

**WSR 06-08-007**  
**PERMANENT RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**

[Filed March 23, 2006, 10:14 a.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: The amendments to Commission Rules 350-11, [350-]12, and [350-]16 are necessary due to changes made during the 2005 legislative session. The amendment to Commission Rule 350-13 requires gorge commissioners to file financial disclosure in their respective states only rather than both states. The amendments to Commission Rule 350-50 improves the commission's process for reviewing plan amendments.

Citation of Existing Rules Affected by this Order: Repealing 350-50-075, 350-50-110; and amending 350-11-004, 350-12-006, 350-12-007, 350-12-008, 350-13-001, 350-16-004, 350-50-030, 350-50-040, 350-50-050, 350-50-060, 350-50-070, 350-50-080, 350-50-085, 350-50-090, and 350-50-100.

Statutory Authority for Adoption: RCW 43.907.015 [43.97.015].

Other Authority: ORS 196.150, 16 U.S.C. 544c(b).

Adopted under notice filed as WSR 06-03-067 on January 12, 2006.

Changes Other than Editing from Proposed to Adopted Version: Several clarifications made to Commission Rules 350-50-030, 350-50-040, 350-50-045, 350-50-050, 350-50-060, 350-50-080, 350-50-085, 350-50-100 in response to discussion at a workshop on the rule and public comments.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 9, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 9, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 14, 2006.

Nancy A. Andring  
 Rules Coordinator

**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 06-09 issue of the Register.

**WSR 06-08-009**  
**PERMANENT RULES**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**

[Filed March 23, 2006, 11:59 a.m., effective April 23, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The only change to the existing rule is to update the physical address of the administrative office in WAC 10-04-020.

Citation of Existing Rules Affected by this Order: Amending WAC 10-04-020.

Statutory Authority for Adoption: RCW 34.12.030(6).

Adopted under notice filed as WSR 06-03-124 on January 18, 2006.

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.

Date Adopted: March 23, 2006.

Art Wang  
 Chief Administrative  
 Law Judge

**AMENDATORY SECTION** (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-020 Function—Organization—Offices.**

The office of administrative hearings conducts impartial administrative hearings for state agencies and local governments pursuant to chapter 34.12 RCW. The office is under the direction of the chief administrative law judge.

Administrative law judges preside over hearings in adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law.

The administrative office is located at (~~919 Lakeridge Way SW, 2nd Floor~~) **2420 Bristol Ct. SW**, P.O. Box 42488, Olympia, Washington, 98504-2488. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are assigned to field offices located in Everett, Olympia, Seattle, Spokane, Vancouver, and Yakima. Each office is headed by a senior administrative law judge.

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the chief administrative law judge or designee at the administrative office.

**WSR 06-08-024**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 455-A—Filed March 27, 2006, 3:53 p.m., effective April 27, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: A card room submitted a petition for rule change to increase the number of tables one pit supervisor can oversee from five to six tables. This number was specific to the petitioner's card room. Staff recommended increasing the number of tables from five to seven. Staff had no regulatory concerns increasing the number from five to seven. Furthermore, it streamlines this rule by removing an exception which allowed one supervisor to supervise seven tables, if *only* seven tables were in operation.

Due to an inadvertent error an incorrect version was filed under WSR 06-07-073. This is the version adopted by the commission.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-815.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0282.

Adopted under notice filed as WSR 06-04-041 on January 26, 2006, with a published date of February 15, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 27, 2006.

Susan Arland  
Rules Coordinator

AMENDATORY SECTION (Amending Order 418, filed 4/16/03, effective 7/1/03)

**WAC 230-40-815 Administrative and accounting control structure—Organization—House-banking.** Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

**Internal controls.**

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

**Administrative controls.**

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

**Separate departments and functions.**

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

*Surveillance.*

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio recording of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video recording of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities;

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and

(viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

*Security.*

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

*Gaming operations.*

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than ~~((five))~~ seven tables (~~(= Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff)~~) as long as the floor plan was approved by commission staff in the internal controls;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: ~~Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.~~

*Accounting.*

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

(i) Implementing and monitoring of accounting controls;

(ii) The preparation, control, and storage of records and data required;

(iii) The control of unused forms inventory along with reconciliation of forms used; and

(iv) The control and supervision of the cashier's cage.

**Modifications.**

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

**Employees shall be informed of internal controls.**

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

**WSR 06-08-025**

**PERMANENT RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket No. UE-030423, General Order No. R-530—Filed March 28, 2006, 9:50 a.m., effective April 28, 2006]

In the matter of repealing, amending, and adopting rules in chapter 480-107 WAC, relating to Electric companies—Purchases of electricity from qualifying facilities and independent power producers, and purchases of electric savings from conservation suppliers.

**1 STATUTORY OR OTHER AUTHORITY:** The Washington utilities and transportation commission takes this action under Notice No. WSR 06-03-127, filed with the code reviser on January 18, 2006. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission's reasons for adopting the rule, a description of the difference between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission's responses to the comments, reflecting the commission's consideration of them.

