 a.m.

Because three items require IAC action before October 1, we chose not to cancel the meeting. The IAC board will be asked to review and act on recommendations for the WWRP's 2nd-year list for local parks projects. Likewise, two federal programs - the national recreational trails grants, and the boating infrastructure grants (BIG) need action before the start of the federal fiscal year. If time permits, a few other items such as the regular consent calendar are included.

For public participation, we are setting up a variety of options. There will be a speakerphone in Conference Room 259 of the Natural Resources Building in Olympia, open for all to listen. Staff will be on site, and persons can fill out a regular testimony card so we can let the chair know if someone wants to testify from this location. In addition, there will be opportunities for several other listen-in points of access around the state. And, if desired, people can let us know if they want to testify from another phone location, and we can make the arrangements. All the meeting materials and call instructions are being posted on the agency website at <http://www.iac.wa.gov/iac/board/agendas.html>.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by September 2, 2003, at (360) 902-2637 or TDD (360) 902-1996.

WSR 03-18-044
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—August 27, 2003]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
 2405 East College Way
 Mount Vernon, WA 98273
 Tuesday, August 26, 2003
 9:00 a.m.
 La Conner Seafood & Prime Rib
 614 First Street
 La Conner, WA 98257

Chairperson, Jess del Bosque, has called a special meeting of the board of trustees for **Tuesday, August 26, 2003, 9:00 a.m.**, at La Conner Seafood & Prime Rib Restaurant, 614 First Street, La Conner, WA. This meeting is being held as a work session for the board of trustees. Topics of discussion will include: Strategic planning, board ends policies, an update on results of the college's 2002-03 goals and objectives and discussion on initiatives and monitoring reports for 2003-04.

WSR 03-18-068
NOTICE OF PUBLIC MEETINGS
PRACTICE OF LAW BOARD
 [Memorandum—August 26, 2003]

The Practice of Law Board meets the second Friday of each month commencing at 9:00 a.m. at the offices of the Washington State Bar Association, 2101 Fourth Avenue, Suite 400, Seattle, WA 98121-2330. The meeting dates for 2004 are:

- January 9
- February 13
- March 12
- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10

All dates and meeting times and places are subject to change. For further information contact the Practice of Law Board at (206) 727-8252.

MISC.

WSR 03-18-087**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 2, 2003, 9:13 a.m.]

In accordance with RCW 34.05.230(12), enclosed is a list of Policy and Interpretive Statements issued by the department for August 2003.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS**Insurance Services Division****Provider Bulletin 03-09 Coverage Decisions, January 2003 - June 2003**

Provider Bulletin 03-09 describes three medical coverage decisions from the Office of the Medical Director.

1. Noncoverage of the ERMI Flexionater and Extensionater Devices

The Flexionater and Extensionater are devices used to address joint stiffness after injury or surgery. They intend to increase range of motion by using patient-controlled load to the joint of concern.

The Flexionater and Extensionater are not covered devices due to an absence of published literature addressing efficacy and safety.

2. Noncoverage of Extracorporeal Shockwave Therapy for Musculoskeletal Conditions

Extracorporeal Shockwave Therapy (ESWT) uses electrohydraulic or electromagnetic technology to generate acoustical shockwaves. ESWT devices are intended to direct the shockwaves at tissues to initiate:

- Structural changes on tissue,
- Stimulation of bone growth,
- Stimulation of the regenerative process in tissue, or
- Structural changes in calcium deposits followed by reabsorption of the calcium by the body.

ESWT is not a covered therapy for any indications including:

- 1) plantar fasciitis
- 2) lateral epicondylitis
- 3) shoulder tendonitis
- 4) delayed union of fractures or fracture nonunions

The Food and Drug Administration (FDA) has not approved ESWT for the treatment of shoulder tendinopathies or fractures. Furthermore, the published literature on ESWT does not substantially show the therapy's effectiveness for treating musculoskeletal conditions.

3. Noncoverage of the Otto Bock Vacuum Assisted Socket System

The Otto Bock Vacuum Assisted Socket System (VASS) includes a total surface bearing socket, Urethane interface/liner, sealing sleeves, and a vacuum pump/shock absorber. The technology is intended to:

- Maintain a balanced volume in an amputee's residual limb,
- Minimize limb movement in the socket,
- Facilitate perspiration evaporation within the socket,
- Reduce friction between the limb, liner, and socket.

VASS is not a covered device. The published literature on VASS does not substantially show the device's effectiveness for maintaining limb volume. This policy was issued August 1, 2003.

Contact Grace Wang, Mailstop 4321, phone (360) 902-5227.

Specialty Compliance Services Division**Minors and Bloodborne Pathogens in Nonmedical Settings ES.C.4.2**

To provide clarification regarding the child labor provision in WAC 296-125-030 which prohibits a minor from working in jobs where there is potential for exposure for bloodborne pathogens as defined in chapter 296-823 WAC. This policy is being amended to reflect the changes in the number for the WISHA Bloodborne standard from WAC 296-62-08001 and chapter 296-823 WAC. This policy was amended August 8, 2003.

Contact Carlena Anderson or Mary Miller, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-5315/(360) 902-6041.

School Week and Work Week for Minors ES.C.4.1

To clarify when the hours of work for minors apply for school and nonschool weeks, regardless of industry sector, and to clarify the exemptions to the hours of work rules. This policy was issued August 12, 2003.

Contact Carlena Anderson or Mary Miller, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-5315/(360) 902-6041.

Carmen Moore
Legislative and
Governmental Affairs Office

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	16-157-250	AMD	03-03-044	16-228-1238	NEW-P	03-17-095
3- 20-100	REP	03-09-144	16-157-255	AMD	03-03-044	16-228-1250	AMD-P	03-17-095
3- 20-200	NEW-P	03-05-101	16-157-260	AMD	03-03-044	16-228-1260	AMD-P	03-17-095
3- 20-200	NEW	03-09-144	16-157-270	AMD	03-03-044	16-228-1262	NEW-P	03-02-098
3- 20-300	NEW-P	03-05-101	16-157-280	REP	03-03-044	16-228-1262	NEW	03-05-033
3- 20-300	NEW	03-09-144	16-157-290	AMD	03-03-044	16-228-1264	NEW-P	03-02-098
4- 25	PREP	03-12-052	16-160-010	AMD	03-03-045	16-228-1264	NEW	03-05-033
4- 25-410	AMD-P	03-17-061	16-160-020	AMD	03-03-045	16-228-1266	NEW-P	03-02-098
4- 25-530	AMD-P	03-18-083	16-160-025	REP	03-03-045	16-228-1266	NEW	03-05-033
4- 25-622	PREP	03-12-083	16-160-035	AMD	03-03-045	16-228-1270	AMD-P	03-17-095
4- 25-622	AMD-P	03-17-060	16-160-060	AMD	03-03-045	16-228-1300	AMD-P	03-17-095
4- 25-640	AMD-P	03-17-061	16-160-070	AMD	03-03-045	16-228-1320	AMD-P	03-17-095
4- 25-670	NEW-P	03-17-061	16-200-715	PREP	03-13-114	16-228-1322	AMD-P	03-17-095
4- 25-720	AMD-P	03-09-051	16-200-7401	NEW	03-02-100	16-228-1330	AMD-P	03-17-095
4- 25-720	AMD-S	03-10-036	16-200-7402	NEW	03-02-100	16-228-1370	AMD-P	03-17-095
4- 25-720	AMD	03-17-041	16-200-7403	NEW	03-02-100	16-228-1380	AMD-P	03-17-095
4- 25-721	PREP	03-05-012	16-200-7404	NEW	03-02-100	16-228-1400	AMD-P	03-17-095
4- 25-721	AMD-P	03-09-052	16-200-7405	NEW	03-02-100	16-228-1410	AMD-P	03-17-095
4- 25-721	AMD	03-17-042	16-200-7406	NEW	03-02-100	16-228-1420	AMD-P	03-17-095
4- 25-750	AMD-P	03-17-061	16-200-7407	NEW	03-02-100	16-228-1430	AMD-P	03-17-095
4- 25-830	PREP	03-17-040	16-201	PREP	03-16-102	16-228-1440	AMD-P	03-17-095
4- 25-910	AMD-P	03-17-061	16-219-016	REP-X	03-09-088	16-228-1450	AMD-P	03-17-095
16- 08-003	NEW-E	03-17-080	16-219-016	REP	03-14-044	16-228-1455	AMD-P	03-17-095
16- 08-004	NEW-E	03-17-080	16-228-1010	AMD-P	03-17-095	16-228-1460	AMD-P	03-17-095
16- 54-155	NEW-E	03-03-085	16-228-1020	AMD-P	03-17-095	16-228-1500	AMD-P	03-17-095
16- 54-155	PREP	03-12-020	16-228-1030	AMD-P	03-17-095	16-228-1520	AMD-P	03-17-095
16- 54-155	NEW-E	03-12-021	16-228-1040	AMD-P	03-17-095	16-228-1530	AMD-P	03-17-095
16- 54-155	NEW-P	03-15-139	16-228-1100	AMD-P	03-17-095	16-228-1540	AMD-P	03-17-095
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16-238-010	REP	03-12-040	16-239-0801	NEW	03-12-040	16-301-010	PREP	03-12-085
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16-238-070	REP	03-12-040	16-239-0805	NEW	03-12-040	16-302-045	AMD	03-18-072
16-238-082	REP-P	03-07-082	16-239-0806	NEW-P	03-07-082	16-302-110	PREP	03-12-085
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16-238-110	REP	03-12-040	16-239-0809	NEW	03-12-040	16-302-155	AMD-P	03-15-145
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51-11-1414	AMD-P	03-18-073	51-40-1192	REP-P	03-18-075	51-42-1119	REP-P	03-18-078
51-11-1415	AMD-P	03-18-073	51-40-1193	REP-P	03-18-075	51-42-1120	REP-P	03-18-078
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51-11-1433	AMD-P	03-18-073	51-40-1202	REP-P	03-18-075	51-42-1124	REP-P	03-18-078
51-11-1436	AMD-P	03-18-073	51-40-1203	REP-P	03-18-075	51-42-1126	REP-P	03-18-078
51-11-1437	AMD-P	03-18-073	51-40-1616	REP-P	03-18-075	51-42-1301	REP-P	03-18-078
51-11-1440	AMD-P	03-18-073	51-40-1702	REP-P	03-18-075	51-42-1311	REP-P	03-18-078
51-11-1454	AMD-P	03-18-073	51-40-1909	REP-P	03-18-075	51-42-1312	REP-P	03-18-078
51-11-1513	AMD-P	03-18-073	51-40-2406	REP-P	03-18-075	51-42-1401	REP-P	03-18-078
51-11-1521	AMD-P	03-18-073	51-40-2900	REP-P	03-18-075	51-44-001	REP-P	03-18-079
51-11-1532	AMD-P	03-18-073	51-40-2929	REP-P	03-18-075	51-44-002	REP-P	03-18-079
51-11-99902	AMD-P	03-18-073	51-40-3004	REP-P	03-18-075	51-44-003	REP-P	03-18-079
51-13-503	AMD-P	03-18-076	51-40-3102	REP-P	03-18-075	51-44-007	REP-P	03-18-079
51-40-001	REP-P	03-18-075	51-40-31200	REP-P	03-18-075	51-44-008	REP-P	03-18-079
51-40-002	REP-P	03-18-075	51-40-3404	REP-P	03-18-075	51-44-0103	REP-P	03-18-079
51-40-003	REP-P	03-18-075	51-40-93115	REP-P	03-18-075	51-44-0105	REP-P	03-18-079
51-40-004	REP-P	03-18-075	51-40-93116	REP-P	03-18-075	51-44-0200	REP-P	03-18-079
51-40-005	REP-P	03-18-075	51-40-93117	REP-P	03-18-075	51-44-0900	REP-P	03-18-079
51-40-007	REP-P	03-18-075	51-40-93118	REP-P	03-18-075	51-44-1003	REP-P	03-18-079
51-40-008	REP-P	03-18-075	51-40-93119	REP-P	03-18-075	51-44-1007	REP-P	03-18-079
51-40-009	REP-P	03-18-075	51-40-93120	REP-P	03-18-075	51-44-10210	REP-P	03-18-079
51-40-0200	REP-P	03-18-075	51-42-001	REP-P	03-18-078	51-44-1102	REP-P	03-18-079
51-40-0302	REP-P	03-18-075	51-42-002	REP-P	03-18-078	51-44-1109	REP-P	03-18-079
51-40-0303	REP-P	03-18-075	51-42-003	REP-P	03-18-078	51-44-2500	REP-P	03-18-079
51-40-0304	REP-P	03-18-075	51-42-004	REP-P	03-18-078	51-44-5200	REP-P	03-18-079
51-40-0305	REP-P	03-18-075	51-42-005	REP-P	03-18-078	51-44-6100	REP-P	03-18-079
51-40-0307	REP-P	03-18-075	51-42-007	REP-P	03-18-078	51-44-6300	REP-P	03-18-079
51-40-0308	REP-P	03-18-075	51-42-008	REP-P	03-18-078	51-44-7404	REP-P	03-18-079
51-40-0310	REP-P	03-18-075	51-42-0200	REP-P	03-18-078	51-44-7802	REP-P	03-18-079
51-40-0311	REP-P	03-18-075	51-42-0223	REP-P	03-18-078	51-44-7900	REP-P	03-18-079
51-40-0313	REP-P	03-18-075	51-42-0303	REP-P	03-18-078	51-44-8000	REP-P	03-18-079
51-40-0403	REP-P	03-18-075	51-42-0405	REP-P	03-18-078	51-45-001	REP-P	03-18-079
51-40-0405	REP-P	03-18-075	51-42-0504	REP-P	03-18-078	51-45-002	REP-P	03-18-079
51-40-0510	REP-P	03-18-075	51-42-0600	REP-P	03-18-078	51-45-003	REP-P	03-18-079
51-40-0804	REP-P	03-18-075	51-42-0601	REP-P	03-18-078	51-45-007	REP-P	03-18-079
51-40-0902	REP-P	03-18-075	51-42-0605	REP-P	03-18-078	51-45-008	REP-P	03-18-079
51-40-0904	REP-P	03-18-075	51-42-0901	REP-P	03-18-078	51-45-80400	REP-P	03-18-079
51-40-0905	REP-P	03-18-075	51-42-1000	REP-P	03-18-078	51-50-001	NEW-P	03-18-075
51-40-1000	REP-P	03-18-075	51-42-1002	REP-P	03-18-078	51-50-002	NEW-P	03-18-075
51-40-1002	REP-P	03-18-075	51-42-1004	REP-P	03-18-078	51-50-003	NEW-P	03-18-075
51-40-1003	REP-P	03-18-075	51-42-1005	REP-P	03-18-078	51-50-004	NEW-P	03-18-075
51-40-1004	REP-P	03-18-075	51-42-1100	REP-P	03-18-078	51-50-005	NEW-P	03-18-075
51-40-1007	REP-P	03-18-075	51-42-1101	REP-P	03-18-078	51-50-007	NEW-P	03-18-075
51-40-1091	REP-P	03-18-075	51-42-1102	REP-P	03-18-078	51-50-008	NEW-P	03-18-075
51-40-1100	REP-P	03-18-075	51-42-1103	REP-P	03-18-078	51-50-009	NEW-P	03-18-075
51-40-1101	REP-P	03-18-075	51-42-1104	REP-P	03-18-078	51-50-0200	NEW-P	03-18-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 50-0302	NEW-P	03-18-075	51- 52-007	NEW-P	03-18-078	118- 65-050	REP	03-10-014
51- 50-0305	NEW-P	03-18-075	51- 52-008	NEW-P	03-18-078	118- 65-060	REP-P	03-04-108
51- 50-0308	NEW-P	03-18-075	51- 52-0101	NEW-P	03-18-078	118- 65-060	REP	03-10-014
51- 50-0310	NEW-P	03-18-075	51- 52-0202	NEW-P	03-18-078	118- 65-070	REP-P	03-04-108
51- 50-0313	NEW-P	03-18-075	51- 52-0504	NEW-P	03-18-078	118- 65-070	REP	03-10-014
51- 50-0419	NEW-P	03-18-075	51- 52-0601	NEW-P	03-18-078	118- 65-081	REP-P	03-04-108
51- 50-0707	NEW-P	03-18-075	51- 52-1000	NEW-P	03-18-078	118- 65-081	REP	03-10-014
51- 50-0902	NEW-P	03-18-075	51- 52-21000	NEW-P	03-18-078	118- 65-090	REP-P	03-04-108
51- 50-0903	NEW-P	03-18-075	51- 52-21404	NEW-P	03-18-078	118- 65-090	REP	03-10-014
51- 50-0909	NEW-P	03-18-075	51- 52-22000	NEW-P	03-18-078	118- 66-010	NEW-P	03-04-108
51- 50-1008	NEW-P	03-18-075	51- 52-22006	NEW-P	03-18-078	118- 66-010	NEW	03-10-014
51- 50-1009	NEW-P	03-18-075	51- 54-001	NEW-P	03-18-079	118- 66-020	NEW-P	03-04-108
51- 50-1010	NEW-P	03-18-075	51- 54-002	NEW-P	03-18-079	118- 66-020	NEW	03-10-014
51- 50-1024	NEW-P	03-18-075	51- 54-003	NEW-P	03-18-079	118- 66-030	NEW-P	03-04-108
51- 50-1101	NEW-P	03-18-075	51- 54-007	NEW-P	03-18-079	118- 66-030	NEW	03-10-014
51- 50-1103	NEW-P	03-18-075	51- 54-008	NEW-P	03-18-079	118- 66-040	NEW-P	03-04-108
51- 50-1104	NEW-P	03-18-075	51- 54-0100	NEW-P	03-18-079	118- 66-040	NEW	03-10-014
51- 50-1105	NEW-P	03-18-075	51- 54-0200	NEW-P	03-18-079	118- 66-042	NEW-P	03-04-108
51- 50-1106	NEW-P	03-18-075	51- 54-0300	NEW-P	03-18-079	118- 66-042	NEW	03-10-014
51- 50-1107	NEW-P	03-18-075	51- 54-0500	NEW-P	03-18-079	118- 66-045	NEW-P	03-04-108
51- 50-1109	NEW-P	03-18-075	51- 54-0900	NEW-P	03-18-079	118- 66-045	NEW	03-10-014
51- 50-1203	NEW-P	03-18-075	51- 54-1000	NEW-P	03-18-079	118- 66-050	NEW-P	03-04-108
51- 50-1204	NEW-P	03-18-075	51- 54-3000	NEW-P	03-18-079	118- 66-050	NEW	03-10-014
51- 50-1208	NEW-P	03-18-075	51- 54-3300	NEW-P	03-18-079	118- 66-080	NEW-P	03-04-108
51- 50-1702	NEW-P	03-18-075	51- 54-3400	NEW-P	03-18-079	118- 66-080	NEW	03-10-014
51- 50-1709	NEW-P	03-18-075	51- 56-003	AMD-P	03-18-080	118- 66-081	NEW-P	03-04-108
51- 50-2114	NEW-P	03-18-075	51- 56-007	AMD-P	03-18-080	118- 66-081	NEW	03-10-014
51- 50-2900	NEW-P	03-18-075	51- 56-008	AMD-P	03-18-080	118- 66-085	NEW-P	03-04-108
51- 50-3001	NEW-P	03-18-075	51- 56-0100	AMD-P	03-18-080	118- 66-085	NEW	03-10-014
51- 50-3002	NEW-P	03-18-075	51- 56-0200	AMD-P	03-18-080	118- 66-090	NEW-P	03-04-108
51- 50-3003	NEW-P	03-18-075	51- 56-0300	AMD-P	03-18-080	118- 66-090	NEW	03-10-014
51- 50-3004	NEW-P	03-18-075	51- 56-0400	AMD-P	03-18-080	131	PREP	03-09-043
51- 50-3005	NEW-P	03-18-075	51- 56-0500	AMD-P	03-18-080	131	PREP	03-14-123
51- 50-3006	NEW-P	03-18-075	51- 56-0600	AMD-P	03-18-080	131	PREP	03-14-124
51- 50-31200	NEW-P	03-18-075	51- 56-1100	NEW-P	03-18-080	131- 12-080	NEW-P	03-18-002
51- 50-3408	NEW-P	03-18-075	51- 56-1300	AMD-P	03-18-080	131- 28-026	AMD-E	03-15-020
51- 50-3409	NEW-P	03-18-075	51- 56-1400	AMD-P	03-18-080	131- 28-026	AMD-P	03-15-021
51- 51-001	NEW-P	03-18-077	51- 56-201300	REP-P	03-18-080	132A	PREP	03-04-091
51- 51-002	NEW-P	03-18-077	51- 57-003	AMD-P	03-18-080	132A-116-011	AMD-P	03-08-056
51- 51-003	NEW-P	03-18-077	51- 57-008	AMD-P	03-18-080	132A-116-011	AMD	03-13-133
51- 51-007	NEW-P	03-18-077	51- 57-202000	NEW-P	03-18-080	132A-150-010	AMD-P	03-08-056
51- 51-008	NEW-P	03-18-077	82- 04-010	NEW-X	03-16-039	132A-150-010	AMD	03-13-133
51- 51-0101	NEW-P	03-18-077	82- 04-020	NEW-X	03-16-039	132A-320-010	AMD-P	03-08-056
51- 51-0102	NEW-P	03-18-077	82- 04-030	NEW-X	03-16-039	132A-320-010	AMD	03-13-133
51- 51-0202	NEW-P	03-18-077	82- 04-040	NEW-X	03-16-039	132B-120	PREP	03-15-140
51- 51-0303	NEW-P	03-18-077	82- 04-050	NEW-X	03-16-039	132F- 01	AMD-C	03-10-078
51- 51-0311	NEW-P	03-18-077	82- 04-060	NEW-X	03-16-039	132F- 01-010	AMD-P	03-06-067
51- 51-0313	NEW-P	03-18-077	82- 04-070	NEW-X	03-16-039	132F- 01-010	AMD	03-16-015
51- 51-0324	NEW-P	03-18-077	82- 50-021	AMD-X	03-07-083	132F- 01-020	REP-P	03-06-067
51- 51-0325	NEW-P	03-18-077	82- 50-021	AMD	03-11-073	132F- 01-020	REP	03-16-015
51- 51-1004	NEW-P	03-18-077	98- 70-010	PREP	03-04-077	132F-104	AMD-C	03-10-078
51- 51-2000	NEW-P	03-18-077	98- 70-010	AMD-P	03-08-009	132F-104-010	AMD-P	03-06-067
51- 51-2401	NEW-P	03-18-077	98- 70-010	AMD	03-11-020	132F-104-010	AMD	03-16-015
51- 51-2415	NEW-P	03-18-077	118- 65-010	REP-P	03-04-108	132F-104-020	AMD-P	03-06-067
51- 51-2439	NEW-P	03-18-077	118- 65-010	REP	03-10-014	132F-104-020	AMD	03-16-015
51- 51-2802	NEW-P	03-18-077	118- 65-020	REP-P	03-04-108	132F-104-030	REP-P	03-06-067
51- 51-4300	NEW-P	03-18-077	118- 65-020	REP	03-10-014	132F-104-030	REP	03-16-015
51- 52-001	NEW-P	03-18-078	118- 65-030	REP-P	03-04-108	132F-104-801	REP-P	03-06-067
51- 52-002	NEW-P	03-18-078	118- 65-030	REP	03-10-014	132F-104-801	REP	03-16-015
51- 52-003	NEW-P	03-18-078	118- 65-040	REP-P	03-04-108	132F-104-810	AMD-P	03-06-067
51- 52-004	NEW-P	03-18-078	118- 65-040	REP	03-10-014	132F-104-810	AMD	03-16-015
51- 52-005	NEW-P	03-18-078	118- 65-050	REP-P	03-04-108	132F-104-811	REP-P	03-06-067

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132F-104-811	REP	03-16-015	132F-120-100	REP	03-16-015	132F-121-200	NEW	03-16-015
132F-104-812	REP-P	03-06-067	132F-120-110	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067
132F-104-812	REP	03-16-015	132F-120-110	REP	03-16-015	132F-121-210	NEW	03-16-015
132F-104-813	REP-P	03-06-067	132F-120-120	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067
132F-104-813	REP	03-16-015	132F-120-120	REP	03-16-015	132F-121-220	NEW	03-16-015
132F-104-814	REP-P	03-06-067	132F-120-130	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067
132F-104-814	REP	03-16-015	132F-120-130	REP	03-16-015	132F-121-230	NEW	03-16-015
132F-104-815	REP-P	03-06-067	132F-120-140	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067
132F-104-815	REP	03-16-015	132F-120-140	REP	03-16-015	132F-121-240	NEW	03-16-015
132F-104-816	REP-P	03-06-067	132F-120-150	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067
132F-104-816	REP	03-16-015	132F-120-150	REP	03-16-015	132F-121-250	NEW	03-16-015
132F-104-817	REP-P	03-06-067	132F-120-160	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067
132F-104-817	REP	03-16-015	132F-120-160	REP	03-16-015	132F-121-260	NEW	03-16-015
132F-104-818	REP-P	03-06-067	132F-120-170	REP-P	03-06-067	132H-116	PREP	03-04-074
132F-104-818	REP	03-16-015	132F-120-170	REP	03-16-015	132H-120	PREP	03-04-075
132F-104-819	REP-P	03-06-067	132F-120-180	REP-P	03-06-067	132H-120-020	AMD-P	03-08-021
132F-104-819	REP	03-16-015	132F-120-180	REP	03-16-015	132H-120-020	AMD	03-14-015
132F-108	AMD-P	03-06-067	132F-120-190	REP-P	03-06-067	132H-120-030	AMD-P	03-08-021
132F-108	AMD-C	03-10-078	132F-120-190	REP	03-16-015	132H-120-030	AMD	03-14-015
132F-108	AMD	03-16-015	132F-120-200	REP-P	03-06-067	132H-120-040	AMD-P	03-08-021
132F-108-020	AMD-P	03-06-067	132F-120-200	REP	03-16-015	132H-120-040	AMD	03-14-015
132F-108-020	AMD	03-16-015	132F-120-210	REP-P	03-06-067	132H-120-050	AMD-P	03-08-021
132F-108-050	AMD-P	03-06-067	132F-120-210	REP	03-16-015	132H-120-050	AMD	03-14-015
132F-108-050	AMD	03-16-015	132F-121-010	NEW-P	03-06-067	132H-120-200	AMD-P	03-08-021
132F-108-070	AMD-P	03-06-067	132F-121-010	NEW	03-16-015	132H-120-200	AMD	03-14-015
132F-108-070	AMD	03-16-015	132F-121-020	NEW-P	03-06-067	132H-120-220	AMD-P	03-08-021
132F-108-080	AMD-P	03-06-067	132F-121-020	NEW	03-16-015	132H-120-220	AMD	03-14-015
132F-108-080	AMD	03-16-015	132F-121-030	NEW-P	03-06-067	132H-120-300	AMD-P	03-08-021
132F-108-100	AMD-P	03-06-067	132F-121-030	NEW	03-16-015	132H-120-300	AMD	03-14-015
132F-108-100	AMD	03-16-015	132F-121-040	NEW-P	03-06-067	132H-120-310	AMD-P	03-08-021
132F-108-120	AMD-P	03-06-067	132F-121-040	NEW	03-16-015	132H-120-310	AMD	03-14-015
132F-108-120	AMD	03-16-015	132F-121-050	NEW-P	03-06-067	132H-132-010	REP-P	03-08-019
132F-108-130	AMD-P	03-06-067	132F-121-050	NEW	03-16-015	132H-132-010	REP	03-14-014
132F-108-130	AMD	03-16-015	132F-121-060	NEW-P	03-06-067	132H-132-020	REP-P	03-08-019
132F-108-140	AMD-P	03-06-067	132F-121-060	NEW	03-16-015	132H-132-020	REP	03-14-014
132F-108-140	AMD	03-16-015	132F-121-070	NEW-P	03-06-067	132H-152-135	PREP	03-04-073
132F-120	AMD-C	03-10-078	132F-121-070	NEW	03-16-015	132H-152-135	REP-P	03-08-020
132F-120-020	REP-P	03-06-067	132F-121-080	NEW-P	03-06-067	132H-152-135	REP	03-14-013
132F-120-020	REP	03-16-015	132F-121-080	NEW	03-16-015	132H-155-010	NEW-P	03-08-020
132F-120-030	REP-P	03-06-067	132F-121-090	NEW-P	03-06-067	132H-155-010	NEW	03-14-013
132F-120-030	REP	03-16-015	132F-121-090	NEW	03-16-015	132H-155-020	NEW-P	03-08-020
132F-120-040	REP-P	03-06-067	132F-121-100	NEW-P	03-06-067	132H-155-020	NEW	03-14-013
132F-120-040	REP	03-16-015	132F-121-100	NEW	03-16-015	132H-155-030	NEW-P	03-08-020
132F-120-041	REP-P	03-06-067	132F-121-110	NEW-P	03-06-067	132H-155-030	NEW	03-14-013
132F-120-041	REP	03-16-015	132F-121-110	NEW	03-16-015	132H-155-040	NEW-P	03-08-020
132F-120-042	REP-P	03-06-067	132F-121-120	NEW-P	03-06-067	132H-155-040	NEW	03-14-013
132F-120-042	REP	03-16-015	132F-121-120	NEW	03-16-015	132H-155-040	NEW	03-14-138
132F-120-043	REP-P	03-06-067	132F-121-130	NEW-P	03-06-067	132H-155-050	NEW-P	03-08-020
132F-120-043	REP	03-16-015	132F-121-130	NEW	03-16-015	132H-155-050	NEW	03-14-013
132F-120-050	REP-P	03-06-067	132F-121-140	NEW-P	03-06-067	132H-155-060	NEW-P	03-08-020
132F-120-050	REP	03-16-015	132F-121-140	NEW	03-16-015	132H-155-060	NEW	03-14-013
132F-120-060	REP-P	03-06-067	132F-121-150	NEW-P	03-06-067	132H-155-070	NEW-P	03-08-020
132F-120-060	REP	03-16-015	132F-121-150	NEW	03-16-015	132H-155-070	NEW	03-14-013
132F-120-061	REP-P	03-06-067	132F-121-160	NEW-P	03-06-067	132Q- 02	PREP	03-09-094
132F-120-061	REP	03-16-015	132F-121-160	NEW	03-16-015	132Q- 02-010	NEW-P	03-13-081
132F-120-070	REP-P	03-06-067	132F-121-170	NEW-P	03-06-067	132Q- 02-010	NEW	03-18-021
132F-120-070	REP	03-16-015	132F-121-170	NEW	03-16-015	132Q- 02-020	NEW-P	03-13-081
132F-120-080	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067	132Q- 02-020	NEW	03-18-021
132F-120-080	REP	03-16-015	132F-121-180	NEW	03-16-015	132Q- 02-030	NEW-P	03-13-081
132F-120-090	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067	132Q- 02-030	NEW	03-18-021
132F-120-090	REP	03-16-015	132F-121-190	NEW	03-16-015	132Q- 02-040	NEW-P	03-13-081
132F-120-100	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067	132Q- 02-040	NEW	03-18-021