**5** The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

**6** In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission con-

sidered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

**7 REFERENCE TO AFFECTED RULES:** This order repeals the following sections of the Washington Administrative Code: WAC 180-107-005 Definitions, 480-107-010 Filing requirements for prototype contracts, 480-107-020 Eligibility for long-run generating facility purchase rates, 480-107-030 Eligibility for long-run conservation purchase rates, 480-107-040 Size of resource block, 480-107-050 Avoided cost schedules, 480-107-060 The solicitation process, 480-107-070 Project ranking procedure, 480-107-080 Pricing and contracting procedures, 480-107-090 Security considerations, 480-107-100 Contract finalization, 480-107-110 Obligations of generating facilities to electric utility, 480-107-120 Obligations of electric utility to qualifying facilities, 480-107-130 Rates for sales to qualifying facilities, 480-107-140 System emergencies, 480-107-150 Interconnection costs, 480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary, and 480-107-170 Filings—Investigations—Exceptions.

**8** This order amends the following section of the Washington Administrative Code: WAC 480-107-001 Purpose and scope.

**9** This order adopts the following sections of the Washington Administrative Code: WAC 480-107-002 Application of rules, 480-107-004 Additional requirements, 480-107-006 Severability, 480-107-007 Definitions, 480-107-015 The solicitation process, 480-107-025 Contents of the solicitation, 480-107-035 Project ranking procedure, 480-107-045 Pricing and contracting procedures, 480-107-055 Schedules of estimated avoided cost, 480-107-065 Eligibility for long-run conservation purchase rates, 480-107-075 Contract finalization, 480-107-085 Obligations of generating facilities to the utility, 480-107-095 Obligations of the utility to qualifying facilities, 480-107-105 Rates for sales to qualifying facilities, 480-107-115 System emergencies, 480-107-125 Interconnection costs, 480-107-135 Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate, 480-107-145 Filings—Investigations, and 480-107-999 Adoption by reference.

**10 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The commission filed a preproposal statement of inquiry (CR-101) on April 15, 2003, at WSR 03-09-070. The statement advised interested persons that the commission was considering entering a rule making to review chapter 480-107 WAC, Electric companies—Purchases of electricity from qualifying facilities and independent power producers, and purchases of electric savings from conservation suppliers, for content and readability consistent with Executive Order 97-02.

**11 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and the commission's lists of all registered electric and gas companies, persons interested in electric and gas issues, as well as to attorneys representing these companies.

**12** Pursuant to the notice, the commission received comments from the following companies, organizations, and interested persons: Avista Utilities, Cogeneration Coalition of Washington, department of community, trade and economic development, The Energy Project, Industrial Customers of Northwest Utilities, Natural Resources Defense Council, Northwest CHP Advocates, Northwest Energy Coalition, Northwest Independent Power Producers Coalition, PacifiCorp, Puget Sound Energy, public counsel, and Renewable Northwest Project.

**13** The commission engaged in two stakeholder workshops in June 2003 and June 2005 to address stakeholder comments and discuss a variety of changes to the electric resource bidding rules. The following companies and organizations participated in the stakeholder workshops: Avista Utilities, Cogeneration Coalition of Washington, Cascade Natural Gas, department of community, trade and economic development, The Energy Project, Energy Advocates LLP, Industrial Customers of Northwest Utilities, Natural Resources Defense Council, Northwest CHP Advocates, Northwest Energy Coalition, Northwest Independent Power Producers Coalition, Northwest Natural Gas, Northwest Industrial Gas Users, PacifiCorp, Puget Sound Energy, public counsel, Renewable Northwest Project, Citizens Utility Alliance, and UCONS, LLC.

**14 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on October 5, 2005, at WSR 05-20-094. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 05-20-094 at 9:30 a.m., Wednesday, November 9, 2005, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**15** Pursuant to the notice, the commission received comments from the following companies, organizations, and interested persons: Avista Utilities, Cogeneration Coalition of Washington, Industrial Customers of Northwest Utilities (ICNU), Natural Resources Defense Council, Northwest CHP Advocates, Northwest Energy Coalition, Northwest Independent Power Producers Coalition, PacifiCorp, Puget Sound Energy, public counsel, and the Renewable Northwest Project.

**16** The commission engaged in a technical writing workshop on November 30, 2005, to address stakeholder comments and discuss a variety of changes to the rules. The following companies and organizations participated in the technical writing workshop: Avista Utilities; Climate Solutions; Cogeneration Coalition of Washington; EPCOR; Industrial Customers of Northwest Utilities; Northwest CHP Advocates; Northwest Energy Coalition; Northwest Independent Power Producers Coalition; PacifiCorp; Preston, Gates, Ellis, LLP, representing EPCOR and the Northwest Independent Power Producers Coalition; and Puget Sound Energy.