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132Q-02-050	NEW	03-18-021	132Q-02-360	NEW	03-18-021	132Q-04-170	REP	03-18-021
132Q-02-060	NEW-P	03-13-081	132Q-02-370	NEW-P	03-13-081	132Q-04-180	REP-P	03-13-082
132Q-02-060	NEW	03-18-021	132Q-02-370	NEW	03-18-021	132Q-04-180	REP	03-18-021
132Q-02-070	NEW-P	03-13-081	132Q-02-380	NEW-P	03-13-081	132Q-04-190	REP-P	03-13-082
132Q-02-070	NEW	03-18-021	132Q-02-380	NEW	03-18-021	132Q-04-190	REP	03-18-021
132Q-02-080	NEW-P	03-13-081	132Q-02-390	NEW-P	03-13-081	132Q-04-200	REP-P	03-13-082
132Q-02-080	NEW	03-18-021	132Q-02-390	NEW	03-18-021	132Q-04-200	REP	03-18-021
132Q-02-090	NEW-P	03-13-081	132Q-02-400	NEW-P	03-13-081	132Q-04-210	REP-P	03-13-082
132Q-02-090	NEW	03-18-021	132Q-02-400	NEW	03-18-021	132Q-04-210	REP	03-18-021
132Q-02-100	NEW-P	03-13-081	132Q-02-410	NEW-P	03-13-081	132Q-04-220	REP-P	03-13-082
132Q-02-100	NEW	03-18-021	132Q-02-410	NEW	03-18-021	132Q-04-220	REP	03-18-021
132Q-02-110	NEW-P	03-13-081	132Q-02-420	NEW-P	03-13-081	132Q-04-230	REP-P	03-13-082
132Q-02-110	NEW	03-18-021	132Q-02-420	NEW	03-18-021	132Q-04-230	REP	03-18-021
132Q-02-120	NEW-P	03-13-081	132Q-02-430	NEW-P	03-13-081	132Q-04-240	REP-P	03-13-082
132Q-02-120	NEW	03-18-021	132Q-02-430	NEW	03-18-021	132Q-04-240	REP	03-18-021
132Q-02-130	NEW-P	03-13-081	132Q-02-440	NEW-P	03-13-081	132Q-04-250	REP-P	03-13-082
132Q-02-130	NEW	03-18-021	132Q-02-440	NEW	03-18-021	132Q-04-250	REP	03-18-021
132Q-02-140	NEW-P	03-13-081	132Q-02-450	NEW-P	03-13-081	132Q-04-260	REP-P	03-13-082
132Q-02-140	NEW	03-18-021	132Q-02-450	NEW	03-18-021	132Q-04-260	REP	03-18-021
132Q-02-150	NEW-P	03-13-081	132Q-03	PREP	03-09-094	132Q-04-270	REP-P	03-13-082
132Q-02-150	NEW	03-18-021	132Q-03-005	REP-P	03-13-082	132Q-04-270	REP	03-18-021
132Q-02-160	NEW-P	03-13-081	132Q-03-005	REP	03-18-021	132Q-04-280	REP-P	03-13-082
132Q-02-160	NEW	03-18-021	132Q-03-010	REP-P	03-13-082	132Q-04-280	REP	03-18-021
132Q-02-170	NEW-P	03-13-081	132Q-03-010	REP	03-18-021	132Q-05	PREP	03-09-094
132Q-02-170	NEW	03-18-021	132Q-03-020	REP-P	03-13-082	132Q-05-010	REP-P	03-13-082
132Q-02-180	NEW-P	03-13-081	132Q-03-020	REP	03-18-021	132Q-05-010	REP	03-18-021
132Q-02-180	NEW	03-18-021	132Q-03-030	REP-P	03-13-082	132Q-05-020	REP-P	03-13-082
132Q-02-190	NEW-P	03-13-081	132Q-03-030	REP	03-18-021	132Q-05-020	REP	03-18-021
132Q-02-190	NEW	03-18-021	132Q-04	PREP	03-09-094	132Q-05-030	REP-P	03-13-082
132Q-02-200	NEW-P	03-13-081	132Q-04-010	REP-P	03-13-082	132Q-05-030	REP	03-18-021
132Q-02-200	NEW	03-18-021	132Q-04-010	REP	03-18-021	132Q-05-033	REP-P	03-13-082
132Q-02-210	NEW-P	03-13-081	132Q-04-020	REP-P	03-13-082	132Q-05-033	REP	03-18-021
132Q-02-210	NEW	03-18-021	132Q-04-020	REP	03-18-021	132Q-05-036	REP-P	03-13-082
132Q-02-220	NEW-P	03-13-081	132Q-04-030	REP-P	03-13-082	132Q-05-036	REP	03-18-021
132Q-02-220	NEW	03-18-021	132Q-04-030	REP	03-18-021	132Q-05-040	REP-P	03-13-082
132Q-02-230	NEW-P	03-13-081	132Q-04-031	REP-P	03-13-082	132Q-05-040	REP	03-18-021
132Q-02-230	NEW	03-18-021	132Q-04-031	REP	03-18-021	132Q-05-050	REP-P	03-13-082
132Q-02-240	NEW-P	03-13-081	132Q-04-076	REP-P	03-13-082	132Q-05-050	REP	03-18-021
132Q-02-240	NEW	03-18-021	132Q-04-076	REP	03-18-021	132Q-05-060	REP-P	03-13-082
132Q-02-250	NEW-P	03-13-081	132Q-04-077	REP-P	03-13-082	132Q-05-060	REP	03-18-021
132Q-02-250	NEW	03-18-021	132Q-04-077	REP	03-18-021	132Q-05-070	REP-P	03-13-082
132Q-02-260	NEW-P	03-13-081	132Q-04-078	REP-P	03-13-082	132Q-05-070	REP	03-18-021
132Q-02-260	NEW	03-18-021	132Q-04-078	REP	03-18-021	132Q-05-080	REP-P	03-13-082
132Q-02-270	NEW-P	03-13-081	132Q-04-097	REP-P	03-13-082	132Q-05-080	REP	03-18-021
132Q-02-270	NEW	03-18-021	132Q-04-097	REP	03-18-021	132Q-05-090	REP-P	03-13-082
132Q-02-280	NEW-P	03-13-081	132Q-04-100	REP-P	03-13-082	132Q-05-090	REP	03-18-021
132Q-02-280	NEW	03-18-021	132Q-04-100	REP	03-18-021	132Q-05-100	REP-P	03-13-082
132Q-02-290	NEW-P	03-13-081	132Q-04-105	REP-P	03-13-082	132Q-05-100	REP	03-18-021
132Q-02-290	NEW	03-18-021	132Q-04-105	REP	03-18-021	132Q-05-110	REP-P	03-13-082
132Q-02-300	NEW-P	03-13-081	132Q-04-110	REP-P	03-13-082	132Q-05-110	REP	03-18-021
132Q-02-300	NEW	03-18-021	132Q-04-110	REP	03-18-021	132Q-05-120	REP-P	03-13-082
132Q-02-310	NEW-P	03-13-081	132Q-04-120	REP-P	03-13-082	132Q-05-120	REP	03-18-021
132Q-02-310	NEW	03-18-021	132Q-04-120	REP	03-18-021	132Q-06	PREP	03-09-094
132Q-02-320	NEW-P	03-13-081	132Q-04-130	REP-P	03-13-082	132Q-06-010	REP-P	03-13-082
132Q-02-320	NEW	03-18-021	132Q-04-130	REP	03-18-021	132Q-06-010	REP	03-18-021
132Q-02-330	NEW-P	03-13-081	132Q-04-140	REP-P	03-13-082	132Q-06-015	REP-P	03-13-082
132Q-02-330	NEW	03-18-021	132Q-04-140	REP	03-18-021	132Q-06-015	REP	03-18-021
132Q-02-340	NEW-P	03-13-081	132Q-04-150	REP-P	03-13-082	132Q-06-016	REP-P	03-13-082
132Q-02-340	NEW	03-18-021	132Q-04-150	REP	03-18-021	132Q-06-016	REP	03-18-021
132Q-02-350	NEW-P	03-13-081	132Q-04-160	REP-P	03-13-082	132Q-06-020	REP-P	03-13-082
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132Q- 06-025	REP	03-18-021	132Q- 20-230	AMD	03-18-021	132R- 04-050	REP	03-15-063
132Q- 06-030	REP-P	03-13-082	132Q- 20-240	AMD-P	03-13-082	132R- 04-055	REP-P	03-11-006
132Q- 06-030	REP	03-18-021	132Q- 20-240	AMD	03-18-021	132R- 04-055	REP	03-15-063
132Q- 06-035	REP-P	03-13-082	132Q- 20-250	AMD-P	03-13-082	132R- 04-056	NEW-P	03-11-006
132Q- 06-035	REP	03-18-021	132Q- 20-250	AMD	03-18-021	132R- 04-056	NEW	03-15-063
132Q- 06-040	REP-P	03-13-082	132Q- 20-260	AMD-P	03-13-082	132R- 04-057	NEW-P	03-11-006
132Q- 06-040	REP	03-18-021	132Q- 20-260	AMD	03-18-021	132R- 04-057	NEW	03-15-063
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132Q- 07-010	NEW-P	03-13-082	132Q- 20-265	AMD	03-18-021	132R- 04-060	REP	03-15-063
132Q- 07-010	NEW	03-18-021	132Q- 20-270	AMD-P	03-13-082	132R- 04-063	NEW-P	03-11-006
132Q- 07-020	NEW-P	03-13-082	132Q- 20-270	AMD	03-18-021	132R- 04-063	NEW	03-15-063
132Q- 07-020	NEW	03-18-021	132Q- 94	PREP	03-09-094	132R- 04-064	NEW-P	03-11-006
132Q- 07-030	NEW-P	03-13-082	132Q- 94-010	AMD-P	03-13-082	132R- 04-064	NEW	03-15-063
132Q- 07-030	NEW	03-18-021	132Q- 94-010	AMD	03-18-021	132R- 04-067	NEW-P	03-11-006
132Q- 07-040	NEW-P	03-13-082	132Q- 94-020	AMD-P	03-13-082	132R- 04-067	NEW	03-15-063
132Q- 07-040	NEW	03-18-021	132Q- 94-020	AMD	03-18-021	132R- 04-070	REP-P	03-11-006
132Q- 07-050	NEW-P	03-13-082	132Q- 94-030	AMD-P	03-13-082	132R- 04-070	REP	03-15-063
132Q- 07-050	NEW	03-18-021	132Q- 94-030	AMD	03-18-021	132R- 04-080	REP-P	03-11-006
132Q- 07-060	NEW-P	03-13-082	132Q- 94-130	AMD-P	03-13-082	132R- 04-080	REP	03-15-063
132Q- 07-060	NEW	03-18-021	132Q- 94-130	AMD	03-18-021	132R- 04-090	REP-P	03-11-006
132Q- 20	PREP	03-09-094	132Q- 94-150	AMD-P	03-13-082	132R- 04-090	REP	03-15-063
132Q- 20-005	NEW-P	03-13-082	132Q- 94-150	AMD	03-18-021	132R- 04-100	AMD-P	03-11-006
132Q- 20-005	NEW	03-18-021	132Q- 94-160	NEW-P	03-13-082	132R- 04-100	AMD	03-15-063
132Q- 20-010	AMD-P	03-13-082	132Q- 94-160	NEW	03-18-021	132R- 04-110	REP-P	03-11-006
132Q- 20-010	AMD	03-18-021	132Q-108	PREP	03-09-094	132R- 04-110	REP	03-15-063
132Q- 20-020	REP-P	03-13-082	132Q-108-010	AMD-P	03-13-082	132R- 04-112	NEW-P	03-11-006
132Q- 20-020	REP	03-18-021	132Q-108-010	AMD	03-18-021	132R- 04-112	NEW	03-15-063
132Q- 20-040	AMD-P	03-13-082	132Q-108-020	AMD-P	03-13-082	132R- 04-115	NEW-P	03-11-006
132Q- 20-040	AMD	03-18-021	132Q-108-020	AMD	03-18-021	132R- 04-115	NEW	03-15-063
132Q- 20-050	AMD-P	03-13-082	132Q-108-040	AMD-P	03-13-082	132R- 04-117	NEW-P	03-11-006
132Q- 20-050	AMD	03-18-021	132Q-108-040	AMD	03-18-021	132R- 04-117	NEW	03-15-063
132Q- 20-060	AMD-P	03-13-082	132Q-108-050	AMD-P	03-13-082	132R- 04-120	REP-P	03-11-006
132Q- 20-060	AMD	03-18-021	132Q-108-050	AMD	03-18-021	132R- 04-120	REP	03-15-063
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132Q- 20-070	AMD	03-18-021	132R- 01-010	AMD	03-15-063	132R- 04-130	AMD	03-15-063
132Q- 20-080	AMD-P	03-13-082	132R- 02-040	AMD-P	03-11-006	132R- 04-140	AMD-P	03-11-006
132Q- 20-080	AMD	03-18-021	132R- 02-040	AMD	03-15-063	132R- 04-140	AMD	03-15-063
132Q- 20-090	AMD-P	03-13-082	132R- 02-080	AMD-P	03-11-006	132R- 04-150	AMD-P	03-11-006
132Q- 20-090	AMD	03-18-021	132R- 02-080	AMD	03-15-063	132R- 04-150	AMD	03-15-063
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132Q- 20-120	AMD	03-18-021	132R- 04-010	AMD	03-15-063	132R- 04-165	NEW	03-15-063
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132Q- 20-130	AMD	03-18-021	132R- 04-015	NEW	03-15-063	132R- 04-170	AMD	03-15-063
132Q- 20-140	AMD-P	03-13-082	132R- 04-017	NEW-P	03-11-006	132R- 05-010	AMD-P	03-11-006
132Q- 20-140	AMD	03-18-021	132R- 04-017	NEW	03-15-063	132R- 05-010	AMD	03-15-063
132Q- 20-150	AMD-P	03-13-082	132R- 04-019	NEW-P	03-11-006	132R- 12-010	AMD-P	03-11-006
132Q- 20-150	AMD	03-18-021	132R- 04-019	NEW	03-15-063	132R- 12-010	AMD	03-15-063
132Q- 20-170	AMD-P	03-13-082	132R- 04-020	REP-P	03-11-006	132R- 12-020	AMD-P	03-11-006
132Q- 20-170	AMD	03-18-021	132R- 04-020	REP	03-15-063	132R- 12-020	AMD	03-15-063
132Q- 20-180	AMD-P	03-13-082	132R- 04-030	REP-P	03-11-006	132R-116-070	AMD-P	03-11-006
132Q- 20-180	AMD	03-18-021	132R- 04-030	REP	03-15-063	132R-116-070	AMD	03-15-063
132Q- 20-190	AMD-P	03-13-082	132R- 04-035	REP-P	03-11-006	132R-116-090	AMD-P	03-11-006
132Q- 20-190	AMD	03-18-021	132R- 04-035	REP	03-15-063	132R-116-090	AMD	03-15-063
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132Q- 20-200	AMD	03-18-021	132R- 04-040	AMD	03-15-063	132R-117	AMD	03-15-063
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132Q- 20-210	AMD	03-18-021	132R- 04-042	NEW	03-15-063	132R-117-010	AMD	03-15-063
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132R-118-030	AMD-P	03-11-006	132R-190-040	AMD-P	03-11-006	137- 96-020	AMD	03-16-072
132R-118-030	AMD	03-15-063	132R-190-040	AMD	03-15-063	137- 96-110	AMD	03-16-072
132R-118-040	AMD-P	03-11-006	132R-190-050	AMD-P	03-11-006	137- 96-130	AMD	03-16-072
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132R-136-055	NEW	03-15-063	132T- 28-020	REP-X	03-16-114	139- 05-925	PREP	03-11-056
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132R-150-050	AMD-P	03-11-006	136-150-040	AMD	03-05-010	148-280-030	AMD-P	03-15-015
132R-150-050	AMD	03-15-063	136-150-050	NEW	03-05-010	148-280-040	AMD-P	03-15-015
132R-158-010	AMD-P	03-11-006	136-150-060	NEW	03-05-010	148-280-050	REP-P	03-15-015
132R-158-010	AMD	03-15-063	136-161-080	AMD-P	03-05-008	148-280-055	AMD-P	03-15-015
132R-175-010	AMD-P	03-11-006	136-161-080	AMD	03-11-046	148-280-060	AMD-P	03-15-015
132R-175-010	AMD	03-15-063	136-163-030	AMD	03-05-011	148-280-070	REP-P	03-15-015
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132R-175-020	AMD	03-15-063	137- 12A-050	AMD-X	03-16-073	172- 64-010	NEW	03-18-070
132R-175-030	AMD-P	03-11-006	137- 12A-060	AMD-X	03-16-073	172- 64-020	NEW-P	03-11-099
132R-175-030	AMD	03-15-063	137- 12A-070	AMD-X	03-16-073	172- 64-020	NEW	03-18-070
132R-175-050	AMD-P	03-11-006	137- 58-010	AMD-X	03-16-073	172- 64-030	NEW-P	03-11-099
132R-175-050	AMD	03-15-063	137- 58-020	AMD-X	03-16-073	172- 64-030	NEW	03-18-070
132R-175-060	AMD-P	03-11-006	137- 58-030	AMD-X	03-16-073	172- 64-040	NEW-P	03-11-099
132R-175-060	AMD	03-15-063	137- 58-040	AMD-X	03-16-073	172- 64-040	NEW	03-18-070
132R-175-080	AMD-P	03-11-006	137- 67-015	AMD-X	03-16-073	172- 64-050	NEW-P	03-11-099
132R-175-080	AMD	03-15-063	137- 67-025	AMD-X	03-16-073	172- 64-050	NEW	03-18-070
132R-175-090	AMD-P	03-11-006	137- 67-030	AMD-X	03-16-073	172- 64-060	NEW-P	03-11-099
132R-175-090	AMD	03-15-063	137- 67-035	AMD-X	03-16-073	172- 64-060	NEW	03-18-070
132R-175-100	AMD-P	03-11-006	137- 67-040	AMD-X	03-16-073	172- 64-070	NEW-P	03-11-099
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132R-175-110	AMD	03-15-063	137- 70-020	AMD-X	03-16-073	172- 64-080	NEW	03-18-070
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173- 06-120	AMD	03-10-019	173-183-830	AMD	03-11-010	173-303-380	AMD	03-07-049
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173- 26-170	REP-P	03-13-108	173-183-860	AMD	03-11-010	173-303-505	AMD	03-07-049
173- 26-171	NEW-P	03-13-108	173-201A	AMD-S	03-04-082	173-303-506	AMD	03-07-049
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173- 26-180	REP-P	03-13-108	173-201A-020	AMD	03-14-129	173-303-520	AMD	03-07-049
173- 26-181	NEW-P	03-13-108	173-201A-030	REP	03-14-129	173-303-522	AMD	03-07-049
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173- 26-190	REP-P	03-13-108	173-201A-040	DECOD	03-14-129	173-303-578	AMD	03-07-049
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173- 26-200	REP-P	03-13-108	173-201A-060	REP	03-14-129	173-303-645	AMD	03-07-049
173- 26-201	NEW-P	03-13-108	173-201A-070	REP	03-14-129	173-303-646	AMD	03-07-049
173- 26-210	REP-P	03-13-108	173-201A-080	REP	03-14-129	173-303-690	AMD	03-07-049
173- 26-211	NEW-P	03-13-108	173-201A-100	AMD	03-14-129	173-303-691	AMD	03-07-049
173- 26-220	REP-P	03-13-108	173-201A-100	DECOD	03-14-129	173-303-692	AMD	03-07-049
173- 26-221	NEW-P	03-13-108	173-201A-110	AMD	03-14-129	173-303-806	AMD	03-07-049
173- 26-230	REP-P	03-13-108	173-201A-110	DECOD	03-14-129	173-303-830	AMD	03-07-049
173- 26-231	NEW-P	03-13-108	173-201A-120	REP	03-14-129	173-314-010	REP-X	03-05-095
173- 26-240	REP-P	03-13-108	173-201A-130	REP	03-14-129	173-314-010	REP	03-10-020
173- 26-241	NEW-P	03-13-108	173-201A-140	REP	03-14-129	173-314-100	REP-X	03-05-095
173- 26-250	REP-P	03-13-108	173-201A-150	DECOD	03-14-129	173-314-100	REP	03-10-020
173- 26-251	NEW-P	03-13-108	173-201A-160	AMD	03-14-129	173-314-200	REP-X	03-05-095
173- 26-270	REP-P	03-13-108	173-201A-160	DECOD	03-14-129	173-314-200	REP	03-10-020
173- 26-280	REP-P	03-13-108	173-201A-170	AMD	03-14-129	173-314-210	REP-X	03-05-095
173- 26-290	REP-P	03-13-108	173-201A-170	DECOD	03-14-129	173-314-210	REP	03-10-020
173- 26-300	REP-P	03-13-108	173-201A-180	DECOD	03-14-129	173-314-220	REP-X	03-05-095
173- 26-310	REP-P	03-13-108	173-201A-200	NEW	03-14-129	173-314-220	REP	03-10-020
173- 26-320	REP-P	03-13-108	173-201A-210	NEW	03-14-129	173-314-300	REP-X	03-05-095
173- 26-330	REP-P	03-13-108	173-201A-230	NEW	03-14-129	173-314-300	REP	03-10-020
173- 26-340	REP-P	03-13-108	173-201A-240	RECOD	03-14-129	173-314-310	REP-X	03-05-095
173- 26-350	REP-P	03-13-108	173-201A-250	RECOD	03-14-129	173-314-310	REP	03-10-020
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173-157-020	NEW	03-03-081	173-201A-300	NEW	03-14-129	173-314-320	REP	03-10-020
173-157-030	NEW	03-03-081	173-201A-310	NEW	03-14-129	173-314-330	REP-X	03-05-095
173-157-040	NEW	03-03-081	173-201A-320	NEW	03-14-129	173-314-330	REP	03-10-020
173-157-050	NEW	03-03-081	173-201A-330	NEW	03-14-129	173-314-340	REP-X	03-05-095
173-157-100	NEW	03-03-081	173-201A-400	RECOD	03-14-129	173-314-340	REP	03-10-020
173-157-110	NEW	03-03-081	173-201A-410	RECOD	03-14-129	173-350-010	NEW	03-03-043
173-157-120	NEW	03-03-081	173-201A-420	NEW	03-14-129	173-350-020	NEW	03-03-043
173-157-130	NEW	03-03-081	173-201A-430	NEW	03-14-129	173-350-025	NEW	03-03-043
173-157-140	NEW	03-03-081	173-201A-440	NEW	03-14-129	173-350-030	NEW	03-03-043
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173-170-050	AMD	03-07-104	173-303-071	AMD-E	03-03-047	173-350-350	NEW	03-03-043
173-170-070	AMD	03-07-104	173-303-071	AMD	03-07-049	173-350-360	NEW	03-03-043
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173-350-700	NEW	03-03-043	180-46-010	REP-P	03-18-061	180-79A-155	AMD	03-04-022
173-350-710	NEW	03-03-043	180-46-015	REP-P	03-18-061	180-79A-223	PREP	03-12-036
173-350-715	NEW	03-03-043	180-46-020	REP-P	03-18-061	180-79A-231	AMD-P	03-04-019
173-350-900	NEW	03-03-043	180-46-025	REP-P	03-18-061	180-79A-231	AMD-P	03-09-023
173-350-990	NEW	03-03-043	180-46-030	REP-P	03-18-061	180-79A-231	AMD	03-12-035
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173-434-020	AMD-P	03-13-077	180-46-045	REP-P	03-18-061	180-79A-308	PREP	03-09-021
173-434-030	AMD-P	03-13-077	180-46-050	REP-P	03-18-061	180-79A-308	AMD-P	03-14-112
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173-434-070	REP-P	03-13-077	180-46-065	REP-P	03-18-061	180-82	PREP	03-10-076
173-434-100	REP-P	03-13-077	180-50-315	AMD	03-04-054	180-82-105	AMD-E	03-14-121
173-434-110	AMD-P	03-13-077	180-51-050	PREP	03-18-057	180-82-105	AMD-P	03-16-013
173-434-120	REP-P	03-13-077	180-51-061	PREP	03-18-049	180-82-105	PREP	03-18-050
173-434-130	AMD-P	03-13-077	180-51-063	PREP	03-04-110	180-82-105	AMD-E	03-18-066
173-434-160	AMD-P	03-13-077	180-51-063	AMD-E	03-09-018	180-82-105	AMD-C	03-18-067
173-434-170	AMD-P	03-13-077	180-51-063	AMD-P	03-09-028	180-82-110	AMD	03-04-023
173-434-190	AMD-P	03-13-077	180-51-063	AMD	03-14-118	180-82-115	PREP	03-09-084
173-434-200	AMD-P	03-13-077	180-55-005	PREP	03-18-058	180-82-115	REP-P	03-18-062
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173-503	PREP	03-14-023	180-55-020	PREP	03-18-058	180-82-204	AMD-E	03-04-027
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180-10-003	REP-W	03-03-060	180-55-034	PREP	03-04-112	180-82-204	AMD-E	03-09-025
180-10-005	REP-W	03-03-060	180-55-034	PREP	03-18-058	180-82-204	AMD	03-14-114
180-10-007	REP-W	03-03-060	180-55-150	PREP	03-04-111	180-82-205	PREP	03-09-022
180-10-010	REP-W	03-03-060	180-55-150	PREP	03-18-058	180-82A-204	PREP	03-04-020
180-10-015	REP-W	03-03-060	180-57-050	AMD	03-04-055	180-82A-204	AMD-E	03-04-028
180-10-020	REP-W	03-03-060	180-57-055	AMD	03-04-055	180-82A-204	AMD-P	03-09-024
180-10-025	REP-W	03-03-060	180-57-070	AMD	03-04-055	180-82A-204	AMD-E	03-09-025
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180-24-00701	AMD-P	03-18-063	180-78A-264	PREP	03-09-085	180-85	PREP	03-10-076
180-24-00701	AMD-E	03-18-065	180-78A-264	AMD-P	03-14-111	180-86	PREP	03-10-076
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182- 08-095	AMD	03-17-031	196- 09-050	NEW-P	03-16-112	197- 11-835	AMD	03-16-067
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182- 08-120	AMD	03-17-031	196- 09-060	NEW-P	03-16-112	197- 11-850	AMD	03-16-067
182- 08-125	AMD-P	03-13-138	196- 09-100	NEW-P	03-16-112	197- 11-850	AMD-P	03-03-082
182- 08-125	AMD	03-17-031	196- 09-110	NEW-P	03-16-112	197- 11-855	AMD	03-16-067
182- 08-175	AMD-P	03-13-138	196- 09-120	NEW-P	03-16-112	197- 11-855	AMD-P	03-03-082
182- 08-175	AMD	03-17-031	196- 12	PREP	03-09-032	197- 11-902	AMD-P	03-03-082
182- 08-180	AMD-P	03-13-138	196- 12-005	NEW-P	03-16-113	197- 11-902	AMD	03-16-067
182- 08-180	AMD	03-17-031	196- 12-010	AMD-P	03-16-113	197- 11-904	AMD-P	03-03-082
182- 08-190	AMD-P	03-13-138	196- 12-020	AMD-P	03-16-113	197- 11-904	AMD	03-16-067
182- 08-190	AMD	03-17-031	196- 12-030	AMD-P	03-16-113	197- 11-908	AMD-P	03-03-082
182- 08-196	NEW-P	03-13-138	196- 12-045	AMD-P	03-16-113	197- 11-908	AMD	03-16-067
182- 08-196	NEW	03-17-031	196- 12-050	AMD-P	03-16-113	204- 10-040	REP-X	03-18-010
182- 08-210	AMD-P	03-13-138	196- 12-055	NEW-P	03-16-113	204- 82A-060	AMD-P	03-08-089
182- 08-210	AMD	03-17-031	196- 12-065	NEW-P	03-16-113	204- 82A-060	AMD	03-12-013
182- 08-220	AMD-P	03-13-138	196- 16	PREP	03-09-032	208-690-010	NEW-E	03-16-074
182- 08-220	AMD	03-17-031	196- 16-006	NEW-P	03-16-113	208-690-020	NEW-E	03-16-074
182- 12	AMD-C	03-16-033	196- 16-007	AMD-P	03-16-113	208-690-030	NEW-E	03-16-074
182- 12-031	NEW	03-17-031	196- 16-010	AMD-P	03-16-113	208-690-040	NEW-E	03-16-074
182- 12-111	AMD-P	03-13-138	196- 16-020	AMD-P	03-16-113	208-690-050	NEW-E	03-16-074
182- 12-111	AMD	03-17-031	196- 16-031	AMD-P	03-16-113	208-690-060	NEW-E	03-16-074
182- 12-115	AMD-P	03-13-138	196- 16-035	NEW-P	03-16-113	208-690-070	NEW-E	03-16-074
182- 12-115	AMD	03-17-031	196- 20	PREP	03-09-032	208-690-080	NEW-E	03-16-074
182- 12-117	AMD-P	03-13-138	196- 21	PREP	03-09-032	208-690-090	NEW-E	03-16-074
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182- 12-119	AMD-P	03-13-138	196- 21-010	AMD-P	03-16-113	208-690-110	NEW-E	03-16-074
182- 12-119	AMD	03-17-031	196- 21-020	AMD-P	03-16-113	208-690-120	NEW-E	03-16-074
182- 12-132	AMD-P	03-13-138	196- 21-030	AMD-P	03-16-113	208-690-130	NEW-E	03-16-074
182- 12-132	AMD	03-17-031	196- 21-070	PREP	03-13-012	208-690-140	NEW-E	03-16-074
182- 12-145	AMD-P	03-13-138	196- 23-070	AMD-P	03-16-113	208-690-150	NEW-E	03-16-074
182- 12-145	AMD	03-17-031	196- 24	PREP	03-09-032	208-690-160	NEW-E	03-16-074
182- 12-220	AMD-P	03-13-138	196- 24-041	REP-P	03-16-113	208-690-170	NEW-E	03-16-074
182- 12-220	AMD	03-17-031	196- 24-080	REP-P	03-16-113	212- 12-200	NEW	03-06-063
182- 25-010	AMD-P	03-14-097	196- 24-085	REP-P	03-16-113	212- 12-210	NEW	03-06-063
182- 25-010	AMD	03-18-039	196- 24-100	REP-P	03-16-113	212- 12-220	NEW	03-06-063
182- 25-030	AMD-P	03-05-094	196- 24-105	REP-P	03-16-113	212- 12-230	NEW	03-06-063
182- 25-030	AMD-W	03-18-086	196- 24-110	REP-P	03-16-113	212- 12-240	NEW	03-06-063
182- 25-035	NEW-P	03-05-094	196- 25	PREP	03-09-032	212- 12-250	NEW	03-06-063
182- 25-035	NEW-W	03-18-086	196- 25-001	AMD-P	03-16-113	212- 12-260	NEW	03-06-063
182- 50	PREP	03-14-096	196- 25-002	AMD-P	03-16-113	212- 12-270	NEW	03-06-063
192- 16-033	REP	03-06-038	196- 25-005	AMD-P	03-16-113	212- 12-280	NEW	03-06-063
192- 16-036	REP	03-06-038	196- 25-010	AMD-P	03-16-113	212- 12-290	NEW	03-06-063
192- 16-040	REP	03-06-038	196- 25-020	REP-P	03-16-113	212- 12-300	NEW	03-06-063
192- 16-042	REP	03-06-038	196- 25-030	REP-P	03-16-113	212- 12-310	NEW	03-06-063
192- 16-045	REP	03-06-038	196- 25-040	AMD-P	03-16-113	212- 12-320	NEW	03-06-063
192- 16-047	REP	03-06-038	196- 25-050	AMD-P	03-16-113	212- 12-330	NEW	03-06-063
192- 36-010	PREP	03-11-072	196- 25-100	REP-P	03-16-113	212- 12-340	NEW	03-06-063
192- 36-020	PREP	03-11-072	196- 26A	PREP	03-09-032	212- 12-350	NEW	03-06-063
192- 36-025	PREP	03-11-072	196- 27A	PREP	03-14-024	212- 12-360	NEW	03-06-063
192-240-010	NEW	03-06-038	196- 27A-025	NEW-P	03-16-113	212- 12-370	NEW	03-06-063
192-240-015	NEW	03-06-038	196- 30	PREP	03-03-111	212- 12-380	NEW	03-06-063
192-240-020	NEW	03-06-038	197- 11-070	AMD-P	03-03-082	212- 12-390	NEW	03-06-063
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220- 16-270	AMD	03-16-097	220- 33-01000G	NEW-E	03-17-019	220- 47-428	AMD-X	03-13-145
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220- 16-290	NEW	03-05-061	220- 33-01000G	REP-E	03-18-019	220- 47-430	AMD-X	03-13-145
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220- 20-08000C	REP-E	03-17-090	220- 33-01000I	NEW-E	03-18-045	220- 47-50100B	NEW-E	03-18-034
220- 20-08000D	NEW-E	03-17-090	220- 33-01000I	REP-E	03-18-045	220- 47-50100B	REP-E	03-18-043
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220- 22-40000E	NEW-E	03-13-067	220- 33-01000Z	NEW-E	03-04-033	220- 47-50100C	REP-E	03-18-095
220- 24-04000I	NEW-E	03-10-005	220- 33-01000Z	REP-E	03-04-033	220- 47-50100D	NEW-E	03-18-095
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220- 24-04000J	NEW-E	03-14-049	220- 33-03000T	NEW-E	03-11-002	220- 48-029	AMD	03-05-063
220- 24-04000J	REP-E	03-14-049	220- 33-03000T	REP-E	03-11-002	220- 48-02900B	NEW-E	03-13-078
220- 24-04000K	NEW-E	03-14-084	220- 33-04000S	REP-E	03-07-015	220- 48-032	AMD	03-05-063
220- 24-04000K	REP-E	03-14-084	220- 33-04000T	NEW-E	03-07-015	220- 48-03200A	NEW-E	03-13-078
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220- 32-05100A	REP-E	03-07-044	220- 33-060	AMD	03-05-062	220- 52-019	AMD-P	03-06-065
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220- 32-05100B	REP-E	03-10-003	220- 36-023	AMD	03-18-004	220- 52-01900A	NEW-E	03-09-072
220- 32-05100B	REP-E	03-12-002	220- 36-03001	AMD	03-05-062	220- 52-020	AMD-P	03-13-032
220- 32-05100C	NEW-E	03-12-002	220- 36-03001A	NEW-E	03-05-002	220- 52-020	AMD-P	03-13-140
220- 32-05100C	REP-E	03-12-023	220- 36-03001A	REP-E	03-05-002	220- 52-020	AMD	03-16-099
220- 32-05100D	NEW-E	03-12-023	220- 40-02100X	NEW-E	03-14-086	220- 52-02000A	NEW-E	03-10-002
220- 32-05100D	REP-E	03-15-004	220- 40-02100X	REP-E	03-14-086	220- 52-03000S	NEW-E	03-17-001
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220- 32-05100H	REP-E	03-18-018	220- 44-05000R	REP-E	03-04-058	220- 52-04000N	NEW-E	03-13-067
220- 32-05100I	NEW-E	03-18-018	220- 44-05000S	NEW-E	03-04-058	220- 52-04000N	REP-E	03-13-067
220- 32-05100I	REP-E	03-18-018	220- 44-05000S	REP-E	03-05-027	220- 52-04000P	NEW-E	03-14-085
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220- 32-05500F	NEW-E	03-08-047	220- 44-05000T	REP-E	03-07-024	220- 52-04000Q	NEW-E	03-17-052
220- 32-05700S	NEW-E	03-13-017	220- 44-05000U	NEW-E	03-07-024	220- 52-04000Q	REP-E	03-17-052
220- 32-05700S	REP-E	03-13-017	220- 44-05000U	REP-E	03-13-008	220- 52-04600N	REP-E	03-04-046
220- 32-05700S	REP-E	03-15-043	220- 44-05000V	NEW-E	03-13-008	220- 52-04600P	NEW-E	03-04-007
220- 32-05700T	NEW-E	03-15-043	220- 44-05000V	REP-E	03-15-064	220- 52-04600P	REP-E	03-04-007
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220- 32-06000A	REP-E	03-10-003	220- 47-302	AMD	03-18-005	220- 52-04600S	NEW-E	03-05-047
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220- 33-01000A	REP-E	03-06-007	220- 47-307	AMD	03-18-005	220- 52-04600T	REP-E	03-10-022
220- 33-01000B	NEW-E	03-06-007	220- 47-30700D	NEW-E	03-17-053	220- 52-04600U	NEW-E	03-07-002
220- 33-01000B	REP-E	03-06-007	220- 47-30700D	REP-E	03-17-053	220- 52-04600U	REP-E	03-08-048
220- 33-01000C	NEW-E	03-08-004	220- 47-311	AMD-X	03-13-145	220- 52-04600V	NEW-E	03-07-014
220- 33-01000C	REP-E	03-08-004	220- 47-311	AMD	03-18-005	220- 52-04600V	REP-E	03-07-014
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220- 33-01000D	REP-E	03-09-080	220- 47-325	AMD	03-18-005	220- 52-04600V	REP-E	03-10-021
220- 33-01000D	REP-E	03-10-006	220- 47-401	AMD-X	03-13-145	220- 52-04600W	NEW-E	03-08-048
220- 33-01000E	NEW-E	03-10-042	220- 47-401	AMD	03-18-005	220- 52-04600X	NEW-E	03-10-021
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220-52-04600Z	REP-E	03-14-085	220-55-18000A	NEW-E	03-18-042	220-56-32500D	REP-E	03-11-003
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220-52-051	AMD	03-05-064	220-56-100	AMD-X	03-16-084	220-56-32500E	REP-E	03-12-079
220-52-05100A	NEW-E	03-16-023	220-56-100	AMD	03-18-007	220-56-32500F	NEW-E	03-12-079
220-52-05100A	REP-E	03-16-042	220-56-10000A	NEW-E	03-10-039	220-56-32500F	REP-E	03-13-038
220-52-05100B	NEW-E	03-16-042	220-56-10000A	REP-E	03-16-043	220-56-32500G	NEW-E	03-13-038
220-52-05100B	REP-E	03-17-002	220-56-10000B	NEW-E	03-16-043	220-56-32500G	REP-E	03-13-107
220-52-05100C	NEW-E	03-17-002	220-56-105	AMD	03-05-057	220-56-32500H	NEW-E	03-13-107
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220-52-05100D	NEW-E	03-17-011	220-56-12800F	NEW-E	03-10-039	220-56-32500I	NEW-E	03-14-150
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220-52-05100F	REP-E	03-17-051	220-56-129	NEW	03-05-057	220-56-33000B	NEW-E	03-12-060
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220-52-05100T	NEW-E	03-13-084	220-56-23000A	NEW-E	03-07-032	220-56-33000S	NEW-E	03-05-005
220-52-05100T	REP-E	03-14-048	220-56-23000A	REP-E	03-07-032	220-56-33000S	REP-E	03-06-020
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220-52-05100X	NEW-E	03-15-083	220-56-23500R	NEW-E	03-09-123	220-56-33000W	NEW-E	03-08-049
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220-52-05100Y	NEW-E	03-15-136	220-56-25000E	NEW-E	03-07-032	220-56-33000X	NEW-E	03-09-060
220-52-05100Y	REP-E	03-16-011	220-56-25000E	REP-E	03-07-032	220-56-33000X	REP-E	03-11-023
220-52-05100Z	NEW-E	03-16-011	220-56-255	AMD	03-05-057	220-56-33000Y	NEW-E	03-11-023
220-52-05100Z	REP-E	03-16-023	220-56-25500E	NEW-E	03-09-061	220-56-33000Y	REP-E	03-11-039
220-52-066	AMD-P	03-06-064	220-56-25500E	REP-E	03-11-026	220-56-33000Z	NEW-E	03-11-039
220-52-071	AMD-P	03-13-085	220-56-25500F	NEW-E	03-11-026	220-56-33000Z	REP-E	03-12-032
220-52-071	AMD	03-16-098	220-56-25500F	REP-E	03-11-081	220-56-350	AMD	03-05-057
220-52-07100A	NEW-E	03-14-031	220-56-25500G	NEW-E	03-11-081	220-56-35000P	NEW-E	03-07-025
220-52-07100A	REP-E	03-15-052	220-56-25500G	REP-E	03-13-019	220-56-35000P	REP-E	03-07-025
220-52-07100B	NEW-E	03-15-052	220-56-25500H	NEW-E	03-13-019	220-56-370	REP-P	03-06-079
220-52-07100B	REP-E	03-17-003	220-56-25500H	REP-E	03-13-070	220-56-380	AMD	03-05-057
220-52-07100C	NEW-E	03-17-003	220-56-25500I	NEW-E	03-13-070	220-69-240	AMD	03-05-059
220-52-07100C	REP-E	03-18-048	220-56-25500I	REP-E	03-15-082	220-69-240	AMD	03-05-064
220-52-07300A	REP-E	03-03-002	220-56-25500J	NEW-E	03-15-082	220-69-240	AMD-P	03-13-030
220-52-07300B	NEW-E	03-03-002	220-56-265	AMD	03-05-057	220-69-240	AMD-P	03-13-087
220-52-07300B	REP-E	03-03-068	220-56-27000N	REP-E	03-05-025	220-69-240	AMD	03-17-008
220-52-07300C	NEW-E	03-03-068	220-56-27000P	NEW-E	03-05-025	220-69-24000F	NEW-E	03-11-080
220-52-07300C	REP-E	03-06-001	220-56-27000P	REP-E	03-05-025	220-69-241	AMD	03-05-059
220-52-07300D	NEW-E	03-06-001	220-56-282	AMD-X	03-13-011	220-69-27300A	NEW-E	03-12-024
220-52-07300D	REP-E	03-06-001	220-56-282	AMD-P	03-13-086	220-72-002	AMD-P	03-06-109
220-52-07300E	NEW-E	03-11-080	220-56-282	AMD	03-18-006	220-72-002	AMD	03-10-041
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220- 72-015	AMD	03-10-041	220-100-057	NEW	03-10-038	230- 40-625	AMD-P	03-05-087
220- 72-070	AMD-P	03-06-109	220-100-058	NEW-P	03-06-080	230- 40-625	AMD	03-09-076
220- 72-070	AMD	03-10-041	220-100-058	NEW	03-10-038	230- 40-803	REP-P	03-13-137
220- 72-073	AMD-P	03-06-109	220-100-060	AMD-P	03-06-080	230- 40-803	REP	03-17-044
220- 72-073	AMD	03-10-041	220-100-060	AMD	03-10-038	230- 40-805	AMD-P	03-13-135
220- 72-076	AMD-P	03-06-109	220-100-065	AMD-P	03-06-080	230- 40-815	AMD-P	03-05-087
220- 72-076	AMD	03-10-041	220-100-065	AMD	03-10-038	230- 40-815	AMD	03-09-076
220- 72-086	NEW-P	03-06-109	220-100-068	NEW-P	03-06-080	230- 40-821	AMD-P	03-13-135
220- 72-086	NEW	03-10-041	220-100-068	NEW	03-10-038	230- 40-825	AMD-P	03-05-087
220- 72-087	NEW-P	03-06-109	220-100-070	AMD-P	03-06-080	230- 40-825	AMD	03-09-076
220- 72-087	NEW	03-10-041	220-100-070	AMD	03-10-038	230- 40-825	AMD-P	03-13-137
220- 72-089	NEW-P	03-06-109	220-100-075	AMD-P	03-06-080	230- 40-825	AMD	03-17-044
220- 72-089	NEW	03-10-041	220-100-075	AMD	03-10-038	230- 40-833	AMD-P	03-13-137
220- 72-090	NEW-P	03-06-109	220-100-080	AMD-P	03-06-080	230- 40-860	AMD-P	03-05-087
220- 72-090	NEW	03-10-041	220-100-080	AMD	03-10-038	230- 40-860	AMD	03-09-076
220- 72-092	NEW-P	03-06-109	220-100-095	AMD-P	03-06-080	230- 40-875	AMD-P	03-05-087
220- 72-092	NEW	03-10-041	220-100-095	AMD	03-10-038	230- 40-875	AMD	03-09-076
220- 88B-010	AMD-P	03-13-030	222- 16-010	AMD-P	03-17-078	230- 40-895	AMD-P	03-05-087
220- 88B-010	AMD	03-17-007	222- 20-010	AMD-P	03-17-078	230- 40-895	AMD	03-09-076
220- 88B-020	AMD-P	03-13-030	222- 20-015	AMD-P	03-17-078	232- 12-045	NEW-P	03-06-104
220- 88B-020	AMD	03-17-007	222- 20-040	AMD-P	03-17-078	232- 12-045	NEW	03-13-047
220- 88B-030	AMD-P	03-13-030	222- 20-055	AMD-P	03-17-078	232- 12-051	AMD-P	03-06-104
220- 88B-030	AMD	03-17-007	222- 21-010	AMD	03-06-039	232- 12-051	AMD	03-13-047
220- 88B-050	REP-P	03-13-030	222- 21-030	AMD	03-06-039	232- 12-054	AMD-P	03-06-104
220- 88B-050	REP	03-17-007	222- 21-035	AMD	03-06-039	232- 12-054	AMD	03-13-047
220- 88C-020	AMD-P	03-08-100	222- 21-040	AMD	03-06-039	232- 12-055	AMD-P	03-13-141
220- 88C-020	AMD	03-13-002	222- 21-045	AMD	03-06-039	232- 12-055	NEW	03-16-087
220- 88C-020000	NEW-E	03-13-036	222- 21-050	AMD	03-06-039	232- 12-068	AMD-P	03-06-106
220- 88C-020000	REP-E	03-13-036	222- 24-050	AMD-P	03-17-078	232- 12-068	AMD	03-13-047
220- 88C-030	AMD-P	03-08-100	222- 24-051	AMD-P	03-17-078	232- 12-068	AMD-P	03-13-088
220- 88C-030	AMD	03-13-002	222- 24-0511	NEW-P	03-17-078	232- 12-068	AMD	03-16-030
220- 88C-030000	NEW-E	03-13-036	222- 24-0512	NEW-P	03-17-078	232- 12-086	AMD-P	03-18-001
220- 88C-030000	REP-E	03-13-036	230- 02-412	AMD-P	03-08-002	232- 12-106	AMD	03-03-016
220- 88C-040	AMD-P	03-08-100	230- 02-412	AMD	03-11-042	232- 12-181	AMD	03-03-016
220- 88C-040	AMD	03-13-002	230- 04-110	AMD-P	03-08-002	232- 12-243	AMD-P	03-13-142
220- 88C-040000	NEW-E	03-13-036	230- 04-110	AMD	03-11-042	232- 12-243	AMD	03-17-037
220- 88C-040000	REP-E	03-13-036	230- 04-124	AMD-P	03-16-061	232- 12-287	AMD-P	03-12-078
220- 88C-040000	NEW-E	03-15-137	230- 08-010	AMD-P	03-13-135	232- 12-287	AMD	03-16-087
220- 88C-040000	NEW-E	03-11-027	230- 08-017	AMD	03-05-089	232- 12-289	NEW-P	03-02-103
220- 88C-040000	REP-E	03-11-027	230- 12-050	AMD-P	03-17-103	232- 12-289	NEW	03-06-110
220- 88C-050	AMD-P	03-08-100	230- 12-305	AMD-P	03-08-001	232- 12-31500J	NEW-E	03-08-075
220- 88C-050	AMD	03-13-002	230- 12-305	AMD	03-11-041	232- 12-619	AMD-W	03-10-095
220- 88D-010	NEW-P	03-13-140	230- 12-315	AMD-P	03-08-002	232- 12-61900S	NEW-E	03-10-039
220- 88D-020	NEW-P	03-13-140	230- 12-315	AMD	03-11-042	232- 12-61900S	REP-E	03-10-039
220- 88D-030	NEW-P	03-13-140	230- 12-316	NEW-P	03-08-002	232- 12-61900S	REP-E	03-16-043
220- 88D-040	NEW-P	03-13-140	230- 12-316	NEW	03-11-042	232- 12-61900T	NEW-E	03-16-043
220- 88D-050	NEW-P	03-13-140	230- 12-340	AMD-P	03-13-135	232- 12-61900T	REP-E	03-16-043
220-100-010	AMD-P	03-06-080	230- 20-050	AMD-P	03-17-103	232- 12-828	AMD-P	03-06-079
220-100-010	AMD	03-10-038	230- 20-052	REP-P	03-17-103	232- 12-828	AMD	03-10-040
220-100-020	AMD-P	03-06-080	230- 20-059	AMD-P	03-05-088	232- 16-600	AMD-P	03-13-115
220-100-020	AMD	03-10-038	230- 20-059	AMD	03-11-040	232- 16-600	AMD	03-16-087
220-100-027	NEW-P	03-06-080	230- 20-190	REP-P	03-17-103	232- 16-660	AMD-P	03-13-115
220-100-027	NEW	03-10-038	230- 20-242	AMD-P	03-17-103	232- 16-660	AMD	03-16-087
220-100-030	AMD-P	03-06-080	230- 40-010	AMD-P	03-13-135	232- 16-740	AMD-P	03-13-115
220-100-030	AMD	03-10-038	230- 40-040	AMD-P	03-13-135	232- 16-740	AMD	03-16-087
220-100-040	AMD-P	03-06-080	230- 40-055	AMD-P	03-17-104	232- 19-010	REP-P	03-06-080
220-100-040	AMD	03-10-038	230- 40-120	AMD-P	03-13-137	232- 19-010	REP	03-10-038
220-100-045	AMD-P	03-06-080	230- 40-120	AMD	03-17-044	232- 19-015	REP-P	03-06-080
220-100-045	AMD	03-10-038	230- 40-120	AMD-P	03-17-102	232- 19-015	REP	03-10-038
220-100-055	AMD-P	03-06-080	230- 40-125	REP-P	03-13-135	232- 19-020	REP-P	03-06-080
220-100-055	AMD	03-10-038	230- 40-550	AMD-P	03-05-087	232- 19-020	REP	03-10-038

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232- 19-030	REP	03-10-038	232- 28-282	AMD	03-16-087	232- 28-61900C	REP-E	03-11-082
232- 19-040	REP-P	03-06-080	232- 28-291	AMD-P	03-06-105	232- 28-61900D	NEW-E	03-03-098
232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-12-077	232- 28-61900D	REP-E	03-03-098
232- 19-050	REP-P	03-06-080	232- 28-291	AMD	03-13-047	232- 28-61900D	NEW-E	03-11-051
232- 19-050	REP	03-10-038	232- 28-291	AMD	03-16-087	232- 28-61900D	REP-E	03-11-051
232- 19-055	REP-P	03-06-080	232- 28-331	NEW-P	03-02-103	232- 28-61900E	NEW-E	03-04-047
232- 19-055	REP	03-10-038	232- 28-331	NEW	03-06-110	232- 28-61900E	REP-E	03-04-047
232- 19-060	REP-P	03-06-080	232- 28-331	AMD-P	03-13-117	232- 28-61900E	NEW-E	03-11-082
232- 19-060	REP	03-10-038	232- 28-331	AMD	03-16-087	232- 28-61900E	REP-E	03-12-022
232- 19-070	REP-P	03-06-080	232- 28-332	NEW-P	03-02-103	232- 28-61900F	NEW-E	03-05-003
232- 19-070	REP	03-10-038	232- 28-332	NEW	03-06-110	232- 28-61900F	REP-E	03-05-003
232- 19-080	REP-P	03-06-080	232- 28-332	AMD-P	03-13-118	232- 28-61900F	NEW-E	03-12-022
232- 19-080	REP	03-10-038	232- 28-332	AMD	03-16-087	232- 28-61900F	REP-E	03-13-068
232- 19-090	REP-P	03-06-080	232- 28-333	NEW-P	03-02-103	232- 28-61900G	NEW-E	03-05-038
232- 19-090	REP	03-10-038	232- 28-333	NEW	03-06-110	232- 28-61900G	REP-E	03-05-038
232- 19-100	REP-P	03-06-080	232- 28-333	AMD-P	03-13-121	232- 28-61900G	NEW-E	03-12-041
232- 19-100	REP	03-10-038	232- 28-333	AMD	03-16-087	232- 28-61900G	REP-E	03-12-041
232- 19-110	REP-P	03-06-080	232- 28-334	NEW-P	03-02-103	232- 28-61900H	NEW-E	03-05-037
232- 19-110	REP	03-10-038	232- 28-334	NEW	03-06-110	232- 28-61900H	REP-E	03-05-037
232- 19-120	REP-P	03-06-080	232- 28-334	AMD-P	03-13-119	232- 28-61900H	REP-E	03-09-001
232- 19-120	REP	03-10-038	232- 28-334	AMD	03-16-087	232- 28-61900H	NEW-E	03-13-003
232- 19-130	REP-P	03-06-080	232- 28-335	NEW-P	03-02-103	232- 28-61900H	REP-E	03-13-003
232- 19-130	REP	03-10-038	232- 28-335	NEW	03-06-110	232- 28-61900I	NEW-E	03-06-009
232- 19-140	REP-P	03-06-080	232- 28-335	AMD-P	03-13-120	232- 28-61900I	REP-E	03-06-009
232- 19-140	REP	03-10-038	232- 28-335	AMD	03-16-087	232- 28-61900I	NEW-E	03-13-013
232- 19-180	REP-P	03-06-080	232- 28-336	NEW-P	03-02-103	232- 28-61900I	REP-E	03-13-013
232- 19-180	REP	03-10-038	232- 28-336	NEW	03-06-110	232- 28-61900J	NEW-E	03-06-008
232- 28-02201	REP-P	03-02-103	232- 28-337	NEW-P	03-06-112	232- 28-61900J	REP-E	03-06-008
232- 28-02201	REP	03-06-110	232- 28-337	NEW	03-13-047	232- 28-61900J	NEW-E	03-13-001
232- 28-02202	REP-P	03-02-103	232- 28-341	NEW-P	03-06-106	232- 28-61900J	REP-E	03-13-001
232- 28-02202	REP	03-06-110	232- 28-341	NEW	03-13-047	232- 28-61900K	NEW-E	03-06-028
232- 28-02203	REP-P	03-02-103	232- 28-341	AMD-P	03-13-116	232- 28-61900K	REP-E	03-06-028
232- 28-02203	REP	03-06-110	232- 28-341	AMD	03-16-087	232- 28-61900K	NEW-E	03-13-069
232- 28-02204	REP-P	03-02-103	232- 28-351	NEW-P	03-06-113	232- 28-61900K	REP-E	03-14-028
232- 28-02204	REP	03-06-110	232- 28-351	NEW	03-13-047	232- 28-61900L	NEW-E	03-07-001
232- 28-02205	REP-P	03-02-103	232- 28-35100A	NEW-E	03-17-038	232- 28-61900L	REP-E	03-07-001
232- 28-02205	REP	03-06-110	232- 28-35100A	REP-E	03-17-038	232- 28-61900L	REP-E	03-11-037
232- 28-02206	REP-P	03-02-103	232- 28-352	NEW-P	03-06-114	232- 28-61900L	NEW-E	03-13-068
232- 28-02206	REP	03-06-110	232- 28-352	NEW	03-13-047	232- 28-61900L	REP-E	03-14-073
232- 28-02220	REP-P	03-06-112	232- 28-35200A	NEW-E	03-17-039	232- 28-61900M	NEW-E	03-07-016
232- 28-02220	REP	03-13-047	232- 28-35200A	REP-E	03-18-016	232- 28-61900M	REP-E	03-07-016
232- 28-02240	REP-P	03-06-112	232- 28-35200B	NEW-E	03-18-016	232- 28-61900M	REP-E	03-11-037
232- 28-02240	REP	03-13-047	232- 28-426	REP-P	03-13-115	232- 28-61900M	NEW-E	03-13-094
232- 28-02280	REP-P	03-02-103	232- 28-426	REP	03-16-087	232- 28-61900M	REP-E	03-13-094
232- 28-02280	REP	03-06-110	232- 28-42600C	NEW-E	03-03-102	232- 28-61900M	NEW-E	03-07-023
232- 28-248	AMD-P	03-06-108	232- 28-42600C	REP-E	03-03-102	232- 28-61900N	REP-E	03-07-023
232- 28-248	AMD	03-13-047	232- 28-427	NEW-P	03-13-115	232- 28-61900N	NEW-E	03-14-028
232- 28-266	AMD-P	03-06-066	232- 28-427	NEW	03-16-087	232- 28-61900N	REP-E	03-14-093
232- 28-266	AMD	03-10-009	232- 28-515	AMD-P	03-06-107	232- 28-61900N	NEW-E	03-07-075
232- 28-271	AMD	03-03-016	232- 28-515	AMD	03-13-047	232- 28-61900P	REP-E	03-07-075
232- 28-272	AMD-P	03-06-108	232- 28-619	AMD	03-05-057	232- 28-61900P	REP-E	03-13-069
232- 28-272	AMD	03-13-047	232- 28-619	AMD-X	03-12-094	232- 28-61900P	NEW-E	03-14-073
232- 28-273	AMD-P	03-06-105	232- 28-619	AMD	03-16-110	232- 28-61900Q	REP-E	03-05-003
232- 28-273	AMD	03-13-047	232- 28-61900A	NEW-E	03-10-053	232- 28-61900Q	NEW-E	03-07-064
232- 28-276	REP-P	03-06-106	232- 28-61900A	REP-E	03-10-053	232- 28-61900Q	REP-E	03-07-064
232- 28-276	REP	03-13-047	232- 28-61900B	REP-E	03-04-047	232- 28-61900Q	NEW-E	03-14-093
232- 28-278	REP-P	03-06-113	232- 28-61900B	NEW-E	03-11-001	232- 28-61900Q	REP-E	03-15-092
232- 28-278	REP	03-13-047	232- 28-61900B	REP-E	03-11-001	232- 28-61900R	NEW-E	03-07-068
232- 28-279	REP-P	03-06-114	232- 28-61900B	REP-E	03-13-001	232- 28-61900R	REP-E	03-07-068
232- 28-279	REP	03-13-047	232- 28-61900C	NEW-E	03-03-004	232- 28-61900R	NEW-E	03-15-092
232- 28-282	AMD	03-03-016	232- 28-61900C	REP-E	03-03-004	232- 28-61900S	NEW-E	03-08-054

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232-28-61900S	NEW-E	03-16-012	246-01-040	REP-X	03-04-105	246-260-9901	AMD-P	03-11-030
232-28-61900T	NEW-E	03-09-001	246-01-040	REP	03-11-032	246-260-9901	AMD	03-14-146
232-28-61900T	REP-E	03-09-001	246-01-070	REP-X	03-04-105	246-262-990	AMD-P	03-11-030
232-28-61900T	REP-E	03-10-033	246-01-070	REP	03-11-032	246-262-990	AMD	03-14-146
232-28-61900T	NEW-E	03-16-057	246-01-080	AMD-X	03-04-105	246-272	PREP	03-08-028
232-28-61900T	REP-E	03-16-057	246-01-080	AMD	03-11-032	246-272B-00101	NEW-P	03-12-089
232-28-61900U	NEW-E	03-09-016	246-01-090	AMD-X	03-04-105	246-272B-00101	NEW-S	03-18-091
232-28-61900U	REP-E	03-09-016	246-01-090	AMD	03-11-032	246-272B-00501	NEW-P	03-12-089
232-28-61900U	NEW-E	03-18-041	246-01-100	REP-X	03-04-105	246-272B-00501	NEW-S	03-18-091
232-28-61900V	NEW-E	03-10-001	246-01-100	REP	03-11-032	246-272B-01001	NEW-P	03-12-089
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232-28-61900V	REP-E	03-12-041	246-08-400	AMD	03-14-036	246-272B-03001	NEW-P	03-12-089
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260- 48-630	AMD	03-07-057	284- 30-3910	NEW-S	03-09-143	296- 13-100	REP-P	03-05-074
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260- 48-900	AMD-W	03-13-072	284- 30-3911	NEW	03-14-092	296- 13-130	REP-P	03-05-074
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260- 48-910	AMD-W	03-13-072	284- 30-3912	NEW-S	03-09-143	296- 13-140	REP-P	03-05-074
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284- 30-3903	NEW-S	03-09-143	296- 13-030	REP	03-09-111	296- 13-310	REP	03-09-111
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284- 30-3904	NEW-S	03-09-143	296- 13-040	REP-P	03-05-074	296- 13-330	REP-P	03-05-074
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296-13-410	REP-P	03-05-074	296-17-66003	AMD-P	03-17-016	296-19A-100	AMD	03-11-009
296-13-410	REP	03-09-111	296-17-67601	AMD-P	03-17-016	296-19A-110	AMD	03-11-009
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296-14-310	NEW-P	03-06-074	296-17-724	AMD-P	03-17-016	296-19A-137	NEW	03-11-009
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296-14-315	NEW-P	03-06-074	296-17-752	AMD-P	03-17-016	296-19A-170	AMD	03-11-009
296-14-315	NEW	03-12-046	296-17-757	PREP	03-03-026	296-19A-180	AMD	03-11-009
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296-14-325	NEW	03-12-046	296-17-759	PREP	03-03-026	296-19A-193	NEW	03-11-009
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296-14-526	NEW	03-11-035	296-17-762	PREP	03-03-026	296-19A-260	AMD	03-11-009
296-14-528	NEW	03-11-035	296-17-762	AMD-P	03-14-126	296-19A-270	AMD	03-11-009
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296-150P	PREP	03-04-098	296-17-76203	PREP	03-03-026	296-19A-480	AMD	03-11-009
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296-24-23501	REP-P	03-14-075	296-24-66315	REP	03-09-009	296-46A-23028	REP-P	03-05-074
296-24-23503	REP-P	03-14-075	296-24-66317	REP	03-09-009	296-46A-23028	REP	03-09-111
296-24-23505	REP-P	03-14-075	296-24-66319	REP	03-09-009	296-46A-23040	REP-P	03-05-074
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296-24-23517	REP-P	03-14-075	296-24-66507	REP	03-09-009	296-46A-300	REP-P	03-05-074
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296-24-24019	REP-P	03-14-075	296-45-255	AMD	03-17-071	296-46A-450	REP-P	03-05-074
296-24-245	REP-P	03-14-075	296-45-325	AMD-P	03-10-067	296-46A-450	REP	03-09-111
296-24-24501	REP-P	03-14-075	296-45-325	AMD	03-17-071	296-46A-500	REP-P	03-05-074
296-24-24503	REP-P	03-14-075	296-45-48535	AMD-X	03-12-072	296-46A-500	REP	03-09-111
296-24-24505	REP-P	03-14-075	296-45-48535	AMD	03-18-090	296-46A-514	REP-P	03-05-074
296-24-24507	REP-P	03-14-075	296-46A	PREP	03-04-098	296-46A-514	REP	03-09-111
296-24-24509	REP-P	03-14-075	296-46A-090	REP-P	03-05-074	296-46A-517	REP-P	03-05-074
296-24-24511	REP-P	03-14-075	296-46A-090	REP	03-09-111	296-46A-517	REP	03-09-111
296-24-24513	REP-P	03-14-075	296-46A-092	REP-P	03-05-074	296-46A-550	REP-P	03-05-074
296-24-24515	REP-P	03-14-075	296-46A-092	REP	03-09-111	296-46A-550	REP	03-09-111
296-24-24517	REP-P	03-14-075	296-46A-095	REP-P	03-05-074	296-46A-553	REP-P	03-05-074
296-24-24519	REP-P	03-14-075	296-46A-095	REP	03-09-111	296-46A-553	REP	03-09-111
296-24-650	REP	03-09-009	296-46A-100	REP-P	03-05-074	296-46A-600	REP-P	03-05-074
296-24-65003	REP	03-09-009	296-46A-100	REP	03-09-111	296-46A-600	REP	03-09-111
296-24-65005	REP	03-09-009	296-46A-102	REP-P	03-05-074	296-46A-680	REP-P	03-05-074
296-24-65007	REP	03-09-009	296-46A-102	REP	03-09-111	296-46A-680	REP	03-09-111
296-24-655	REP	03-09-009	296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074
296-24-65501	REP	03-09-009	296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111
296-24-657	REP	03-09-009	296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074
296-24-65701	REP	03-09-009	296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111
296-24-65703	REP	03-09-009	296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074
296-24-660	REP	03-09-009	296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111
296-24-66001	REP	03-09-009	296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074
296-24-66003	REP	03-09-009	296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111
296-24-66005	REP	03-09-009	296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074
296-24-66007	REP	03-09-009	296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111
296-24-66009	REP	03-09-009	296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074
296-24-66011	REP	03-09-009	296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111
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296-24-66301	REP	03-09-009	296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111
296-24-66303	REP	03-09-009	296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074
296-24-66305	REP	03-09-009	296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111
296-24-66307	REP	03-09-009	296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074
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296-46A-933	REP	03-09-111	296-46B-520	NEW	03-09-111	296-46B-980	NEW	03-09-111
296-46A-934	REP-P	03-05-074	296-46B-527	NEW-P	03-05-074	296-46B-985	NEW-P	03-05-074
296-46A-934	REP	03-09-111	296-46B-527	NEW	03-09-111	296-46B-985	NEW	03-09-111
296-46A-935	REP-P	03-05-074	296-46B-550	NEW-P	03-05-074	296-46B-990	NEW-P	03-05-074
296-46A-935	REP	03-09-111	296-46B-550	NEW	03-09-111	296-46B-990	NEW	03-09-111
296-46A-940	REP-P	03-05-074	296-46B-553	NEW-P	03-05-074	296-46B-995	NEW-P	03-05-074
296-46A-940	REP	03-09-111	296-46B-553	NEW	03-09-111	296-46B-995	NEW	03-09-111
296-46A-950	REP-P	03-05-074	296-46B-555	NEW-P	03-05-074	296-46B-998	NEW-P	03-05-074
296-46A-950	REP	03-09-111	296-46B-555	NEW	03-09-111	296-46B-998	NEW	03-09-111
296-46A-960	REP-P	03-05-074	296-46B-600	NEW-P	03-05-074	296-46B-999	NEW-P	03-05-074
296-46A-960	REP	03-09-111	296-46B-600	NEW	03-09-111	296-46B-999	NEW	03-09-111
296-46B	PREP	03-10-065	296-46B-680	NEW-P	03-05-074	296-52-60020	AMD	03-06-073
296-46B	PREP	03-15-116	296-46B-680	NEW	03-09-111	296-52-60130	AMD	03-06-073
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296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111	296-52-65005	AMD	03-10-037
296-46B-040	NEW-P	03-05-074	296-46B-905	AMD-X	03-13-100	296-52-66005	AMD-X	03-05-073
296-46B-040	NEW	03-09-111	296-46B-905	AMD	03-18-089	296-52-66005	AMD	03-10-037
296-46B-110	NEW-P	03-05-074	296-46B-910	NEW-P	03-05-074	296-52-67065	AMD	03-06-073
296-46B-110	NEW	03-09-111	296-46B-910	NEW	03-09-111	296-52-67160	AMD	03-06-073
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296-46B-215	NEW	03-09-111	296-46B-915	NEW	03-09-111	296-52-69095	AMD	03-06-073
296-46B-220	NEW-P	03-05-074	296-46B-920	NEW-P	03-05-074	296-52-69125	AMD	03-06-073
296-46B-220	NEW	03-09-111	296-46B-920	NEW	03-09-111	296-52-69130	NEW	03-06-073
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296-46B-250	NEW-P	03-05-074	296-46B-930	AMD-X	03-13-100	296-52-71045	AMD	03-06-073
296-46B-250	NEW	03-09-111	296-46B-930	AMD	03-18-089	296-54	PREP	03-10-064
296-46B-300	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074	296-54	PREP	03-10-066
296-46B-300	NEW	03-09-111	296-46B-935	NEW	03-09-111	296-54-51130	AMD	03-11-060
296-46B-314	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074	296-56	PREP	03-03-110
296-46B-314	NEW	03-09-111	296-46B-940	NEW	03-09-111	296-56	PREP	03-10-066
296-46B-334	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074	296-56-60001	AMD	03-11-060
296-46B-334	NEW	03-09-111	296-46B-945	NEW	03-09-111	296-59	PREP	03-03-110
296-46B-358	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074	296-59	PREP	03-10-064
296-46B-358	NEW	03-09-111	296-46B-950	NEW	03-09-111	296-59-090	AMD	03-11-060
296-46B-394	NEW-P	03-05-074	296-46B-950	AMD-X	03-13-100	296-62	PREP	03-04-097
296-46B-394	NEW	03-09-111	296-46B-950	AMD	03-18-089	296-62	PREP	03-08-073
296-46B-410	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074	296-62-054	REP-X	03-04-100
296-46B-410	NEW	03-09-111	296-46B-951	NEW	03-09-111	296-62-054	REP	03-10-068
296-46B-422	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100
296-46B-422	NEW	03-09-111	296-46B-955	NEW	03-09-111	296-62-05402	REP	03-10-068
296-46B-430	NEW-P	03-05-074	296-46B-960	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100
296-46B-430	NEW	03-09-111	296-46B-960	NEW	03-09-111	296-62-05404	REP	03-10-068
296-46B-450	NEW-P	03-05-074	296-46B-965	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100
296-46B-450	NEW	03-09-111	296-46B-965	NEW	03-09-111	296-62-05406	REP	03-10-068
296-46B-501	NEW-P	03-05-074	296-46B-970	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100
296-46B-501	NEW	03-09-111	296-46B-970	NEW	03-09-111	296-62-05408	REP	03-10-068
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296-46B-517	NEW-P	03-05-074	296-46B-975	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100
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296-62-07001	REP-X	03-04-100	296-104-700	AMD-P	03-08-076	296-150M-0820	NEW	03-12-044
296-62-07001	REP	03-10-068	296-104-700	AMD	03-12-051	296-150M-0830	NEW-P	03-09-109
296-62-07003	REP-X	03-04-100	296-115-050	AMD-X	03-12-072	296-150M-0830	NEW	03-12-044
296-62-07003	REP	03-10-068	296-115-050	AMD	03-18-090	296-150M-0835	NEW-P	03-09-109
296-62-07005	REP-X	03-04-100	296-128-500	AMD	03-03-109	296-150M-0835	NEW	03-12-044
296-62-07005	REP	03-10-068	296-128-532	NEW	03-03-109	296-150M-0840	NEW-P	03-09-109
296-62-071	AMD-P	03-08-044	296-128-533	NEW	03-03-109	296-150M-0840	NEW	03-12-044
296-62-07308	AMD-X	03-12-072	296-130-010	AMD	03-03-010	296-150M-0845	NEW-P	03-09-109
296-62-07308	AMD	03-18-090	296-130-020	AMD	03-03-010	296-150M-0845	NEW	03-12-044
296-62-07336	AMD-X	03-12-072	296-130-030	AMD	03-03-010	296-150M-0855	NEW-P	03-09-109
296-62-07336	AMD	03-18-090	296-130-035	AMD	03-03-010	296-150M-0855	NEW	03-12-044
296-62-07342	AMD-X	03-12-072	296-130-040	AMD	03-03-010	296-150M-0860	NEW-P	03-09-109
296-62-07342	AMD	03-18-090	296-130-050	AMD	03-03-010	296-150M-0860	NEW	03-12-044
296-62-07347	AMD-X	03-12-072	296-130-060	AMD	03-03-010	296-150M-0865	NEW-P	03-09-109
296-62-07347	AMD	03-18-090	296-130-065	AMD	03-03-010	296-150M-0865	NEW	03-12-044
296-62-07419	AMD-X	03-12-072	296-130-070	AMD	03-03-010	296-150M-3000	AMD-P	03-09-109
296-62-07419	AMD	03-18-090	296-130-080	AMD	03-03-010	296-150M-3000	AMD	03-12-044
296-62-07460	AMD-X	03-12-072	296-130-100	NEW	03-03-010	296-150P	PREP	03-10-065
296-62-07460	AMD	03-18-090	296-130-500	REP	03-03-010	296-150P	PREP	03-15-115
296-62-075	AMD-P	03-11-059	296-150C	PREP	03-10-065	296-150P-0020	AMD-P	03-09-109
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296-62-07719	AMD-X	03-12-072	296-150C-0150	NEW	03-12-044	296-150P-3000	AMD	03-12-045
296-62-07719	AMD	03-18-090	296-150C-3000	AMD-P	03-09-108	296-150R	PREP	03-10-065
296-62-080	REP-X	03-04-100	296-150C-3000	AMD	03-12-045	296-150R	PREP	03-15-115
296-62-080	REP	03-10-068	296-150F	PREP	03-10-065	296-150R-0020	AMD-P	03-09-109
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296-62-11021	REP-X	03-04-100	296-150F-3000	AMD	03-12-044	296-150R-3000	AMD	03-12-045
296-62-11021	REP	03-10-068	296-150M	PREP	03-10-065	296-150T	PREP	03-10-065
296-62-130	REP-X	03-04-100	296-150M	PREP	03-15-115	296-150T	PREP	03-15-115
296-62-130	REP	03-10-068	296-150M-0020	AMD-P	03-09-109	296-150T-3000	AMD-P	03-09-108
296-62-20015	AMD-X	03-12-072	296-150M-0020	AMD	03-12-044	296-150T-3000	AMD	03-12-045
296-62-20015	AMD	03-18-090	296-150M-0049	AMD-P	03-09-109	296-150V	PREP	03-10-065
296-62-300	AMD-P	03-14-074	296-150M-0049	AMD	03-12-044	296-150V	PREP	03-15-115
296-62-31020	AMD-X	03-12-072	296-150M-0050	AMD-P	03-09-109	296-150V-0020	AMD-P	03-09-109
296-62-31020	AMD	03-18-090	296-150M-0050	AMD	03-12-044	296-150V-0020	AMD	03-12-044
296-62-31335	AMD-X	03-12-072	296-150M-0051	NEW-P	03-09-109	296-150V-0800	AMD-P	03-09-109
296-62-31335	AMD	03-18-090	296-150M-0051	NEW	03-12-044	296-150V-0800	AMD	03-12-044
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296-78	PREP	03-10-066	296-150M-0302	AMD	03-12-044	296-150V-1090	AMD	03-12-044
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296-78-71001	AMD	03-06-076	296-150M-0320	AMD	03-12-044	296-150V-1220	REP	03-12-044
296-78-71011	AMD	03-06-076	296-150M-0322	NEW-P	03-09-109	296-150V-1530	AMD-P	03-09-109
296-78-835	AMD	03-06-076	296-150M-0322	NEW	03-12-044	296-150V-1530	AMD	03-12-044
296-79	PREP	03-03-110	296-150M-0360	AMD-P	03-09-109	296-150V-1600	NEW-P	03-09-109
296-79	PREP	03-10-064	296-150M-0360	AMD	03-12-044	296-150V-1600	NEW	03-12-044
296-79	PREP	03-10-066	296-150M-0705	NEW-P	03-09-109	296-150V-3000	AMD-P	03-09-108
296-96	PREP	03-04-098	296-150M-0705	NEW	03-12-044	296-150V-3000	AMD	03-12-045
296-96	PREP	03-10-065	296-150M-0715	NEW-P	03-09-109	296-155	PREP	03-04-097
296-96-01005	AMD-P	03-09-108	296-150M-0715	NEW	03-12-044	296-155	PREP	03-10-064
296-96-01005	AMD	03-12-045	296-150M-0725	NEW-P	03-09-109	296-155	PREP	03-10-066
296-96-01030	AMD-P	03-09-108	296-150M-0725	NEW	03-12-044	296-155-145	AMD	03-11-060
296-96-01030	AMD	03-12-045	296-150M-0800	NEW-P	03-09-109	296-155-210	AMD	03-11-060
296-96-01050	AMD-P	03-09-108	296-150M-0800	NEW	03-12-044	296-155-300	AMD	03-06-075
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296-96-01055	AMD-P	03-09-108	296-150M-0805	NEW	03-12-044	296-155-310	AMD	03-06-075
296-96-01055	AMD	03-12-045	296-150M-0810	NEW-P	03-09-109	296-155-315	AMD	03-06-075
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296-200A-035	AMD-P	03-15-117	296-307-03935	NEW-X	03-04-100	296-307-45035	NEW-X	03-04-100
296-200A-040	AMD-P	03-15-117	296-307-03935	NEW	03-10-068	296-307-45035	NEW	03-10-068
296-200A-060	AMD-P	03-15-117	296-307-03940	NEW-X	03-04-100	296-307-45045	NEW-X	03-04-100
296-200A-065	NEW-P	03-15-117	296-307-03940	NEW	03-10-068	296-307-45045	NEW	03-10-068
296-200A-070	AMD-P	03-15-117	296-307-03945	NEW-X	03-04-100	296-307-45050	NEW-X	03-04-100
296-200A-080	AMD-P	03-15-117	296-307-03945	NEW	03-10-068	296-307-45050	NEW	03-10-068
296-200A-090	AMD-P	03-15-117	296-307-148	NEW-P	03-15-032	296-307-455	NEW-X	03-04-100
296-200A-111	AMD-P	03-15-117	296-307-14805	NEW-P	03-15-032	296-307-455	NEW	03-10-068
296-200A-112	AMD-P	03-15-117	296-307-14810	NEW-P	03-15-032	296-307-45505	NEW-X	03-04-100
296-200A-300	AMD-P	03-15-117	296-307-14815	NEW-P	03-15-032	296-307-45505	NEW	03-10-068
296-200A-305	AMD-P	03-15-117	296-307-14820	NEW-P	03-15-032	296-307-45510	NEW-X	03-04-100
296-200A-310	AMD-P	03-15-117	296-307-14825	NEW-P	03-15-032	296-307-45510	NEW	03-10-068
296-200A-320	AMD-P	03-15-117	296-307-14830	NEW-P	03-15-032	296-307-45515	NEW-X	03-04-100
296-200A-330	AMD-P	03-15-117	296-307-14835	NEW-P	03-15-032	296-307-45515	NEW	03-10-068
296-200A-340	AMD-P	03-15-117	296-307-14840	NEW-P	03-15-032	296-307-45520	NEW-X	03-04-100
296-200A-360	AMD-P	03-15-117	296-307-14845	NEW-P	03-15-032	296-307-45520	NEW	03-10-068
296-200A-370	AMD-P	03-15-117	296-307-40013	AMD-X	03-04-100	296-307-45525	NEW-X	03-04-100
296-200A-380	AMD-P	03-15-117	296-307-40013	AMD	03-10-068	296-307-45525	NEW	03-10-068
296-200A-390	AMD-P	03-15-117	296-307-40015	AMD-X	03-04-100	296-307-45535	NEW-X	03-04-100
296-200A-400	AMD-P	03-15-117	296-307-40015	AMD	03-10-068	296-307-45535	NEW	03-10-068
296-200A-405	AMD-P	03-15-117	296-307-40027	AMD-X	03-04-100	296-307-45540	NEW-X	03-04-100
296-200A-500	REP-P	03-15-117	296-307-40027	AMD	03-10-068	296-307-45540	NEW	03-10-068
296-200A-510	REP-P	03-15-117	296-307-445	NEW-X	03-04-100	296-307-45545	NEW-X	03-04-100
296-200A-900	AMD-P	03-15-117	296-307-445	NEW	03-10-068	296-307-45545	NEW	03-10-068
296-304-01001	AMD	03-04-099	296-307-450	AMD-X	03-04-100	296-307-45550	NEW-X	03-04-100
296-304-01003	AMD	03-04-099	296-307-450	AMD	03-10-068	296-307-45550	NEW	03-10-068
296-304-02007	AMD	03-04-099	296-307-45001	REP-X	03-04-100	296-307-45555	NEW-X	03-04-100
296-304-02009	AMD	03-04-099	296-307-45001	REP	03-10-068	296-307-45555	NEW	03-10-068
296-304-03007	AMD	03-04-099	296-307-45003	REP-X	03-04-100	296-307-45560	NEW-X	03-04-100
296-304-04001	AMD	03-04-099	296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068
296-304-05001	AMD	03-04-099	296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100
296-304-05003	AMD	03-04-099	296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068
296-304-05005	AMD	03-04-099	296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100
296-304-05009	AMD	03-04-099	296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068
296-304-05013	AMD	03-04-099	296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100
296-304-06003	AMD	03-04-099	296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068
296-304-07009	AMD	03-04-099	296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100
296-304-07011	AMD	03-04-099	296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068
296-304-07013	AMD	03-04-099	296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100
296-304-08001	AMD	03-04-099	296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068
296-304-08009	AMD	03-11-060	296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100
296-304-09009	AMD	03-11-060	296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068
296-304-09017	AMD	03-04-099	296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100
296-304-09021	AMD	03-04-099	296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068
296-304-09023	AMD	03-04-099	296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100
296-304-10003	AMD	03-04-099	296-307-45017	REP	03-10-068	296-307-560	NEW	03-10-068
296-304-10007	AMD	03-04-099	296-307-45019	REP-X	03-04-100	296-307-56005	NEW-X	03-04-100
296-305	PREP	03-04-097	296-307-45019	REP	03-10-068	296-307-56005	NEW	03-10-068
296-305	PREP	03-10-066	296-307-45020	NEW-X	03-04-100	296-307-56010	NEW-X	03-04-100
296-305-01515	AMD	03-09-110	296-307-45020	NEW	03-10-068	296-307-56010	NEW	03-10-068
296-305-02005	AMD	03-11-060	296-307-45021	REP-X	03-04-100	296-307-56015	NEW-X	03-04-100
296-305-02501	AMD	03-09-110	296-307-45021	REP	03-10-068	296-307-56015	NEW	03-10-068
296-305-05503	AMD	03-11-060	296-307-45023	REP-X	03-04-100	296-307-56020	NEW-X	03-04-100
296-307	PREP	03-10-064	296-307-45023	REP	03-10-068	296-307-56020	NEW	03-10-068
296-307	PREP	03-10-066	296-307-45025	AMD-X	03-04-100	296-307-56025	NEW-X	03-04-100
296-307	AMD-S	03-18-046	296-307-45025	AMD	03-10-068	296-307-56025	NEW	03-10-068
296-307-009	AMD-X	03-04-100	296-307-45027	REP-X	03-04-100	296-307-56030	NEW-X	03-04-100
296-307-009	AMD	03-10-068	296-307-45027	REP	03-10-068	296-307-56030	NEW	03-10-068
296-307-018	AMD-X	03-04-100	296-307-45029	REP-X	03-04-100	296-307-56035	NEW-X	03-04-100
296-307-018	AMD	03-10-068	296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-410	REP-P	03-05-074	296-800-11030	AMD	03-18-090	296-807-13005	NEW	03-09-009
296-402A-410	REP	03-09-111	296-800-15005	AMD	03-09-110	296-807-140	NEW	03-09-009
296-402A-430	REP-P	03-05-074	296-800-170	AMD-X	03-12-072	296-807-14005	NEW	03-09-009
296-402A-430	REP	03-09-111	296-800-170	AMD	03-18-090	296-807-14010	NEW	03-09-009
296-402A-440	REP-P	03-05-074	296-800-17005	AMD-X	03-12-072	296-807-14015	NEW	03-09-009
296-402A-440	REP	03-09-111	296-800-17005	AMD	03-18-090	296-807-14020	NEW	03-09-009
296-402A-450	REP-P	03-05-074	296-800-17007	NEW-X	03-12-072	296-807-14025	NEW	03-09-009
296-402A-450	REP	03-09-111	296-800-17007	NEW	03-18-090	296-807-14030	NEW	03-09-009
296-402A-460	REP-P	03-05-074	296-800-17015	AMD-X	03-12-072	296-807-14035	NEW	03-09-009
296-402A-460	REP	03-09-111	296-800-17015	AMD	03-18-090	296-807-14040	NEW	03-09-009
296-402A-470	REP-P	03-05-074	296-800-17020	AMD-X	03-12-072	296-807-150	NEW	03-09-009
296-402A-470	REP	03-09-111	296-800-17020	AMD	03-18-090	296-807-15005	NEW	03-09-009
296-402A-480	REP-P	03-05-074	296-800-230	AMD-X	03-12-072	296-807-15010	NEW	03-09-009
296-402A-480	REP	03-09-111	296-800-230	AMD	03-18-090	296-807-15015	NEW	03-09-009
296-402A-490	REP-P	03-05-074	296-800-23005	AMD-X	03-12-072	296-807-15020	NEW	03-09-009
296-402A-490	REP	03-09-111	296-800-23005	AMD	03-18-090	296-807-15025	NEW	03-09-009
296-402A-500	REP-P	03-05-074	296-800-23010	AMD-X	03-12-072	296-807-15030	NEW	03-09-009
296-402A-500	REP	03-09-111	296-800-23010	AMD	03-18-090	296-807-15035	NEW	03-09-009
296-402A-510	REP-P	03-05-074	296-800-23020	AMD-X	03-12-072	296-807-15040	NEW	03-09-009
296-402A-510	REP	03-09-111	296-800-23020	AMD	03-18-090	296-807-15045	NEW	03-09-009
296-402A-520	REP-P	03-05-074	296-800-23025	AMD-X	03-12-072	296-807-15050	NEW	03-09-009
296-402A-520	REP	03-09-111	296-800-23025	AMD	03-18-090	296-807-15055	NEW	03-09-009
296-402A-530	REP-P	03-05-074	296-800-23030	REP-X	03-12-072	296-807-160	NEW	03-09-009
296-402A-530	REP	03-09-111	296-800-23030	REP	03-18-090	296-807-16005	NEW	03-09-009
296-402A-540	REP-P	03-05-074	296-800-23035	REP-X	03-12-072	296-807-16010	NEW	03-09-009
296-402A-540	REP	03-09-111	296-800-23035	REP	03-18-090	296-807-16015	NEW	03-09-009
296-402A-550	REP-P	03-05-074	296-800-23040	NEW-X	03-12-072	296-807-16020	NEW	03-09-009
296-402A-550	REP	03-09-111	296-800-23040	NEW	03-18-090	296-807-16025	NEW	03-09-009
296-402A-560	REP-P	03-05-074	296-800-23045	NEW-X	03-12-072	296-807-16030	NEW	03-09-009
296-402A-560	REP	03-09-111	296-800-23045	NEW	03-18-090	296-807-16035	NEW	03-09-009
296-402A-570	REP-P	03-05-074	296-800-23050	NEW-X	03-12-072	296-807-170	NEW	03-09-009
296-402A-570	REP	03-09-111	296-800-23050	NEW	03-18-090	296-807-17005	NEW	03-09-009
296-402A-580	REP-P	03-05-074	296-800-23055	NEW-X	03-12-072	296-807-17010	NEW	03-09-009
296-402A-580	REP	03-09-111	296-800-23055	NEW	03-18-090	296-807-17015	NEW	03-09-009
296-402A-590	REP-P	03-05-074	296-800-23060	NEW-X	03-12-072	296-807-17020	NEW	03-09-009
296-402A-590	REP	03-09-111	296-800-23060	NEW	03-18-090	296-807-180	NEW	03-09-009
296-402A-600	REP-P	03-05-074	296-800-23065	NEW-X	03-12-072	296-807-18005	NEW	03-09-009
296-402A-600	REP	03-09-111	296-800-23065	NEW	03-18-090	296-807-18010	NEW	03-09-009
296-402A-610	REP-P	03-05-074	296-800-23070	NEW-X	03-12-072	296-807-18015	NEW	03-09-009
296-402A-610	REP	03-09-111	296-800-23070	NEW	03-18-090	296-807-18020	NEW	03-09-009
296-402A-620	REP-P	03-05-074	296-800-23075	NEW-X	03-12-072	296-807-18025	NEW	03-09-009
296-402A-620	REP	03-09-111	296-800-23075	NEW	03-18-090	296-807-18030	NEW	03-09-009
296-402A-630	REP-P	03-05-074	296-800-31050	AMD-X	03-12-072	296-807-18035	NEW	03-09-009
296-402A-630	REP	03-09-111	296-800-31050	AMD	03-18-090	296-807-18040	NEW	03-09-009
296-402A-640	REP-P	03-05-074	296-800-350	AMD-X	03-12-072	296-807-18045	NEW	03-09-009
296-402A-640	REP	03-09-111	296-800-350	AMD	03-18-090	296-807-18050	NEW	03-09-009
296-402A-650	REP-P	03-05-074	296-800-35038	AMD-X	03-12-072	296-807-18055	NEW	03-09-009
296-402A-650	REP	03-09-111	296-800-35038	AMD	03-18-090	296-807-18060	NEW	03-09-009
296-402A-660	REP-P	03-05-074	296-800-35040	AMD-X	03-12-072	296-807-18065	NEW	03-09-009
296-402A-660	REP	03-09-111	296-800-35040	AMD	03-18-090	296-807-18070	NEW	03-09-009
296-402A-670	REP-P	03-05-074	296-800-35062	AMD-X	03-12-072	296-807-18075	NEW	03-09-009
296-402A-670	REP	03-09-111	296-800-35062	AMD	03-18-090	296-807-18080	NEW	03-09-009
296-402A-675	REP-P	03-05-074	296-800-35064	AMD-X	03-12-072	296-807-18085	NEW	03-09-009
296-402A-675	REP	03-09-111	296-800-35064	AMD	03-18-090	296-807-190	NEW	03-09-009
296-402A-680	REP-P	03-05-074	296-800-370	AMD-X	03-12-072	296-817-010	NEW-W	03-13-096
296-402A-680	REP	03-09-111	296-800-370	AMD	03-18-090	296-817-01005	NEW-W	03-13-096
296-402A-690	REP-P	03-05-074	296-807-100	NEW	03-09-009	296-817-01010	NEW-W	03-13-096
296-402A-690	REP	03-09-111	296-807-110	NEW	03-09-009	296-817-01015	NEW-W	03-13-096
296-800	PREP	03-04-097	296-807-11005	NEW	03-09-009	296-817-01020	NEW-W	03-13-096
296-800-110	AMD-X	03-12-072	296-807-120	NEW	03-09-009	296-817-01025	NEW-W	03-13-096
296-800-110	AMD	03-18-090	296-807-12005	NEW	03-09-009	296-817-01030	NEW-W	03-13-096
296-800-11030	AMD-X	03-12-072	296-807-130	NEW	03-09-009	296-817-01035	NEW-W	03-13-096

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296-817-01040	NEW-W	03-13-096	296-823-13025	NEW-W	03-14-136	296-823-19050	NEW-W	03-14-136
296-817-020	NEW-W	03-13-096	296-823-13030	NEW-W	03-14-136	296-823-19055	NEW-W	03-14-136
296-817-02005	NEW-W	03-13-096	296-823-140	NEW	03-09-110	296-823-200	NEW	03-09-110
296-817-02010	NEW-W	03-13-096	296-823-14005	NEW	03-09-110	296-824-50030	AMD	03-09-110
296-817-02015	NEW-W	03-13-096	296-823-14010	NEW	03-09-110	296-831-100	NEW-P	03-14-075
296-817-030	NEW-W	03-13-096	296-823-14015	NEW	03-09-110	296-831-200	NEW-P	03-14-075
296-817-03005	NEW-W	03-13-096	296-823-14020	NEW	03-09-110	296-831-210	NEW-P	03-14-075
296-817-03010	NEW-W	03-13-096	296-823-14025	NEW	03-09-110	296-831-21005	NEW-P	03-14-075
296-817-03015	NEW-W	03-13-096	296-823-14030	NEW	03-09-110	296-831-21010	NEW-P	03-14-075
296-817-03020	NEW-W	03-13-096	296-823-14035	NEW	03-09-110	296-831-21015	NEW-P	03-14-075
296-817-03025	NEW-W	03-13-096	296-823-14040	NEW	03-09-110	296-831-21020	NEW-P	03-14-075
296-817-03030	NEW-W	03-13-096	296-823-14045	NEW	03-09-110	296-831-21025	NEW-P	03-14-075
296-817-03035	NEW-W	03-13-096	296-823-14050	NEW	03-09-110	296-831-21030	NEW-P	03-14-075
296-817-040	NEW-W	03-13-096	296-823-14055	NEW	03-09-110	296-831-21035	NEW-P	03-14-075
296-817-04005	NEW-W	03-13-096	296-823-14060	NEW	03-09-110	296-831-21040	NEW-P	03-14-075
296-817-04010	NEW-W	03-13-096	296-823-14065	NEW	03-09-110	296-831-21045	NEW-P	03-14-075
296-817-04015	NEW-W	03-13-096	296-823-150	NEW	03-09-110	296-831-21050	NEW-P	03-14-075
296-817-04020	NEW-W	03-13-096	296-823-15005	NEW	03-09-110	296-831-21055	NEW-P	03-14-075
296-817-04025	NEW-W	03-13-096	296-823-15010	NEW	03-09-110	296-831-21060	NEW-P	03-14-075
296-817-050	NEW-W	03-13-096	296-823-15015	NEW	03-09-110	296-831-21065	NEW-P	03-14-075
296-817-100	NEW	03-11-060	296-823-15020	NEW	03-09-110	296-831-21070	NEW-P	03-14-075
296-817-200	NEW	03-11-060	296-823-15025	NEW	03-09-110	296-831-220	NEW-P	03-14-075
296-817-20005	NEW	03-11-060	296-823-15030	NEW	03-09-110	296-831-22005	NEW-P	03-14-075
296-817-20010	NEW	03-11-060	296-823-160	NEW	03-09-110	296-831-22010	NEW-P	03-14-075
296-817-20015	NEW	03-11-060	296-823-16005	NEW	03-09-110	296-831-22015	NEW-P	03-14-075
296-817-20020	NEW	03-11-060	296-823-16010	NEW	03-09-110	296-831-22020	NEW-P	03-14-075
296-817-20025	NEW	03-11-060	296-823-16015	NEW	03-09-110	296-831-230	NEW-P	03-14-075
296-817-20030	NEW	03-11-060	296-823-16020	NEW	03-09-110	296-831-23001	NEW-P	03-14-075
296-817-20035	NEW	03-11-060	296-823-16025	NEW	03-09-110	296-831-23005	NEW-P	03-14-075
296-817-20040	NEW	03-11-060	296-823-16030	NEW	03-09-110	296-831-23010	NEW-P	03-14-075
296-817-300	NEW	03-11-060	296-823-16035	NEW-W	03-14-136	296-831-23015	NEW-P	03-14-075
296-817-30005	NEW	03-11-060	296-823-16040	NEW-W	03-14-136	296-831-23025	NEW-P	03-14-075
296-817-30010	NEW	03-11-060	296-823-16045	NEW-W	03-14-136	296-831-23030	NEW-P	03-14-075
296-817-30015	NEW	03-11-060	296-823-170	NEW	03-09-110	296-831-23035	NEW-P	03-14-075
296-817-400	NEW	03-11-060	296-823-17005	NEW	03-09-110	296-831-23040	NEW-P	03-14-075
296-817-40005	NEW	03-11-060	296-823-17010	NEW	03-09-110	296-831-23045	NEW-P	03-14-075
296-817-40010	NEW	03-11-060	296-823-17015	NEW-W	03-14-136	296-831-23050	NEW-P	03-14-075
296-817-40015	NEW	03-11-060	296-823-17020	NEW-W	03-14-136	296-831-23055	NEW-P	03-14-075
296-817-40020	NEW	03-11-060	296-823-17025	NEW-W	03-14-136	296-831-23060	NEW-P	03-14-075
296-817-40025	NEW	03-11-060	296-823-17030	NEW-W	03-14-136	296-831-240	NEW-P	03-14-075
296-817-40030	NEW	03-11-060	296-823-180	NEW	03-09-110	296-831-24005	NEW-P	03-14-075
296-817-40035	NEW	03-11-060	296-823-18005	NEW	03-09-110	296-831-24010	NEW-P	03-14-075
296-817-500	NEW	03-11-060	296-823-18010	NEW	03-09-110	296-831-24020	NEW-P	03-14-075
296-817-50005	NEW	03-11-060	296-823-18015	NEW	03-09-110	296-831-24025	NEW-P	03-14-075
296-817-50010	NEW	03-11-060	296-823-18020	NEW	03-09-110	296-831-300	NEW-P	03-14-075
296-817-50015	NEW	03-11-060	296-823-18025	NEW	03-09-110	296-831-310	NEW-P	03-14-075
296-817-50020	NEW	03-11-060	296-823-18030	NEW	03-09-110	296-831-31005	NEW-P	03-14-075
296-817-50025	NEW	03-11-060	296-823-18035	NEW	03-09-110	296-831-31010	NEW-P	03-14-075
296-817-600	NEW	03-11-060	296-823-18040	NEW	03-09-110	296-831-31015	NEW-P	03-14-075
296-823-100	NEW	03-09-110	296-823-18045	NEW	03-09-110	296-831-31020	NEW-P	03-14-075
296-823-110	NEW	03-09-110	296-823-18050	NEW	03-09-110	296-831-31025	NEW-P	03-14-075
296-823-11005	NEW	03-09-110	296-823-18055	NEW	03-09-110	296-831-31030	NEW-P	03-14-075
296-823-11010	NEW	03-09-110	296-823-190	NEW-W	03-14-136	296-831-320	NEW-P	03-14-075
296-823-120	NEW	03-09-110	296-823-19005	NEW-W	03-14-136	296-831-32005	NEW-P	03-14-075
296-823-12005	NEW	03-09-110	296-823-19010	NEW-W	03-14-136	296-831-32010	NEW-P	03-14-075
296-823-12010	NEW	03-09-110	296-823-19015	NEW-W	03-14-136	296-831-32015	NEW-P	03-14-075
296-823-12015	NEW	03-09-110	296-823-19020	NEW-W	03-14-136	296-831-32020	NEW-P	03-14-075
296-823-130	NEW	03-09-110	296-823-19025	NEW-W	03-14-136	296-831-330	NEW-P	03-14-075
296-823-13005	NEW	03-09-110	296-823-19030	NEW-W	03-14-136	296-831-33005	NEW-P	03-14-075
296-823-13010	NEW	03-09-110	296-823-19035	NEW-W	03-14-136	296-831-33010	NEW-P	03-14-075
296-823-13015	NEW-W	03-14-136	296-823-19040	NEW-W	03-14-136	296-831-33015	NEW-P	03-14-075
296-823-13020	NEW-W	03-14-136	296-823-19045	NEW-W	03-14-136	296-831-33020	NEW-P	03-14-075

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296-831-33030	NEW-P	03-14-075	296-831-53005	NEW-P	03-14-075	296-842-300	NEW-P	03-08-044
296-831-33035	NEW-P	03-14-075	296-831-53010	NEW-P	03-14-075	296-843-100	NEW-P	03-14-074
296-831-33040	NEW-P	03-14-075	296-831-53015	NEW-P	03-14-075	296-843-110	NEW-P	03-14-074
296-831-33045	NEW-P	03-14-075	296-831-53020	NEW-P	03-14-075	296-843-11005	NEW-P	03-14-074
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296-831-41025	NEW-P	03-14-075	296-841	PREP	03-08-073	296-843-16005	NEW-P	03-14-074
296-831-41030	NEW-P	03-14-075	296-841-100	NEW-P	03-11-059	296-843-170	NEW-P	03-14-074
296-831-41035	NEW-P	03-14-075	296-841-200	NEW-P	03-11-059	296-843-17005	NEW-P	03-14-074
296-831-41040	NEW-P	03-14-075	296-841-20005	NEW-P	03-11-059	296-843-180	NEW-P	03-14-074
296-831-41045	NEW-P	03-14-075	296-841-20010	NEW-P	03-11-059	296-843-18005	NEW-P	03-14-074
296-831-41050	NEW-P	03-14-075	296-841-20015	NEW-P	03-11-059	296-843-18010	NEW-P	03-14-074
296-831-41055	NEW-P	03-14-075	296-841-20020	NEW-P	03-11-059	296-843-18015	NEW-P	03-14-074
296-831-41060	NEW-P	03-14-075	296-841-300	NEW-P	03-11-059	296-843-18020	NEW-P	03-14-074
296-831-41065	NEW-P	03-14-075	296-842-100	NEW-P	03-08-044	296-843-190	NEW-P	03-14-074
296-831-420	NEW-P	03-14-075	296-842-105	NEW-P	03-08-044	296-843-19005	NEW-P	03-14-074
296-831-42005	NEW-P	03-14-075	296-842-10505	NEW-P	03-08-044	296-843-200	NEW-P	03-14-074
296-831-42010	NEW-P	03-14-075	296-842-110	NEW-P	03-08-044	296-843-20005	NEW-P	03-14-074
296-831-42015	NEW-P	03-14-075	296-842-11005	NEW-P	03-08-044	296-843-20010	NEW-P	03-14-074
296-831-42020	NEW-P	03-14-075	296-842-11010	NEW-P	03-08-044	296-843-20015	NEW-P	03-14-074
296-831-430	NEW-P	03-14-075	296-842-120	NEW-P	03-08-044	296-843-20020	NEW-P	03-14-074
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296-831-43060	NEW-P	03-14-075	296-842-17005	NEW-P	03-08-044	308- 13-150	PREP	03-04-056
296-831-440	NEW-P	03-14-075	296-842-17010	NEW-P	03-08-044	308- 13-150	AMD-P	03-08-062
296-831-44005	NEW-P	03-14-075	296-842-17015	NEW-P	03-08-044	308- 13-150	AMD	03-11-074
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296-831-51005	NEW-P	03-14-075	296-842-19005	NEW-P	03-08-044	308- 20	PREP	03-10-084
296-831-51010	NEW-P	03-14-075	296-842-200	NEW-P	03-08-044	308- 20	PREP	03-17-026
296-831-51015	NEW-P	03-14-075	296-842-20005	NEW-P	03-08-044	308- 20-010	AMD-P	03-10-085
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296-831-51030	NEW-P	03-14-075	296-842-210	NEW-P	03-08-044	308- 20-040	AMD	03-14-046
296-831-520	NEW-P	03-14-075	296-842-21005	NEW-P	03-08-044	308- 20-080	AMD-P	03-10-085
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296-831-52015	NEW-P	03-14-075	296-842-22010	NEW-P	03-08-044	308- 20-091	NEW-P	03-10-085
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308-20-107	AMD	03-14-046	308-56A-215	AMD	03-12-006	308-124C-010	PREP	03-09-049
308-20-110	AMD-P	03-10-085	308-56A-250	AMD-P	03-03-095	308-124C-020	PREP	03-09-049
308-20-110	AMD	03-14-046	308-56A-250	AMD	03-08-055	308-124E-013	PREP	03-09-049
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308-20-120	AMD	03-08-043	308-56A-265	AMD	03-08-055	308-124H-029	PREP	03-03-080
308-20-120	AMD-P	03-10-085	308-56A-270	AMD-P	03-03-095	308-124H-029	AMD-P	03-09-058
308-20-120	AMD	03-14-046	308-56A-270	AMD	03-08-055	308-124H-029	AMD	03-14-020
308-20-180	REP-P	03-10-085	308-56A-275	AMD-P	03-03-095	308-124H-061	PREP	03-03-080
308-20-180	REP	03-14-046	308-56A-275	AMD	03-08-055	308-124H-061	AMD-P	03-09-058
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308-20-210	AMD	03-06-054	308-56A-300	AMD-P	03-08-093	308-125-090	AMD-P	03-11-050
308-20-210	AMD-P	03-10-085	308-56A-300	AMD	03-12-071	308-125-090	AMD	03-14-091
308-20-210	AMD	03-14-046	308-56A-305	AMD-P	03-08-093	308-127	PREP	03-17-030
308-20-520	AMD-P	03-10-085	308-56A-305	AMD	03-12-071	308-129-100	AMD	03-03-055
308-20-520	AMD	03-14-046	308-56A-315	AMD-P	03-08-093	308-129-110	PREP	03-14-047
308-20-530	REP-P	03-10-085	308-56A-315	AMD	03-12-071	308-390	PREP	03-17-069
308-20-530	REP	03-14-046	308-56A-320	AMD-P	03-08-093	308-420	PREP	03-17-029
308-20-550	AMD-P	03-10-085	308-56A-320	AMD	03-12-071	308-420-010	REP	03-03-054
308-20-550	AMD	03-14-046	308-56A-325	AMD-P	03-08-093	308-420-020	AMD	03-03-054
308-20-560	AMD-P	03-10-085	308-56A-325	AMD	03-12-071	308-420-050	AMD	03-03-054
308-20-560	AMD	03-14-046	308-56A-330	AMD-P	03-08-093	308-420-060	AMD	03-03-054
308-20-570	AMD-P	03-10-085	308-56A-330	AMD	03-12-071	308-420-070	AMD	03-03-054
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308-20-575	NEW	03-14-046	308-56A-455	PREP	03-14-022	308-420-100	AMD	03-03-054
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308-20-710	AMD	03-14-046	308-56A-640	AMD-W	03-09-075	308-420-200	AMD	03-03-054
308-30-100	PREP	03-15-108	308-57	PREP-W	03-07-077	308-420-210	AMD	03-03-054
308-48-800	PREP	03-04-076	308-57-030	PREP	03-12-018	308-420-230	AMD	03-03-054
308-48-800	AMD-P	03-08-010	308-78	PREP	03-17-035	314-12-170	REP-P	03-02-097
308-48-800	AMD	03-11-021	308-88	PREP	03-11-069A	314-12-170	REP	03-09-015
308-56A-020	AMD	03-05-081	308-90-040	PREP	03-14-095	314-12-180	REP-P	03-02-097
308-56A-021	AMD-P	03-07-080	308-90-040	AMD-P	03-17-094	314-12-180	REP	03-09-015
308-56A-021	AMD	03-11-069	308-93-230	AMD-P	03-10-045	314-12-300	REP-P	03-02-097
308-56A-030	AMD	03-05-081	308-93-230	AMD	03-15-019	314-12-300	REP	03-09-015
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308-56A-056	AMD	03-05-081	308-93-380	AMD	03-07-076	314-12-310	REP	03-09-015
308-56A-060	AMD	03-05-081	308-93-390	AMD	03-07-076	314-12-320	REP-P	03-02-097
308-56A-065	AMD-P	03-06-040	308-93-440	AMD	03-07-076	314-12-320	REP	03-09-015
308-56A-065	AMD	03-10-097	308-96A-021	AMD	03-05-080	314-12-330	REP-P	03-02-097
308-56A-070	AMD-P	03-08-093	308-96A-021	PREP	03-17-107	314-12-330	REP	03-09-015
308-56A-070	AMD	03-12-071	308-96A-026	PREP	03-14-021	314-12-340	REP-P	03-02-097
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308-56A-160	AMD	03-12-006	308-99-040	AMD	03-04-092	314-29-035	NEW-P	03-02-097
308-56A-160	PREP	03-14-022	308-100-090	AMD-P	03-07-097	314-29-035	NEW	03-09-015
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315- 34-040	PREP	03-15-109	316- 55-090	AMD-X	03-08-070	352- 40-125	REP	03-11-068
315- 34-040	AMD-E	03-15-110	316- 55-090	AMD	03-12-074	352- 40-127	REP-P	03-08-101
316- 45-001	AMD-X	03-08-070	316- 55-110	AMD-X	03-08-070	352- 40-127	REP	03-11-068
316- 45-001	AMD	03-12-074	316- 55-110	AMD	03-12-074	352- 40-130	AMD-P	03-08-101
316- 45-003	AMD-X	03-08-070	316- 55-120	AMD-X	03-08-070	352- 40-130	AMD	03-11-068
316- 45-003	AMD	03-12-074	316- 55-120	AMD	03-12-074	352- 40-140	REP-P	03-08-101
316- 45-010	AMD-X	03-08-070	316- 55-130	AMD-X	03-08-070	352- 40-140	REP	03-11-068
316- 45-010	AMD	03-12-074	316- 55-130	AMD	03-12-074	352- 40-150	AMD-P	03-08-101
316- 45-020	AMD-X	03-08-070	316- 55-150	AMD-X	03-08-070	352- 40-150	AMD	03-11-068
316- 45-020	AMD	03-12-074	316- 55-150	AMD	03-12-074	352- 40-900	REP-P	03-08-101
316- 45-030	AMD-X	03-08-070	316- 55-160	AMD-X	03-08-070	352- 40-900	REP	03-11-068
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388- 71-0460	AMD-P	03-09-042	388- 71-05936	PREP	03-17-065	388- 71-0762	NEW	03-06-024
388- 71-0460	AMD-W	03-11-025	388- 71-05937	PREP	03-17-065	388- 71-0764	NEW	03-06-024
388- 71-0460	AMD-P	03-11-066	388- 71-05938	PREP	03-17-065	388- 71-0766	NEW	03-06-024
388- 71-0460	AMD	03-15-010	388- 71-05939	PREP	03-17-065	388- 71-0768	NEW	03-06-024
388- 71-0465	AMD-E	03-05-044	388- 71-05940	PREP	03-17-065	388- 71-0770	NEW	03-06-024
388- 71-0465	AMD-E	03-05-098	388- 71-05941	PREP	03-17-065	388- 71-0772	NEW	03-06-024
388- 71-0465	AMD-P	03-09-042	388- 71-05942	PREP	03-17-065	388- 71-0774	NEW	03-06-024
388- 71-0465	AMD-E	03-13-007	388- 71-05943	PREP	03-17-065	388- 71-0776	NEW	03-06-024
388- 71-0465	AMD	03-13-052	388- 71-05944	PREP	03-17-065	388- 71-0800	AMD-P	03-09-091

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-0800	AMD	03-13-091	388- 78A-0080	NEW-P	03-03-018	388- 78A-0360	NEW-P	03-03-018
388- 71-0805	AMD-P	03-09-091	388- 78A-0080	NEW	03-16-047	388- 78A-0360	NEW	03-16-047
388- 71-0805	AMD	03-13-091	388- 78A-0090	NEW-P	03-03-018	388- 78A-0370	NEW-P	03-03-018
388- 71-0810	AMD-P	03-09-091	388- 78A-0090	NEW	03-16-047	388- 78A-0370	NEW	03-16-047
388- 71-0810	AMD	03-13-091	388- 78A-010	REP-P	03-03-018	388- 78A-0380	NEW-P	03-03-018
388- 71-0815	AMD-P	03-09-091	388- 78A-010	REP	03-16-047	388- 78A-0380	NEW	03-16-047
388- 71-0815	AMD	03-13-091	388- 78A-0100	NEW-P	03-03-018	388- 78A-0390	NEW-P	03-03-018
388- 71-0820	AMD-P	03-09-091	388- 78A-0100	NEW	03-16-047	388- 78A-0390	NEW	03-16-047
388- 71-0820	AMD	03-13-091	388- 78A-0110	NEW-P	03-03-018	388- 78A-040	REP-P	03-03-018
388- 71-0825	AMD-P	03-09-091	388- 78A-0110	NEW	03-16-047	388- 78A-040	REP	03-16-047
388- 71-0825	AMD	03-13-091	388- 78A-0120	NEW-P	03-03-018	388- 78A-0400	NEW-P	03-03-018
388- 71-0835	AMD-P	03-09-091	388- 78A-0120	NEW	03-16-047	388- 78A-0400	NEW	03-16-047
388- 71-0835	AMD	03-13-091	388- 78A-0130	NEW-P	03-03-018	388- 78A-0410	NEW-P	03-03-018
388- 71-0840	AMD-P	03-09-091	388- 78A-0130	NEW	03-16-047	388- 78A-0410	NEW	03-16-047
388- 71-0840	AMD	03-13-091	388- 78A-0140	NEW-P	03-03-018	388- 78A-0420	NEW-P	03-03-018
388- 71-0845	AMD-P	03-09-091	388- 78A-0140	NEW	03-16-047	388- 78A-0420	NEW	03-16-047
388- 71-0845	AMD	03-13-091	388- 78A-0150	NEW-P	03-03-018	388- 78A-0430	NEW-P	03-03-018
388- 72A-0005	NEW	03-05-097	388- 78A-0150	NEW	03-16-047	388- 78A-0430	NEW	03-16-047
388- 72A-0010	NEW	03-05-097	388- 78A-0160	NEW-P	03-03-018	388- 78A-0440	NEW-P	03-03-018
388- 72A-0015	NEW	03-05-097	388- 78A-0160	NEW	03-16-047	388- 78A-0440	NEW	03-16-047
388- 72A-0020	NEW	03-05-097	388- 78A-0170	NEW-P	03-03-018	388- 78A-045	REP-P	03-03-018
388- 72A-0025	NEW	03-05-097	388- 78A-0170	NEW	03-16-047	388- 78A-045	REP	03-16-047
388- 72A-0030	NEW	03-05-097	388- 78A-0180	NEW-P	03-03-018	388- 78A-0450	NEW-P	03-03-018
388- 72A-0035	NEW	03-05-097	388- 78A-0180	NEW	03-16-047	388- 78A-0450	NEW	03-16-047
388- 72A-0040	NEW	03-05-097	388- 78A-0190	NEW-P	03-03-018	388- 78A-0460	NEW-P	03-03-018
388- 72A-0045	NEW	03-05-097	388- 78A-0190	NEW	03-16-047	388- 78A-0460	NEW	03-16-047
388- 72A-0050	NEW	03-05-097	388- 78A-020	REP-P	03-03-018	388- 78A-0470	NEW-P	03-03-018
388- 72A-0055	NEW	03-05-097	388- 78A-020	REP	03-16-047	388- 78A-0470	NEW	03-16-047
388- 72A-0060	NEW	03-05-097	388- 78A-0200	NEW-P	03-03-018	388- 78A-0480	NEW-P	03-03-018
388- 72A-0060	PREP	03-14-099	388- 78A-0200	NEW	03-16-047	388- 78A-0480	NEW	03-16-047
388- 72A-0060	AMD-E	03-15-133	388- 78A-0210	NEW-P	03-03-018	388- 78A-0490	NEW-P	03-03-018
388- 72A-0065	NEW	03-05-097	388- 78A-0210	NEW	03-16-047	388- 78A-0490	NEW	03-16-047
388- 72A-0070	NEW	03-05-097	388- 78A-0220	NEW-P	03-03-018	388- 78A-050	REP-P	03-03-018
388- 72A-0075	NEW	03-05-097	388- 78A-0220	NEW	03-16-047	388- 78A-050	REP	03-16-047
388- 72A-0080	NEW	03-05-097	388- 78A-0230	NEW-P	03-03-018	388- 78A-0500	NEW-P	03-03-018
388- 72A-0085	NEW	03-05-097	388- 78A-0230	NEW	03-16-047	388- 78A-0500	NEW	03-16-047
388- 72A-0090	NEW	03-05-097	388- 78A-0240	NEW-P	03-03-018	388- 78A-0510	NEW-P	03-03-018
388- 72A-0095	NEW	03-05-097	388- 78A-0240	NEW	03-16-047	388- 78A-0510	NEW	03-16-047
388- 72A-0095	PREP	03-17-065	388- 78A-0250	NEW-P	03-03-018	388- 78A-0520	NEW-P	03-03-018
388- 72A-0100	NEW	03-05-097	388- 78A-0250	NEW	03-16-047	388- 78A-0520	NEW	03-16-047
388- 72A-0105	NEW	03-05-097	388- 78A-0260	NEW-P	03-03-018	388- 78A-0530	NEW-P	03-03-018
388- 72A-0110	NEW	03-05-097	388- 78A-0260	NEW	03-16-047	388- 78A-0530	NEW	03-16-047
388- 76-655	AMD-P	03-10-090	388- 78A-0270	NEW-P	03-03-018	388- 78A-0540	NEW-P	03-03-018
388- 76-655	AMD	03-14-018	388- 78A-0270	NEW	03-16-047	388- 78A-0540	NEW	03-16-047
388- 76-675	PREP	03-12-055	388- 78A-0280	NEW-P	03-03-018	388- 78A-055	REP-P	03-03-018
388- 78A	AMD-P	03-03-018	388- 78A-0280	NEW	03-16-047	388- 78A-055	REP	03-16-047
388- 78A	AMD-C	03-07-088	388- 78A-0290	NEW-P	03-03-018	388- 78A-0550	NEW-P	03-03-018
388- 78A	AMD	03-16-047	388- 78A-0290	NEW	03-16-047	388- 78A-0550	NEW	03-16-047
388- 78A-0010	NEW-P	03-03-018	388- 78A-030	REP-P	03-03-018	388- 78A-0560	NEW-P	03-03-018
388- 78A-0010	NEW	03-16-047	388- 78A-030	REP	03-16-047	388- 78A-0560	NEW	03-16-047
388- 78A-0020	NEW-P	03-03-018	388- 78A-0300	NEW-P	03-03-018	388- 78A-0570	NEW-P	03-03-018
388- 78A-0020	NEW	03-16-047	388- 78A-0300	NEW	03-16-047	388- 78A-0570	NEW	03-16-047
388- 78A-0030	NEW-P	03-03-018	388- 78A-0310	NEW-P	03-03-018	388- 78A-0580	NEW-P	03-03-018
388- 78A-0030	NEW	03-16-047	388- 78A-0310	NEW	03-16-047	388- 78A-0580	NEW	03-16-047
388- 78A-0040	NEW-P	03-03-018	388- 78A-0320	NEW-P	03-03-018	388- 78A-0590	NEW-P	03-03-018
388- 78A-0040	NEW	03-16-047	388- 78A-0320	NEW	03-16-047	388- 78A-0590	NEW	03-16-047
388- 78A-0050	NEW-P	03-03-018	388- 78A-0330	NEW-P	03-03-018	388- 78A-060	REP-P	03-03-018
388- 78A-0050	NEW	03-16-047	388- 78A-0330	NEW	03-16-047	388- 78A-060	REP	03-16-047
388- 78A-0060	NEW-P	03-03-018	388- 78A-0340	NEW-P	03-03-018	388- 78A-0600	NEW-P	03-03-018
388- 78A-0060	NEW	03-16-047	388- 78A-0340	NEW	03-16-047	388- 78A-0600	NEW	03-16-047
388- 78A-0070	NEW-P	03-03-018	388- 78A-0350	NEW-P	03-03-018	388- 78A-0605	NEW-P	03-03-018
388- 78A-0070	NEW	03-16-047	388- 78A-0350	NEW	03-16-047	388- 78A-0605	NEW	03-16-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 78A-340	REP-P	03-03-018	388-140-0105	NEW-E	03-04-035	388-140-0260	NEW-E	03-04-035
388- 78A-340	REP	03-16-047	388-140-0105	NEW-E	03-12-004	388-140-0260	NEW-E	03-12-004
388- 78A-990	REP-P	03-03-018	388-140-0110	NEW-E	03-04-035	388-140-0265	NEW-E	03-04-035
388- 78A-990	REP	03-16-047	388-140-0110	NEW-E	03-12-004	388-140-0265	NEW-E	03-12-004
388- 79-010	AMD-P	03-06-094	388-140-0115	NEW-E	03-04-035	388-140-0270	NEW-E	03-04-035
388- 79-010	AMD	03-16-022	388-140-0115	NEW-E	03-12-004	388-140-0270	NEW-E	03-12-004
388- 79-020	AMD-P	03-06-094	388-140-0120	NEW-E	03-04-035	388-140-0275	NEW-E	03-04-035
388- 79-020	AMD	03-16-022	388-140-0120	NEW-E	03-12-004	388-140-0275	NEW-E	03-12-004
388- 79-030	AMD-P	03-06-094	388-140-0125	NEW-E	03-04-035	388-140-0280	NEW-E	03-04-035
388- 79-030	AMD	03-16-022	388-140-0125	NEW-E	03-12-004	388-140-0280	NEW-E	03-12-004
388- 79-040	AMD-P	03-06-094	388-140-0130	NEW-E	03-04-035	388-140-0285	NEW-E	03-04-035
388- 79-040	AMD	03-16-022	388-140-0130	NEW-E	03-12-004	388-140-0285	NEW-E	03-12-004
388- 79-050	NEW-P	03-06-094	388-140-0135	NEW-E	03-04-035	388-140-0290	NEW-E	03-04-035
388- 79-050	NEW	03-16-022	388-140-0135	NEW-E	03-12-004	388-140-0290	NEW-E	03-12-004
388- 96	PREP	03-07-031	388-140-0140	NEW-E	03-04-035	388-140-0295	NEW-E	03-04-035
388- 97-027	PREP-W	03-16-018	388-140-0140	NEW-E	03-12-004	388-140-0295	NEW-E	03-12-004
388- 97-076	PREP	03-12-056	388-140-0145	NEW-E	03-04-035	388-140-0295	NEW-E	03-12-004
388-105	PREP	03-15-050	388-140-0145	NEW-E	03-12-004	388-140-0300	NEW-E	03-04-035
388-105-0005	AMD-E	03-15-011	388-140-0145	NEW-E	03-12-004	388-140-0300	NEW-E	03-12-004
388-105-0030	AMD-E	03-15-011	388-140-0150	NEW-E	03-04-035	388-140-0305	NEW-E	03-04-035
388-105-0040	AMD-E	03-15-011	388-140-0150	NEW-E	03-12-004	388-140-0305	NEW-E	03-12-004
388-105-0045	NEW-E	03-15-011	388-140-0155	NEW-E	03-04-035	388-140-0310	NEW-E	03-04-035
388-140-0005	NEW-E	03-04-035	388-140-0155	NEW-E	03-12-004	388-140-0310	NEW-E	03-12-004
388-140-0005	NEW-E	03-12-004	388-140-0160	NEW-E	03-04-035	388-140-0315	NEW-E	03-04-035
388-140-0010	NEW-E	03-04-035	388-140-0160	NEW-E	03-12-004	388-140-0315	NEW-E	03-12-004
388-140-0010	NEW-E	03-12-004	388-140-0165	NEW-E	03-04-035	388-140-0320	NEW-E	03-04-035
388-140-0015	NEW-E	03-04-035	388-140-0165	NEW-E	03-12-004	388-140-0320	NEW-E	03-12-004
388-140-0015	NEW-E	03-12-004	388-140-0170	NEW-E	03-04-035	388-140-0325	NEW-E	03-04-035
388-140-0020	NEW-E	03-04-035	388-140-0170	NEW-E	03-12-004	388-140-0325	NEW-E	03-12-004
388-140-0020	NEW-E	03-12-004	388-140-0175	NEW-E	03-04-035	388-140-0330	NEW-E	03-04-035
388-140-0025	NEW-E	03-04-035	388-140-0175	NEW-E	03-12-004	388-140-0330	NEW-E	03-12-004
388-140-0025	NEW-E	03-12-004	388-140-0180	NEW-E	03-04-035	388-140-0335	NEW-E	03-04-035
388-140-0030	NEW-E	03-04-035	388-140-0180	NEW-E	03-12-004	388-140-0335	NEW-E	03-12-004
388-140-0030	NEW-E	03-12-004	388-140-0185	NEW-E	03-04-035	388-140-0340	NEW-E	03-04-035
388-140-0035	NEW-E	03-04-035	388-140-0185	NEW-E	03-12-004	388-140-0340	NEW-E	03-12-004
388-140-0035	NEW-E	03-12-004	388-140-0190	NEW-E	03-04-035	388-140-0345	NEW-E	03-04-035
388-140-0040	NEW-E	03-04-035	388-140-0190	NEW-E	03-12-004	388-140-0345	NEW-E	03-12-004
388-140-0040	NEW-E	03-12-004	388-140-0195	NEW-E	03-04-035	388-140-0350	NEW-E	03-04-035
388-140-0045	NEW-E	03-04-035	388-140-0195	NEW-E	03-12-004	388-140-0350	NEW-E	03-12-004
388-140-0045	NEW-E	03-12-004	388-140-0200	NEW-E	03-04-035	388-140-0355	NEW-E	03-04-035
388-140-0050	NEW-E	03-04-035	388-140-0200	NEW-E	03-12-004	388-140-0355	NEW-E	03-12-004
388-140-0050	NEW-E	03-12-004	388-140-0205	NEW-E	03-04-035	388-140-0360	NEW-E	03-04-035
388-140-0055	NEW-E	03-04-035	388-140-0205	NEW-E	03-12-004	388-140-0360	NEW-E	03-12-004
388-140-0055	NEW-E	03-12-004	388-140-0210	NEW-E	03-04-035	388-140-0365	NEW-E	03-04-035
388-140-0060	NEW-E	03-04-035	388-140-0210	NEW-E	03-12-004	388-140-0365	NEW-E	03-12-004
388-140-0060	NEW-E	03-12-004	388-140-0215	NEW-E	03-04-035	388-140-0370	NEW-E	03-04-035
388-140-0065	NEW-E	03-04-035	388-140-0215	NEW-E	03-12-004	388-140-0370	NEW-E	03-12-004
388-140-0065	NEW-E	03-12-004	388-140-0220	NEW-E	03-04-035	388-140-0375	NEW-E	03-04-035
388-140-0070	NEW-E	03-04-035	388-140-0220	NEW-E	03-12-004	388-140-0375	NEW-E	03-12-004
388-140-0070	NEW-E	03-12-004	388-140-0225	NEW-E	03-04-035	388-140-0380	NEW-E	03-04-035
388-140-0075	NEW-E	03-04-035	388-140-0225	NEW-E	03-12-004	388-140-0380	NEW-E	03-12-004
388-140-0075	NEW-E	03-12-004	388-140-0230	NEW-E	03-04-035	388-140-0385	NEW-E	03-04-035
388-140-0080	NEW-E	03-04-035	388-140-0230	NEW-E	03-12-004	388-140-0385	NEW-E	03-12-004
388-140-0080	NEW-E	03-12-004	388-140-0235	NEW-E	03-04-035	388-140-0390	NEW-E	03-04-035
388-140-0085	NEW-E	03-04-035	388-140-0235	NEW-E	03-12-004	388-140-0390	NEW-E	03-12-004
388-140-0085	NEW-E	03-12-004	388-140-0240	NEW-E	03-04-035	388-140-0395	NEW-E	03-04-035
388-140-0090	NEW-E	03-04-035	388-140-0240	NEW-E	03-12-004	388-140-0395	NEW-E	03-12-004
388-140-0090	NEW-E	03-12-004	388-140-0245	NEW-E	03-04-035	388-140-0400	NEW-E	03-04-035
388-140-0095	NEW-E	03-04-035	388-140-0245	NEW-E	03-12-004	388-140-0400	NEW-E	03-12-004
388-140-0095	NEW-E	03-12-004	388-140-0250	NEW-E	03-04-035	388-140-0405	NEW-E	03-04-035
388-140-0100	NEW-E	03-04-035	388-140-0250	NEW-E	03-12-004	388-140-0405	NEW-E	03-12-004
388-140-0100	NEW-E	03-12-004	388-140-0255	NEW-E	03-04-035	388-140-0410	NEW-E	03-04-035
			388-140-0255	NEW-E	03-12-004	388-140-0410	NEW-E	03-12-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-145-0990	NEW	03-08-026	388-148-0460	AMD-E	03-14-012	388-148-1175	NEW-E	03-14-012
388-145-1000	NEW	03-08-026	388-148-0462	NEW-E	03-05-099	388-148-1180	NEW-E	03-05-099
388-145-1010	NEW	03-08-026	388-148-0462	NEW-E	03-14-012	388-148-1180	NEW-E	03-14-012
388-145-1020	NEW	03-08-026	388-148-0520	AMD-E	03-05-099	388-148-1185	NEW-E	03-05-099
388-145-1030	NEW	03-08-026	388-148-0520	AMD-E	03-14-012	388-148-1185	NEW-E	03-14-012
388-145-1040	NEW	03-08-026	388-148-0542	NEW-E	03-05-099	388-148-1190	NEW-E	03-05-099
388-145-1050	NEW	03-08-026	388-148-0542	NEW-E	03-14-012	388-148-1190	NEW-E	03-14-012
388-145-1060	NEW	03-08-026	388-148-0560	AMD-E	03-05-099	388-148-1205	NEW-E	03-06-091
388-145-1070	NEW	03-08-026	388-148-0560	AMD-E	03-14-012	388-148-1210	NEW-E	03-06-091
388-145-1080	NEW	03-08-026	388-148-0585	AMD-E	03-05-099	388-148-1215	NEW-E	03-06-091
388-145-1090	NEW	03-08-026	388-148-0585	AMD-E	03-14-012	388-148-1220	NEW-E	03-06-091
388-145-1100	NEW	03-08-026	388-148-0630	AMD-E	03-05-099	388-148-1225	NEW-E	03-06-091
388-145-1110	NEW	03-08-026	388-148-0630	AMD-E	03-14-012	388-148-1230	NEW-E	03-06-091
388-145-1120	NEW	03-08-026	388-148-0700	AMD-E	03-05-099	388-148-1235	NEW-E	03-06-091
388-145-1130	NEW	03-08-026	388-148-0700	AMD-E	03-14-012	388-148-1240	NEW-E	03-06-091
388-145-1140	NEW	03-08-026	388-148-0720	AMD-E	03-05-099	388-148-1245	NEW-E	03-06-091
388-145-1150	NEW	03-08-026	388-148-0720	AMD-E	03-14-012	388-148-1250	NEW-E	03-06-091
388-145-1160	NEW	03-08-026	388-148-0722	NEW-E	03-05-099	388-148-1255	NEW-E	03-06-091
388-145-1170	NEW	03-08-026	388-148-0722	NEW-E	03-14-012	388-148-1260	NEW-E	03-06-091
388-145-1180	NEW	03-08-026	388-148-0725	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091
388-145-1190	NEW	03-08-026	388-148-0725	AMD-E	03-14-012	388-148-1270	NEW-E	03-06-091
388-145-1200	NEW	03-08-026	388-148-0785	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091
388-145-1210	NEW	03-08-026	388-148-0785	AMD-E	03-14-012	388-148-1280	NEW-E	03-06-091
388-145-1220	NEW	03-08-026	388-148-0880	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091
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388-148-0040	AMD-E	03-05-099	388-148-0892	NEW-E	03-05-099	388-148-1295	NEW-E	03-06-091
388-148-0040	AMD-E	03-14-012	388-148-0892	NEW-E	03-14-012	388-148-1300	NEW-E	03-06-091
388-148-0045	AMD-E	03-05-099	388-148-0915	AMD-E	03-05-099	388-150-005	REP-P	03-09-005
388-148-0045	AMD-E	03-14-012	388-148-0915	AMD-E	03-14-012	388-150-005	REP	03-14-110
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388-148-0050	AMD-E	03-14-012	388-148-0995	AMD-E	03-14-012	388-150-010	REP	03-14-110
388-148-0058	NEW-E	03-05-099	388-148-1060	AMD-E	03-05-099	388-150-020	REP-P	03-09-005
388-148-0058	NEW-E	03-14-012	388-148-1060	AMD-E	03-14-012	388-150-020	REP	03-14-110
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388-148-0060	AMD-E	03-14-012	388-148-1070	AMD-E	03-14-012	388-150-040	REP	03-14-110
388-148-0065	AMD-E	03-05-099	388-148-1076	NEW-E	03-05-099	388-150-050	REP-P	03-09-005
388-148-0065	AMD-E	03-14-012	388-148-1076	NEW-E	03-14-012	388-150-050	REP	03-14-110
388-148-0095	AMD-E	03-14-012	388-148-1077	NEW-E	03-05-099	388-150-060	REP-P	03-09-005
388-148-0120	AMD-E	03-05-099	388-148-1077	NEW-E	03-14-012	388-150-060	REP	03-14-110
388-148-0120	AMD-E	03-14-012	388-148-1078	NEW-E	03-05-099	388-150-070	REP-P	03-09-005
388-148-0125	AMD-E	03-05-099	388-148-1078	NEW-E	03-14-012	388-150-070	REP	03-14-110
388-148-0125	AMD-E	03-14-012	388-148-1079	NEW-E	03-05-099	388-150-080	REP-P	03-09-005
388-148-0140	AMD-E	03-05-099	388-148-1079	NEW-E	03-14-012	388-150-080	REP	03-14-110
388-148-0140	AMD-E	03-14-012	388-148-1115	AMD-E	03-05-099	388-150-085	REP-P	03-09-005
388-148-0170	AMD-E	03-14-012	388-148-1115	AMD-E	03-14-012	388-150-085	REP	03-14-110
388-148-0220	AMD-E	03-05-099	388-148-1120	AMD-E	03-05-099	388-150-090	REP-P	03-09-005
388-148-0220	AMD-E	03-14-012	388-148-1120	AMD-E	03-14-012	388-150-090	REP	03-14-110
388-148-0260	AMD-E	03-05-099	388-148-1140	NEW-E	03-05-099	388-150-092	REP-P	03-09-005
388-148-0260	AMD-E	03-14-012	388-148-1140	NEW-E	03-14-012	388-150-092	REP	03-14-110
388-148-0270	AMD-E	03-05-099	388-148-1145	NEW-E	03-05-099	388-150-093	REP-P	03-09-005
388-148-0270	AMD-E	03-14-012	388-148-1145	NEW-E	03-14-012	388-150-093	REP	03-14-110
388-148-0335	AMD-E	03-05-099	388-148-1150	NEW-E	03-05-099	388-150-094	REP-P	03-09-005
388-148-0335	AMD-E	03-14-012	388-148-1150	NEW-E	03-14-012	388-150-094	REP	03-14-110
388-148-0345	AMD-E	03-05-099	388-148-1155	NEW-E	03-05-099	388-150-095	REP-P	03-09-005
388-148-0345	AMD-E	03-14-012	388-148-1155	NEW-E	03-14-012	388-150-095	REP	03-14-110
388-148-0350	AMD-E	03-05-099	388-148-1160	NEW-E	03-05-099	388-150-096	REP-P	03-09-005
388-148-0350	AMD-E	03-14-012	388-148-1160	NEW-E	03-14-012	388-150-096	REP	03-14-110
388-148-0395	AMD-E	03-05-099	388-148-1165	NEW-E	03-05-099	388-150-097	REP-P	03-09-005
388-148-0395	AMD-E	03-14-012	388-148-1165	NEW-E	03-14-012	388-150-097	REP	03-14-110
388-148-0427	NEW-E	03-05-099	388-148-1170	NEW-E	03-05-099	388-150-098	REP-P	03-09-005
388-148-0427	NEW-E	03-14-012	388-148-1170	NEW-E	03-14-012	388-150-098	REP	03-14-110
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388-150-110	REP	03-14-110	388-150-410	REP	03-14-110	388-292-0001	NEW-P	03-09-033
388-150-120	REP-P	03-09-005	388-150-420	REP-P	03-09-005	388-292-0001	NEW	03-14-109
388-150-120	REP	03-14-110	388-150-420	REP	03-14-110	388-292-0003	NEW-P	03-09-033
388-150-130	REP-P	03-09-005	388-150-430	REP-P	03-09-005	388-292-0003	NEW	03-14-109
388-150-130	REP	03-14-110	388-150-430	REP	03-14-110	388-292-0005	NEW-P	03-09-033
388-150-140	REP-P	03-09-005	388-150-440	REP-P	03-09-005	388-292-0005	NEW	03-14-109
388-150-140	REP	03-14-110	388-150-440	REP	03-14-110	388-292-0010	NEW-P	03-09-033
388-150-150	REP-P	03-09-005	388-150-450	REP-P	03-09-005	388-292-0010	NEW	03-14-109
388-150-150	REP	03-14-110	388-150-450	REP	03-14-110	388-292-0015	NEW-P	03-09-033
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388-150-165	REP	03-14-110	388-150-470	REP	03-14-110	388-292-0025	NEW-P	03-09-033
388-150-170	REP-P	03-09-005	388-150-480	REP-P	03-09-005	388-292-0025	NEW	03-14-109
388-150-170	REP	03-14-110	388-150-480	REP	03-14-110	388-292-0030	NEW-P	03-09-033
388-150-180	REP-P	03-09-005	388-150-490	REP-P	03-09-005	388-292-0030	NEW	03-14-109
388-150-180	REP	03-14-110	388-150-490	REP	03-14-110	388-292-0035	NEW-P	03-09-033
388-150-190	REP-P	03-09-005	388-150-500	REP-P	03-09-005	388-292-0035	NEW	03-14-109
388-150-190	REP	03-14-110	388-150-500	REP	03-14-110	388-292-0040	NEW-P	03-09-033
388-150-200	REP-P	03-09-005	388-150-990	REP-P	03-09-005	388-292-0040	NEW	03-14-109
388-150-200	REP	03-14-110	388-150-990	REP	03-14-110	388-292-0045	NEW-P	03-09-033
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388-150-210	REP	03-14-110	388-150-991	REP	03-14-110	388-292-0050	NEW-P	03-09-033
388-150-220	REP-P	03-09-005	388-150-992	REP-P	03-09-005	388-292-0050	NEW	03-14-109
388-150-220	REP	03-14-110	388-150-992	REP	03-14-110	388-292-0055	NEW-P	03-09-033
388-150-230	REP-P	03-09-005	388-150-993	REP-P	03-09-005	388-292-0055	NEW	03-14-109
388-150-230	REP	03-14-110	388-150-993	REP	03-14-110	388-292-0060	NEW-P	03-09-033
388-150-240	REP-P	03-09-005	388-155-070	AMD-P	03-06-092	388-292-0060	NEW	03-14-109
388-150-240	REP	03-14-110	388-155-070	AMD	03-09-074	388-292-0065	NEW-P	03-09-033
388-150-250	REP-P	03-09-005	388-155-090	AMD-P	03-06-092	388-292-0065	NEW	03-14-109
388-150-250	REP	03-14-110	388-155-090	AMD	03-09-074	388-292-0070	NEW-P	03-09-033
388-150-260	REP-P	03-09-005	388-165-130	REP-P	03-09-033	388-292-0070	NEW	03-14-109
388-150-260	REP	03-14-110	388-165-130	REP	03-14-109	388-292-0075	NEW-P	03-09-033
388-150-270	REP-P	03-09-005	388-180-0100	NEW	03-04-013	388-292-0075	NEW	03-14-109
388-150-270	REP	03-14-110	388-180-0110	NEW	03-04-013	388-292-0080	NEW-P	03-09-033
388-150-280	REP-P	03-09-005	388-180-0120	NEW	03-04-013	388-292-0080	NEW	03-14-109
388-150-280	REP	03-14-110	388-180-0130	NEW	03-04-013	388-292-0085	NEW-P	03-09-033
388-150-290	REP-P	03-09-005	388-180-0140	NEW	03-04-013	388-292-0085	NEW	03-14-109
388-150-290	REP	03-14-110	388-180-0150	NEW	03-04-013	388-292-0090	NEW-P	03-09-033
388-150-295	REP-P	03-09-005	388-180-0160	NEW	03-04-013	388-292-0090	NEW	03-14-109
388-150-295	REP	03-14-110	388-180-0170	NEW	03-04-013	388-292-0095	NEW-P	03-09-033
388-150-310	REP-P	03-09-005	388-180-0180	NEW	03-04-013	388-292-0095	NEW	03-14-109
388-150-310	REP	03-14-110	388-180-0190	NEW	03-04-013	388-292-0100	NEW-P	03-09-033
388-150-320	REP-P	03-09-005	388-180-0200	NEW	03-04-013	388-292-0100	NEW	03-14-109
388-150-320	REP	03-14-110	388-180-0210	NEW	03-04-013	388-292-0102	NEW-P	03-09-033
388-150-330	REP-P	03-09-005	388-180-0220	NEW	03-04-013	388-292-0102	NEW	03-14-109
388-150-330	REP	03-14-110	388-180-0230	NEW	03-04-013	388-292-0105	NEW-P	03-09-033
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388-150-340	REP	03-14-110	388-273-0025	PREP	03-13-044	388-292-0110	NEW-P	03-09-033
388-150-350	REP-P	03-09-005	388-273-0030	AMD-E	03-12-057	388-292-0110	NEW	03-14-109
388-150-350	REP	03-14-110	388-273-0030	PREP	03-13-044	388-292-0115	NEW-P	03-09-033
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388-150-360	REP	03-14-110	388-273-0035	PREP	03-13-044	388-292-0120	NEW-P	03-09-033
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388-150-370	REP	03-14-110	388-290-0075	AMD-E	03-14-061	388-292-0125	NEW-P	03-09-033
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388-295-5110	NEW-P	03-09-005	388-408-0034	PREP	03-06-056	388-450-0085	AMD-P	03-09-073
388-295-5110	NEW	03-14-110	388-408-0034	AMD-P	03-16-045	388-450-0085	AMD	03-13-045
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388-295-5120	NEW	03-14-110	388-408-0035	AMD-P	03-16-045	388-450-0170	PREP	03-18-100
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388-295-5140	NEW	03-14-110	388-408-0040	AMD-P	03-16-045	388-450-0185	AMD-P	03-17-089
388-295-5150	NEW-P	03-09-005	388-408-0045	PREP	03-06-056	388-450-0190	PREP	03-13-034
388-295-5150	NEW	03-14-110	388-408-0045	AMD-P	03-16-045	388-450-0190	AMD-P	03-17-089
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388-295-5160	NEW	03-14-110	388-408-0050	AMD-P	03-16-045	388-450-0195	AMD-P	03-17-089
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388-295-5170	NEW	03-14-110	388-410-0030	AMD-P	03-17-086	388-450-0225	AMD-P	03-17-088
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388-295-6010	NEW	03-14-110	388-412-0020	PREP	03-15-023	388-450-0245	AMD-P	03-17-088
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388-295-6020	NEW	03-14-110	388-412-0040	PREP	03-15-023	388-452-0005	AMD-P	03-15-026
388-295-6030	NEW-P	03-09-005	388-416	PREP	03-17-085	388-452-0005	AMD	03-18-113
388-295-6030	NEW	03-14-110	388-416-0005	PREP	03-15-024	388-460-0001	PREP	03-15-023
388-295-6040	NEW-P	03-09-005	388-416-0015	AMD-E	03-14-060	388-460-0005	AMD	03-03-072
388-295-6040	NEW	03-14-110	388-416-0015	PREP	03-14-077	388-460-0005	PREP	03-15-023
388-295-6050	NEW-P	03-09-005	388-416-0035	PREP-W	03-15-051	388-460-0010	PREP	03-15-023
388-295-6050	NEW	03-14-110	388-416-0035	PREP-W	03-16-080	388-460-0015	PREP	03-15-023
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388-295-6060	NEW	03-14-110	388-418	PREP	03-17-085	388-468-0005	AMD-P	03-16-081
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388-295-7010	NEW	03-14-110	388-418-0005	PREP	03-14-077	388-470-0010	REP	03-05-015
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388-295-7020	NEW	03-14-110	388-418-0007	AMD-P	03-17-087	388-470-0015	REP	03-05-015
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388-295-7050	NEW	03-14-110	388-424-0015	PREP	03-03-007	388-470-0050	REP	03-05-015
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388-505-0210	AMD	03-14-107	388-532-110	NEW-P	03-12-067	388-535-1270	NEW-P	03-15-138
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388-818-0140	NEW	03-05-100	388-825-120	AMD-E	03-18-029	388-827	PREP	03-18-026
388-818-0150	NEW	03-05-100	388-825-180	AMD-E	03-03-115	388-827-0100	NEW-E	03-18-027
388-818-0160	NEW	03-05-100	388-825-180	AMD-E	03-10-027	388-827-0105	NEW-E	03-18-027
388-818-0170	NEW	03-05-100	388-825-180	AMD-E	03-18-029	388-827-0110	NEW-E	03-18-027
388-818-0180	NEW	03-05-100	388-825-205	AMD-E	03-03-115	388-827-0115	NEW-E	03-18-027
388-818-0190	NEW	03-05-100	388-825-205	AMD-E	03-10-027	388-827-0120	NEW-E	03-18-027
388-818-020	REP	03-05-100	388-825-205	AMD-E	03-18-029	388-827-0125	NEW-E	03-18-027
388-818-0200	NEW	03-05-100	388-825-252	AMD-E	03-03-115	388-827-0130	NEW-E	03-18-027
388-818-0210	NEW	03-05-100	388-825-252	AMD-E	03-10-027	388-827-0131	NEW-E	03-18-027
388-818-0220	NEW	03-05-100	388-825-252	AMD-E	03-18-029	388-827-0135	NEW-E	03-18-027
388-818-0230	NEW	03-05-100	388-825-254	AMD-E	03-03-115	388-827-0140	NEW-E	03-18-027
388-818-0240	NEW	03-05-100	388-825-254	AMD-E	03-10-027	388-827-0145	NEW-E	03-18-027
388-818-0250	NEW	03-05-100	388-825-254	AMD-E	03-18-029	388-827-0146	NEW-E	03-18-027
388-818-0260	NEW	03-05-100	388-825-500	NEW-E	03-03-115	388-827-0150	NEW-E	03-18-027
388-818-0270	NEW	03-05-100	388-825-500	NEW-E	03-10-027	388-827-0155	NEW-E	03-18-027
388-818-0280	NEW	03-05-100	388-825-505	NEW-E	03-03-115	388-827-0160	NEW-E	03-18-027
388-818-0290	NEW	03-05-100	388-825-505	NEW-E	03-10-027	388-827-0170	NEW-E	03-18-027

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388-827-0180	NEW-E	03-18-027	388-865-0365	PREP	03-08-077	388-865-0546	REP-P	03-18-103
388-827-0185	NEW-E	03-18-027	388-865-0400	PREP	03-08-077	388-865-0547	NEW-P	03-18-103
388-827-0200	NEW-E	03-18-027	388-865-0400	PREP	03-17-062	388-865-0550	PREP	03-07-041
388-827-0210	NEW-E	03-18-027	388-865-0405	PREP	03-08-077	388-865-0550	REP-P	03-18-103
388-827-0215	NEW-E	03-18-027	388-865-0410	PREP	03-08-077	388-865-0551	NEW-P	03-18-103
388-827-0300	NEW-E	03-18-027	388-865-0415	PREP	03-08-077	388-865-0555	PREP	03-07-041
388-827-0400	NEW-E	03-18-027	388-865-0420	PREP	03-08-077	388-865-0555	REP-P	03-18-103
388-827-0410	NEW-E	03-18-027	388-865-0425	PREP	03-08-077	388-865-0557	PREP	03-07-041
388-827-0420	NEW-E	03-18-027	388-865-0430	PREP	03-08-077	388-865-0557	REP-P	03-18-103
388-850-035	AMD-E	03-03-115	388-865-0435	PREP	03-08-077	388-865-0560	PREP	03-07-041
388-850-035	AMD-E	03-10-027	388-865-0436	PREP	03-08-077	388-865-0560	REP-P	03-18-103
388-850-035	AMD-E	03-18-029	388-865-0440	PREP	03-08-077	388-865-0561	NEW-P	03-18-103
388-850-045	AMD-E	03-03-115	388-865-0445	PREP	03-08-077	388-865-0565	PREP	03-07-041
388-850-045	AMD-E	03-10-027	388-865-0450	PREP	03-08-077	388-865-0565	REP-P	03-18-103
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388-865-0100	PREP	03-08-077	388-865-0454	PREP	03-08-077	388-865-0570	NEW-P	03-18-103
388-865-0105	PREP	03-08-077	388-865-0456	PREP	03-08-077	388-865-0575	NEW-P	03-18-103
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388-865-0120	PREP	03-08-077	388-865-0462	PREP	03-08-077	388-880	PREP	03-08-078
388-865-0150	PREP	03-08-077	388-865-0464	PREP	03-08-077	388-880	AMD-E	03-12-003
388-865-0200	PREP	03-08-077	388-865-0466	PREP	03-08-077	388-880	AMD-P	03-18-106
388-865-0201	PREP	03-08-077	388-865-0468	PREP	03-08-077	388-880-005	AMD-E	03-12-003
388-865-0203	PREP	03-08-077	388-865-0470	PREP	03-08-077	388-880-005	AMD-P	03-18-106
388-865-0205	PREP	03-08-077	388-865-0472	PREP	03-08-077	388-880-007	AMD-E	03-12-003
388-865-0210	PREP	03-08-077	388-865-0474	PREP	03-08-077	388-880-007	AMD-P	03-18-106
388-865-0215	PREP	03-08-077	388-865-0476	PREP	03-08-077	388-880-010	AMD-E	03-12-003
388-865-0217	NEW-E	03-14-081	388-865-0478	PREP	03-08-077	388-880-010	AMD-P	03-18-106
388-865-0220	PREP	03-08-077	388-865-0480	PREP	03-08-077	388-880-020	AMD-E	03-12-003
388-865-0221	PREP	03-08-077	388-865-0482	PREP	03-08-077	388-880-020	AMD-P	03-18-106
388-865-0222	PREP	03-08-077	388-865-0484	PREP	03-08-077	388-880-030	AMD-E	03-12-003
388-865-0225	PREP	03-08-077	388-865-0500	PREP	03-07-041	388-880-030	AMD-P	03-18-106
388-865-0229	PREP	03-08-077	388-865-0500	AMD-P	03-18-103	388-880-031	AMD-E	03-12-003
388-865-0230	PREP	03-08-077	388-865-0501	PREP	03-07-041	388-880-031	AMD-P	03-18-106
388-865-0235	PREP	03-08-077	388-865-0501	REP-P	03-18-103	388-880-032	REP-E	03-12-003
388-865-0240	PREP	03-08-077	388-865-0502	PREP	03-07-041	388-880-032	REP-P	03-18-106
388-865-0245	PREP	03-08-077	388-865-0502	REP-P	03-18-103	388-880-033	NEW-E	03-12-003
388-865-0250	PREP	03-08-077	388-865-0504	PREP	03-07-041	388-880-033	NEW-P	03-18-106
388-865-0255	PREP	03-08-077	388-865-0504	REP-P	03-18-103	388-880-034	NEW-E	03-12-003
388-865-0260	PREP	03-08-077	388-865-0505	PREP	03-07-041	388-880-034	NEW-P	03-18-106
388-865-0265	PREP	03-08-077	388-865-0505	REP-P	03-18-103	388-880-035	NEW-E	03-12-003
388-865-0270	PREP	03-08-077	388-865-0510	PREP	03-07-041	388-880-035	NEW-P	03-18-106
388-865-0275	PREP	03-08-077	388-865-0510	REP-P	03-18-103	388-880-036	NEW-E	03-12-003
388-865-0280	PREP	03-08-077	388-865-0511	NEW-P	03-18-103	388-880-036	NEW-P	03-18-106
388-865-0282	PREP	03-08-077	388-865-0515	PREP	03-07-041	388-880-040	AMD-P	03-18-106
388-865-0284	PREP	03-08-077	388-865-0515	REP-P	03-18-103	388-880-042	AMD-P	03-18-106
388-865-0286	PREP	03-08-077	388-865-0516	NEW-P	03-18-103	388-880-044	AMD-E	03-12-003
388-865-0288	PREP	03-08-077	388-865-0520	NEW-P	03-18-103	388-880-044	AMD-P	03-18-106
388-865-0300	PREP	03-08-077	388-865-0525	PREP	03-07-041	388-880-045	AMD-E	03-12-003
388-865-0305	PREP	03-08-077	388-865-0526	NEW-P	03-18-103	388-880-045	AMD-P	03-18-106
388-865-0310	PREP	03-08-077	388-865-0530	PREP	03-07-041	388-880-050	AMD-P	03-18-106
388-865-0315	PREP	03-08-077	388-865-0530	REP-P	03-18-103	388-880-055	NEW-E	03-12-003
388-865-0320	PREP	03-08-077	388-865-0531	NEW-P	03-18-103	388-880-055	NEW-P	03-18-106
388-865-0325	PREP	03-08-077	388-865-0535	PREP	03-07-041	388-880-060	AMD-P	03-18-106
388-865-0330	PREP	03-08-077	388-865-0535	REP-P	03-18-103	388-891	PREP-W	03-14-057
388-865-0335	PREP	03-08-077	388-865-0536	NEW-P	03-18-103	388-892-0100	NEW-P	03-15-035
388-865-0340	PREP	03-08-077	388-865-0540	PREP	03-07-041	388-892-0110	NEW-P	03-15-035
388-865-0345	PREP	03-08-077	388-865-0540	REP-P	03-18-103	388-892-0120	NEW-P	03-15-035
388-865-0350	PREP	03-08-077	388-865-0541	NEW-P	03-18-103	388-892-0130	NEW-P	03-15-035
388-865-0355	PREP	03-08-077	388-865-0545	PREP	03-07-041	388-892-0140	NEW-P	03-15-035
388-865-0360	PREP	03-08-077	388-865-0545	REP-P	03-18-103	388-892-0200	NEW-P	03-15-035

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388-892-0310	NEW-P	03-15-035	391- 35-001	AMD	03-03-064	392-142-190	AMD	03-13-049
388-892-0320	NEW-P	03-15-035	391- 35-002	AMD	03-03-064	392-142-195	AMD-P	03-09-050
388-892-0400	NEW-P	03-15-035	391- 35-026	NEW	03-03-064	392-142-195	AMD	03-13-049
388-892-0410	NEW-P	03-15-035	391- 35-326	NEW	03-03-064	392-142-200	REP-P	03-09-050
388-892-0420	NEW-P	03-15-035	391- 35-327	NEW	03-03-064	392-142-200	REP	03-13-049
388-892-0430	NEW-P	03-15-035	391- 35-346	NEW	03-03-064	392-142-212	AMD-P	03-09-050
388-892-0440	NEW-P	03-15-035	391- 35-347	NEW	03-03-064	392-142-212	AMD	03-13-049
388-892-0450	NEW-P	03-15-035	391- 35-356	NEW	03-03-064	392-142-213	AMD-P	03-09-050
388-892-0500	NEW-P	03-15-035	391- 45-001	AMD	03-03-064	392-142-213	AMD	03-13-049
388-892-0510	NEW-P	03-15-035	391- 45-002	AMD	03-03-064	392-142-225	AMD-P	03-09-050
388-892-0520	NEW-P	03-15-035	391- 45-056	NEW	03-03-064	392-142-225	AMD	03-13-049
390	PREP	03-04-095	391- 55-001	AMD	03-03-064	392-142-230	REP-P	03-09-050
390	PREP	03-13-104	391- 55-002	AMD	03-03-064	392-142-230	REP	03-13-049
390- 16-245	AMD-P	03-08-051	391- 55-200	AMD	03-03-064	392-142-235	REP-P	03-09-050
390- 16-245	AMD	03-12-033	391- 65-001	AMD	03-03-064	392-142-235	REP	03-13-049
390- 17-100	AMD	03-08-052	391- 65-002	AMD	03-03-064	392-142-240	AMD-P	03-09-050
390- 17-110	NEW-S	03-04-094	391- 65-110	AMD	03-03-064	392-142-240	AMD	03-13-049
390- 17-110	NEW	03-08-050	391- 95-001	AMD	03-03-064	392-142-245	AMD-P	03-09-050
390- 18-010	AMD-P	03-08-051	391- 95-010	AMD	03-03-064	392-142-245	AMD	03-13-049
390- 18-010	AMD	03-12-034	392-121-124	PREP	03-13-009	392-142-250	AMD-P	03-09-050
390- 37-063	AMD-X	03-13-105	392-139	PREP	03-05-093	392-142-250	AMD	03-13-049
390- 37-063	AMD	03-18-003	392-139-008	AMD-P	03-13-103	392-142-255	AMD-P	03-09-050
390- 37-134	AMD-X	03-13-105	392-139-310	AMD-P	03-13-103	392-142-255	AMD	03-13-049
390- 37-134	AMD	03-18-003	392-139-345	NEW-P	03-13-103	392-142-260	AMD-P	03-09-050
391- 08-001	AMD	03-03-064	392-139-350	NEW-P	03-13-103	392-142-260	AMD	03-13-049
391- 08-630	AMD	03-03-064	392-140-908	AMD	03-03-001	392-142-270	AMD-P	03-09-050
391- 08-670	AMD	03-03-064	392-140-908	AMD-W	03-07-070	392-142-270	AMD	03-13-049
391- 08-670	PREP	03-03-066	392-140-912	AMD	03-03-001	392-143	PREP	03-03-034
391- 08-670	AMD-P	03-07-093	392-140-912	AMD-W	03-07-070	415- 02	PREP	03-04-017
391- 08-670	AMD	03-11-029	392-140-970	PREP	03-14-039	415- 02-140	NEW	03-06-043
391- 25-001	AMD	03-03-064	392-140-971	PREP	03-14-039	415- 02-140	PREP	03-16-050
391- 25-002	AMD	03-03-064	392-140-972	PREP	03-14-039	415- 02-150	PREP	03-16-086
391- 25-011	AMD	03-03-064	392-140-973	PREP	03-14-039	415- 02-310	NEW	03-06-044
391- 25-011	REP-P	03-07-093	392-140-974	PREP	03-14-039	415- 02-350	NEW	03-06-044
391- 25-011	AMD-E	03-11-028	392-140-974	AMD-P	03-17-059	415- 02-370	NEW-E	03-10-007
391- 25-011	REP	03-11-029	392-142	PREP	03-03-033	415- 02-370	NEW-P	03-11-043
391- 25-032	NEW	03-03-064	392-142	PREP	03-18-094	415- 02-370	NEW	03-15-006
391- 25-036	NEW	03-03-064	392-142-010	AMD-P	03-09-050	415- 02-380	AMD-P	03-05-042
391- 25-037	NEW	03-03-064	392-142-010	AMD	03-13-049	415- 02-380	AMD	03-12-014
391- 25-051	NEW	03-03-064	392-142-090	REP-P	03-09-050	415- 02-380	PREP	03-13-026
391- 25-076	NEW	03-03-064	392-142-090	REP	03-13-049	415- 02-500	NEW-P	03-05-042
391- 25-096	NEW	03-03-064	392-142-120	REP-P	03-09-050	415- 02-500	NEW	03-12-014
391- 25-136	NEW	03-03-064	392-142-120	REP	03-13-049	415- 02-500	PREP	03-13-026
391- 25-137	NEW	03-03-064	392-142-125	AMD-P	03-09-050	415- 02-510	NEW-P	03-05-042
391- 25-197	NEW	03-03-064	392-142-125	AMD	03-13-049	415- 02-510	NEW	03-12-014
391- 25-210	AMD-P	03-07-093	392-142-140	REP-P	03-09-050	415- 02-510	PREP	03-13-026
391- 25-210	AMD	03-11-029	392-142-140	REP	03-13-049	415- 02-520	NEW-P	03-05-042
391- 25-216	NEW	03-03-064	392-142-145	AMD-P	03-09-050	415- 02-520	NEW	03-12-014
391- 25-216	PREP	03-03-066	392-142-145	AMD	03-13-049	415- 02-520	PREP	03-13-026
391- 25-216	REP-P	03-07-093	392-142-150	REP-P	03-09-050	415- 02-530	NEW-P	03-05-042
391- 25-216	REP	03-11-029	392-142-150	REP	03-13-049	415- 02-530	NEW	03-12-014
391- 25-217	NEW	03-03-064	392-142-155	AMD-P	03-09-050	415- 02-530	PREP	03-13-026
391- 25-396	NEW	03-03-064	392-142-155	AMD	03-13-049	415- 02-540	NEW-P	03-05-042
391- 25-416	NEW	03-03-064	392-142-165	AMD-P	03-09-050	415- 02-540	NEW	03-12-014
391- 25-426	NEW-E	03-03-065	392-142-165	AMD	03-13-049	415- 02-540	PREP	03-13-026
391- 25-426	PREP	03-03-066	392-142-170	REP-P	03-09-050	415- 02-550	NEW-P	03-05-042
391- 25-426	NEW-P	03-07-093	392-142-170	REP	03-13-049	415- 02-550	NEW	03-12-014
391- 25-426	NEW-E	03-11-028	392-142-180	AMD-P	03-09-050	415- 02-550	PREP	03-13-026
391- 25-426	NEW	03-11-029	392-142-180	AMD	03-13-049	415- 02-700	NEW-P	03-13-101
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415-10-020	AMD-P	03-11-043	434-12-120	REP-E	03-15-084	446-20-285	AMD	03-05-007
415-10-020	AMD	03-15-006	434-12-130	REP-E	03-15-084	446-75-010	AMD-P	03-04-070
415-10-030	AMD-E	03-10-007	434-12-140	REP-E	03-15-084	446-75-010	AMD	03-08-053
415-10-030	AMD-P	03-11-043	434-12-150	REP-E	03-15-084	446-75-020	AMD-P	03-04-070
415-10-030	AMD	03-15-006	434-12-160	REP-E	03-15-084	446-75-020	AMD	03-08-053
415-10-040	AMD-E	03-10-007	434-12-170	REP-E	03-15-084	446-75-030	AMD-P	03-04-070
415-10-040	AMD-P	03-11-043	434-12-180	REP-E	03-15-084	446-75-030	AMD	03-08-053
415-10-040	AMD	03-15-006	434-12-200	REP-E	03-15-084	446-75-060	AMD-P	03-04-070
415-103	PREP	03-07-063	434-12-210	REP-E	03-15-084	446-75-060	AMD	03-08-053
415-104	PREP	03-07-063	434-12-220	REP-E	03-15-084	446-75-070	AMD-P	03-04-070
415-104-202	NEW-P	03-05-042	434-12-230	REP-E	03-15-084	446-75-070	AMD	03-08-053
415-104-202	NEW	03-12-014	434-208-010	PREP	03-07-086	446-75-080	AMD-P	03-04-070
415-104-202	PREP	03-13-026	434-208-100	NEW-P	03-10-055	446-75-080	AMD	03-08-053
415-104-211	AMD-P	03-05-042	434-208-100	NEW	03-15-054	458-07-020	AMD-X	03-17-096
415-104-211	AMD	03-12-014	434-209-040	REP-P	03-16-058	458-07-035	AMD-X	03-17-097
415-104-211	PREP	03-13-026	434-209-050	AMD-P	03-16-058	458-12-060	PREP	03-03-100
415-104-215	AMD-P	03-05-042	434-209-060	AMD-P	03-16-058	458-12-060	AMD-P	03-17-005
415-104-215	AMD	03-12-014	434-209-080	AMD-P	03-16-058	458-12-065	PREP	03-03-100
415-104-215	PREP	03-13-026	434-219-010	REP-P	03-16-041	458-12-065	REP-P	03-17-005
415-104-299	AMD	03-06-042	434-219-020	AMD-P	03-16-041	458-12-070	PREP	03-03-100
415-104-3402	AMD	03-06-042	434-219-030	REP-P	03-16-041	458-12-070	REP-P	03-17-005
415-104-385	AMD	03-06-042	434-219-040	REP-P	03-16-041	458-12-075	PREP	03-03-100
415-108	PREP	03-07-063	434-219-080	AMD-P	03-16-041	458-12-075	REP-P	03-17-005
415-108	PREP	03-18-012	434-219-100	AMD-P	03-16-041	458-12-080	PREP	03-03-100
415-108-425	AMD-P	03-11-044	434-219-130	REP-P	03-16-041	458-12-080	REP-P	03-17-005
415-108-425	AMD	03-15-007	434-219-150	AMD-P	03-16-041	458-12-360	PREP	03-03-100
415-108-443	AMD	03-06-042	434-219-160	AMD-P	03-16-041	458-12-360	AMD-P	03-09-098
415-108-475	AMD	03-06-042	434-219-170	AMD-P	03-16-041	458-12-360	AMD	03-18-037
415-108-550	AMD-P	03-05-041	434-219-180	AMD-P	03-16-041	458-16-010	REP-P	03-03-099
415-108-550	AMD	03-08-090	434-219-185	AMD-P	03-16-041	458-16-010	REP	03-09-002
415-108-560	AMD-P	03-05-041	434-219-210	AMD-P	03-16-041	458-16-011	REP-P	03-03-099
415-108-560	AMD	03-08-090	434-219-220	AMD-P	03-16-041	458-16-011	REP	03-09-002
415-108-575	NEW-P	03-05-041	434-219-230	AMD-P	03-16-041	458-16-012	REP-P	03-03-099
415-108-575	NEW	03-08-090	434-219-250	AMD-P	03-16-041	458-16-012	REP	03-09-002
415-110-443	AMD	03-06-042	434-219-255	REP-P	03-16-041	458-16-013	REP-P	03-03-099
415-110-475	AMD	03-06-042	434-219-270	REP-P	03-16-041	458-16-013	REP	03-09-002
415-110-575	NEW-P	03-05-041	434-219-280	AMD-P	03-16-041	458-16-020	REP-P	03-03-099
415-110-575	NEW	03-08-090	434-219-285	REP-P	03-16-041	458-16-020	REP	03-09-002
415-111-310	AMD-P	03-16-095	434-219-290	AMD-P	03-16-041	458-16-022	REP-P	03-03-099
415-111-450	REP-P	03-05-042	434-219-300	REP-P	03-16-041	458-16-022	REP	03-09-002
415-111-450	REP	03-12-014	434-219-340	AMD-P	03-16-041	458-16-030	REP-P	03-03-099
415-112	PREP	03-18-013	434-219-350	REP-P	03-16-041	458-16-030	REP	03-09-002
415-112-445	AMD	03-06-042	434-238-057	NEW-E	03-18-025	458-16-040	REP-P	03-03-099
415-112-480	AMD	03-06-042	434-240-010	AMD-P	03-10-055	458-16-040	REP	03-09-002
415-501-430	PREP	03-15-059	434-240-010	AMD	03-15-054	458-16-060	REP-P	03-03-099
415-501-510	PREP	03-15-059	434-240-210	NEW-E	03-18-025	458-16-060	REP	03-09-002
415-600-210	AMD-P	03-16-096	434-240-245	NEW-P	03-18-022	458-16-070	REP-P	03-03-099
415-600-260	AMD-P	03-16-096	434-262-010	PREP	03-07-086	458-16-070	REP	03-09-002
415-600-310	AMD-P	03-16-096	434-262-010	AMD-P	03-10-055	458-16-079	REP-P	03-03-099
415-600-410	AMD-P	03-16-096	434-262-010	AMD	03-15-054	458-16-079	REP	03-09-002
434-12-010	REP-E	03-15-084	434-262-020	PREP	03-07-086	458-16A	AMD-P	03-03-099
434-12-015	NEW-E	03-15-084	434-262-020	AMD-P	03-10-055	458-16A	AMD	03-09-002
434-12-020	REP-E	03-15-084	434-262-020	AMD	03-15-054	458-16A-100	NEW-P	03-03-099
434-12-030	REP-E	03-15-084	434-670-010	NEW	03-06-069	458-16A-100	NEW	03-09-002
434-12-040	REP-E	03-15-084	434-670-020	NEW	03-06-069	458-16A-110	NEW-P	03-03-099
434-12-050	REP-E	03-15-084	434-670-030	NEW	03-06-069	458-16A-110	NEW	03-09-002
434-12-060	REP-E	03-15-084	434-670-040	NEW	03-06-069	458-16A-115	NEW-P	03-03-099
434-12-070	REP-E	03-15-084	434-670-050	NEW	03-06-069	458-16A-115	NEW	03-09-002
434-12-080	REP-E	03-15-084	434-670-060	NEW	03-06-069	458-16A-120	NEW-P	03-03-099
434-12-090	REP-E	03-15-084	434-670-070	NEW	03-06-069	458-16A-120	NEW	03-09-002

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458- 16A-130	NEW-P	03-03-099	468- 15-050	NEW	03-03-012	468- 95-100	REP-E	03-03-028
458- 16A-130	NEW	03-09-002	468- 15-060	NEW	03-03-012	468- 95-100	REP-P	03-03-029
458- 16A-135	NEW-P	03-03-099	468- 38-110	PREP	03-14-027	468- 95-100	REP	03-06-053
458- 16A-135	NEW	03-09-002	468- 38-110	AMD-P	03-17-045	468- 95-110	NEW-E	03-03-028
458- 16A-140	NEW-P	03-03-099	468- 38-265	PREP	03-11-075	468- 95-110	NEW-P	03-03-029
458- 16A-140	NEW	03-09-002	468- 38-265	AMD-E	03-14-026	468- 95-110	NEW	03-06-053
458- 16A-150	NEW-P	03-03-099	468- 38-265	AMD-P	03-15-041	468- 95-120	NEW-E	03-03-028
458- 16A-150	NEW	03-09-002	468- 38-340	AMD	03-03-035	468- 95-120	NEW-P	03-03-029
458- 16A-150	AMD-X	03-11-095	468- 58-010	AMD-E	03-16-026	468- 95-120	NEW	03-06-053
458- 16A-150	AMD	03-16-029	468- 58-010	PREP	03-16-059	468- 95-130	NEW-E	03-03-028
458- 17	AMD	03-16-028	468- 58-080	AMD-E	03-04-040	468- 95-130	NEW-P	03-03-029
458- 17-101	NEW-P	03-09-147	468- 58-080	AMD-E	03-08-008	468- 95-130	NEW	03-06-053
458- 17-101	NEW	03-16-028	468- 58-080	AMD-P	03-08-061	468- 95-140	NEW-E	03-03-028
458- 17-105	REP-P	03-09-147	468- 58-080	AMD	03-11-076	468- 95-140	NEW-P	03-03-029
458- 17-105	REP	03-16-028	468- 70	PREP	03-13-040	468- 95-140	NEW	03-06-053
458- 17-110	REP-P	03-09-147	468- 70-050	AMD-E	03-11-071	468- 95-150	NEW-E	03-03-028
458- 17-110	REP	03-16-028	468- 70-050	AMD-P	03-16-104	468- 95-150	NEW-P	03-03-029
458- 17-115	REP-P	03-09-147	468- 70-070	AMD-E	03-06-052	468- 95-150	NEW	03-06-053
458- 17-115	REP	03-16-028	468- 70-070	AMD-E	03-14-051	468- 95-160	NEW-E	03-03-028
458- 17-120	REP-P	03-09-147	468- 70-070	AMD-P	03-16-105	468- 95-160	NEW-P	03-03-029
458- 17-120	REP	03-16-028	468- 70-080	REP-E	03-06-052	468- 95-160	NEW	03-06-053
458- 20-122	REP-P	03-09-146	468- 70-080	REP-E	03-14-051	468- 95-170	NEW-E	03-03-028
458- 20-122	REP	03-18-024	468- 70-080	REP-P	03-16-105	468- 95-170	NEW-P	03-03-029
458- 20-135	AMD-P	03-04-032	468- 95-010	AMD-E	03-03-028	468- 95-170	NEW	03-06-053
458- 20-135	AMD-W	03-17-068	468- 95-010	AMD-P	03-03-029	468- 95-180	NEW-E	03-03-028
458- 20-148	PREP	03-15-065	468- 95-010	AMD	03-06-053	468- 95-180	NEW-P	03-03-029
458- 20-177	PREP	03-11-048	468- 95-020	REP-E	03-03-028	468- 95-180	NEW	03-06-053
458- 20-17803	NEW-E	03-04-031	468- 95-020	REP-P	03-03-029	468- 95-190	NEW-E	03-03-028
458- 20-185	AMD-E	03-06-016	468- 95-020	REP	03-06-053	468- 95-190	NEW-P	03-03-029
458- 20-185	AMD-S	03-08-042	468- 95-025	REP-E	03-03-028	468- 95-190	NEW	03-06-053
458- 20-185	AMD	03-12-058	468- 95-025	REP-P	03-03-029	468- 95-200	NEW-E	03-03-028
458- 20-18801	PREP	03-18-120	468- 95-025	REP	03-06-053	468- 95-200	NEW-P	03-03-029
458- 20-208	AMD	03-07-066	468- 95-030	REP-E	03-03-028	468- 95-200	NEW	03-06-053
458- 20-209	AMD-P	03-09-146	468- 95-030	REP-P	03-03-029	468- 95-210	NEW-E	03-03-028
458- 20-210	AMD-P	03-09-146	468- 95-030	REP	03-06-053	468- 95-210	NEW-P	03-03-029
458- 20-210	AMD	03-18-024	468- 95-035	REP-E	03-03-028	468- 95-210	NEW	03-06-053
458- 20-211	PREP	03-16-044	468- 95-035	REP-P	03-03-029	468- 95-220	NEW-E	03-03-028
458- 20-231	REP-X	03-04-030	468- 95-035	REP	03-06-053	468- 95-220	NEW-P	03-03-029
458- 20-231	REP	03-09-062	468- 95-037	REP-E	03-03-028	468- 95-220	NEW	03-06-053
458- 20-24001	PREP	03-15-039	468- 95-037	REP-P	03-03-029	468- 95-230	NEW-E	03-03-028
458- 20-24001A	PREP	03-15-039	468- 95-037	REP	03-06-053	468- 95-230	NEW-P	03-03-029
458- 20-24003	PREP	03-03-101	468- 95-040	REP-E	03-03-028	468- 95-230	NEW	03-06-053
458- 20-24003	NEW-P	03-08-069	468- 95-040	REP-P	03-03-029	468- 95-240	NEW-E	03-03-028
458- 20-24003	NEW	03-12-053	468- 95-040	REP	03-06-053	468- 95-240	NEW-P	03-03-029
458- 20-244	PREP	03-15-038	468- 95-050	REP-E	03-03-028	468- 95-240	NEW	03-06-053
458- 20-251	AMD-P	03-13-022	468- 95-050	REP-P	03-03-029	468- 95-250	NEW-E	03-03-028
458- 20-266	PREP	03-16-044	468- 95-050	REP	03-06-053	468- 95-250	NEW-P	03-03-029
458- 40-660	PREP	03-05-084	468- 95-055	REP-E	03-03-028	468- 95-250	NEW	03-06-053
458- 40-660	AMD-P	03-10-079	468- 95-055	REP-P	03-03-029	468- 95-260	NEW-E	03-03-028
458- 40-660	AMD	03-14-072	468- 95-055	REP	03-06-053	468- 95-260	NEW-P	03-03-029
458- 40-660	PREP	03-17-098	468- 95-060	REP-E	03-03-028	468- 95-260	NEW	03-06-053
458- 40-680	PREP	03-09-100	468- 95-060	REP-P	03-03-029	468- 95-270	NEW-E	03-03-028
458- 40-680	AMD-P	03-16-009	468- 95-060	REP	03-06-053	468- 95-270	NEW-P	03-03-029
458- 61-100	PREP	03-07-065	468- 95-070	REP-E	03-03-028	468- 95-270	NEW	03-06-053
458- 61-100	AMD-P	03-11-079	468- 95-070	REP-P	03-03-029	468- 95-280	NEW-E	03-03-028
458- 61-100	AMD	03-18-023	468- 95-070	REP	03-06-053	468- 95-280	NEW-P	03-03-029
468- 06-040	AMD-X	03-04-062	468- 95-080	REP-E	03-03-028	468- 95-280	NEW	03-06-053
468- 06-040	AMD	03-09-103	468- 95-080	REP-P	03-03-029	468- 95-290	NEW-E	03-03-028
468- 15-010	NEW	03-03-012	468- 95-080	REP	03-06-053	468- 95-290	NEW-P	03-03-029
468- 15-020	NEW	03-03-012	468- 95-090	REP-E	03-03-028	468- 95-290	NEW	03-06-053
468- 15-030	NEW	03-03-012	468- 95-090	REP-P	03-03-029	468- 95-300	NEW-E	03-03-028
468- 15-040	NEW	03-03-012	468- 95-090	REP	03-06-053	468- 95-300	NEW-P	03-03-029

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468-95-300	NEW	03-06-053	478-324-180	AMD	03-12-007	480-07-400	NEW-P	03-17-100
468-95-310	NEW-E	03-03-028	479-01-010	AMD-P	03-12-009	480-07-405	NEW-P	03-17-100
468-95-310	NEW-P	03-03-029	479-01-010	AMD	03-16-077	480-07-410	NEW-P	03-17-100
468-95-310	NEW	03-06-053	479-01-050	AMD-P	03-12-009	480-07-415	NEW-P	03-17-100
468-95-320	NEW-E	03-03-028	479-01-050	AMD	03-16-077	480-07-420	NEW-P	03-17-100
468-95-320	NEW-P	03-03-029	479-05-010	AMD-P	03-12-009	480-07-423	NEW-P	03-17-100
468-95-320	NEW	03-06-053	479-05-010	AMD	03-16-077	480-07-425	NEW-P	03-17-100
468-95-330	NEW-E	03-03-028	479-05-050	AMD-P	03-12-009	480-07-430	NEW-P	03-17-100
468-95-330	NEW-P	03-03-029	479-05-050	AMD	03-16-077	480-07-440	NEW-P	03-17-100
468-95-330	NEW	03-06-053	479-05-240	AMD-P	03-12-009	480-07-450	NEW-P	03-17-100
468-95-340	NEW-E	03-03-028	479-05-240	AMD	03-16-077	480-07-460	NEW-P	03-17-100
468-95-340	NEW-P	03-03-029	479-12-260	REP-P	03-12-009	480-07-470	NEW-P	03-17-100
468-95-340	NEW	03-06-053	479-12-260	REP	03-16-077	480-07-480	NEW-P	03-17-100
468-95-350	NEW-E	03-03-028	479-12-430	AMD-P	03-12-009	480-07-490	NEW-P	03-17-100
468-95-350	NEW-P	03-03-029	479-12-430	AMD	03-16-077	480-07-495	NEW-P	03-17-100
468-95-350	NEW	03-06-053	480-04-020	AMD-P	03-17-100	480-07-498	NEW-P	03-17-100
468-95-360	NEW-E	03-03-028	480-04-030	AMD-P	03-17-100	480-07-500	NEW-P	03-17-100
468-95-360	NEW-P	03-03-029	480-04-035	NEW-P	03-17-100	480-07-505	NEW-P	03-17-100
468-95-360	NEW	03-06-053	480-04-050	AMD-P	03-17-100	480-07-510	NEW-P	03-17-100
468-95-370	NEW-E	03-03-028	480-04-060	AMD-P	03-17-100	480-07-520	NEW-P	03-17-100
468-95-370	NEW-P	03-03-029	480-04-065	AMD-P	03-17-100	480-07-530	NEW-P	03-17-100
468-95-370	NEW	03-06-053	480-04-070	REP-P	03-17-100	480-07-540	NEW-P	03-17-100
468-95-400	NEW-E	03-03-028	480-04-090	AMD-P	03-17-100	480-07-550	NEW-P	03-17-100
468-95-400	NEW-P	03-03-029	480-04-095	AMD-P	03-17-100	480-07-600	NEW-P	03-17-100
468-95-400	NEW	03-06-053	480-04-100	AMD-P	03-17-100	480-07-610	NEW-P	03-17-100
468-300-010	AMD-P	03-04-102	480-04-110	REP-P	03-17-100	480-07-620	NEW-P	03-17-100
468-300-010	AMD	03-08-072	480-04-120	AMD-P	03-17-100	480-07-630	NEW-P	03-17-100
468-300-020	AMD-P	03-04-102	480-04-130	AMD-P	03-17-100	480-07-640	NEW-P	03-17-100
468-300-020	AMD	03-08-072	480-07-010	NEW-P	03-17-100	480-07-650	NEW-P	03-17-100
468-300-040	AMD-P	03-04-102	480-07-100	NEW-P	03-17-100	480-07-660	NEW-P	03-17-100
468-300-040	AMD	03-08-072	480-07-110	NEW-P	03-17-100	480-07-700	NEW-P	03-17-100
468-300-220	AMD-P	03-04-102	480-07-120	NEW-P	03-17-100	480-07-710	NEW-P	03-17-100
468-300-220	AMD	03-08-072	480-07-125	NEW-P	03-17-100	480-07-720	NEW-P	03-17-100
468-300-700	AMD-P	03-04-102	480-07-130	NEW-P	03-17-100	480-07-730	NEW-P	03-17-100
468-300-700	AMD	03-08-072	480-07-140	NEW-P	03-17-100	480-07-740	NEW-P	03-17-100
468-510-010	AMD-E	03-06-014	480-07-143	NEW-P	03-17-100	480-07-750	NEW-P	03-17-100
468-510-010	AMD-E	03-14-050	480-07-145	NEW-P	03-17-100	480-07-800	NEW-P	03-17-100
468-510-010	AMD-P	03-16-106	480-07-150	NEW-P	03-17-100	480-07-810	NEW-P	03-17-100
478-04	PREP	03-09-040	480-07-160	NEW-P	03-17-100	480-07-820	NEW-P	03-17-100
478-132-030	AMD	03-08-040	480-07-170	NEW-P	03-17-100	480-07-825	NEW-P	03-17-100
478-136	PREP	03-15-099	480-07-180	NEW-P	03-17-100	480-07-830	NEW-P	03-17-100
478-136-030	AMD-E	03-16-024	480-07-200	NEW-P	03-17-100	480-07-835	NEW-P	03-17-100
478-136-060	AMD-E	03-16-024	480-07-210	NEW-P	03-17-100	480-07-840	NEW-P	03-17-100
478-138-060	AMD-X	03-05-019	480-07-220	NEW-P	03-17-100	480-07-850	NEW-P	03-17-100
478-138-060	AMD	03-12-007	480-07-230	NEW-P	03-17-100	480-07-860	NEW-P	03-17-100
478-140-018	AMD-X	03-05-019	480-07-240	NEW-P	03-17-100	480-07-870	NEW-P	03-17-100
478-140-018	AMD	03-12-007	480-07-300	NEW-P	03-17-100	480-07-875	NEW-P	03-17-100
478-160-085	AMD-X	03-05-019	480-07-305	NEW-P	03-17-100	480-07-880	NEW-P	03-17-100
478-160-085	AMD	03-12-007	480-07-310	NEW-P	03-17-100	480-07-883	NEW-P	03-17-100
478-168-170	AMD-X	03-05-019	480-07-320	NEW-P	03-17-100	480-07-885	NEW-P	03-17-100
478-168-170	AMD	03-12-007	480-07-330	NEW-P	03-17-100	480-07-900	NEW-P	03-17-100
478-276-140	AMD-X	03-05-019	480-07-340	NEW-P	03-17-100	480-07-910	NEW-P	03-17-100
478-276-140	AMD	03-12-007	480-07-345	NEW-P	03-17-100	480-07-920	NEW-P	03-17-100
478-324-020	AMD-X	03-05-019	480-07-350	NEW-P	03-17-100	480-07-930	NEW-P	03-17-100
478-324-020	AMD	03-12-007	480-07-355	NEW-P	03-17-100	480-07-940	NEW-P	03-17-100
478-324-045	AMD-X	03-05-019	480-07-360	NEW-P	03-17-100	480-07-950	NEW-P	03-17-100
478-324-045	AMD	03-12-007	480-07-370	NEW-P	03-17-100	480-09-005	REP-P	03-17-100
478-324-140	AMD-X	03-05-019	480-07-375	NEW-P	03-17-100	480-09-010	REP-P	03-17-100
478-324-140	AMD	03-12-007	480-07-380	NEW-P	03-17-100	480-09-012	REP-P	03-17-100
478-324-145	NEW-X	03-05-019	480-07-385	NEW-P	03-17-100	480-09-015	REP-P	03-17-100
478-324-145	NEW	03-12-007	480-07-390	NEW-P	03-17-100	480-09-100	REP-P	03-17-100
478-324-180	AMD-X	03-05-019	480-07-395	NEW-P	03-17-100	480-09-101	REP-P	03-17-100

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