**17** The commission filed a notice of supplemental proposed rule making (Supplemental CR-102) on January 18, 2006, at WSR 06-03-127. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 06-03-127 at a public hearing at 2:30 p.m., Wednesday, Feb-

ruary 22, 2006, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**18 COMMENTERS (WRITTEN COMMENTS):** The commission received written comments from Donald Brookhyser, representing the Cogeneration Coalition of Washington; John Ryan, representing the Northwest CHP Advocates; Jeff Larsen, representing PacifiCorp; and Karl Karzmar, representing Puget Sound Energy. The commission received oral comments from Bruce Folsom, representing Avista Utilities.

**19 RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice in WSR 06-03-127 at a rule-making hearing scheduled on February 22, 2006, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. Bruce Folsom, representing Avista Utilities; John Ryan, representing the Northwest CHP Advocates; and Karl Karzmar, representing Puget Sound Energy made oral comments during the meeting. Mr. Folsom and Mr. Karzmar thanked the commission and commission staff for the rule-making procedure and its completion. Mr. Ryan reiterated the comments he had previously submitted in writing.

**20 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:** The Northwest CHP Advocates suggested that, by giving the purchaser the option to acquire resources based on the "least cost alternative" criterion, the proposed avoided cost language in fact gives the purchaser an option not to acquire cogeneration. The CHP Advocates believe that without strong language that will raise avoided costs, which recognize the triple benefits of cogeneration (1/3 more energy efficient, 1/2 less emissions, and no transmission costs), the likely impact of these new rules will be minimal. The commission believes that including strong avoided cost language would be less of a bid-based and more of an "administrative" strategy for calculating schedules of avoided costs. The proposed rule retains the provision that schedules of avoided costs are calculated on a "case-by-case" basis.

**21** The CHP Advocates suggested that imputed debt should not be included in a utility's cost calculations, and recommends that a rigorous investigation on this credit risk issue be completed before including these costs. They also support commencing an investigation as to why Washington state is 31st among states in cogeneration capacity and why no significant cogeneration has been built here in many years. The commission believes that this level of detail is not necessary in a general rule. Appropriate studies on financial risk and cost will be discoverable in prudence investigations in general rate cases.

**22** The Cogeneration Coalition of Washington (CCW) stated that the proposed rules allow the utility to evaluate and rank project proposals based on, among other items, "credit and financial risks to the utility." (WAC 480-107-035). CCW observes that while this is a generic reference to any financial risk, it can easily include imputing additional costs to long-term purchase power agreements on the basis of debt equivalence. According to CCW, it remains uncertain whether the rating agencies' consideration of debt equivalence actually affects a utility's costs. CCW argues that given

the guarantee that procurement costs related to qualifying facility (QF) contracts should be fully recoverable, it is not clear that entering into a QF contract should produce any increased credit risk.

**23** For the CCW, allowing the consideration of debt equivalence in these regulations allows a utility broad discretion in how the factor is employed, without any effective review by this commission. While draft requests for proposals (RFPs) and their proposed ranking criteria are filed for commission review, commission review may simply determine that some "consideration" of imputed debt is permissible. There may be no direct and final determination of how imputed debt should be applied or quantified, or whether it is justified in any particular circumstance. The utility's evaluation of the RFP responses may never be filed at the commission, and there may be no opportunity for commission review of how the utility applied the criteria of financial risk. If the evaluations are filed with the commission, it would likely be under seal so that none of the suppliers could review and question the treatment of imputed debt.

**24** The commission believes that this issue must be considered on a "case-by-case" basis. Financial, industry, and market effects will change so assuring a particular financial effect in rule damages future flexibility of the rule. Furthermore, financial, industry, and market effects may vary among companies.

**25** CCW recommends that the commission initiate a rule making into how debt equivalence will be considered in the procurement process. The commission believes that as of this time there has been no evidence that such a rule making is warranted.

**26 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend the rules in the CR-102 notice at WSR 06-03-127 with the changes described below.

**27 CHANGES FROM PROPOSAL:** The commission adopts the proposal without any changes from the text noticed at WSR 06-03-127.

**28 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the commission determines that WAC 480-107-005, 480-107-010, 480-107-020, 480-107-030, 480-107-040, 480-107-050, 480-107-060, 480-107-070, 480-107-080, 480-107-090, 480-107-100, 480-107-110, 480-107-120, 480-107-130, 480-107-140, 480-107-150, 480-107-160, and 480-107-170 should be repealed, WAC 480-107-001 should be amended, and WAC 480-107-002, 480-107-004, 480-107-006, 480-107-007, 480-107-015, 480-107-025, 480-107-035, 480-107-045, 480-107-055, 480-107-065, 480-107-075, 480-107-085, 480-107-095, 480-107-105, 480-107-115, 480-107-125, 480-107-135, 480-107-145, and 480-107-999 should be adopted to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, effective on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

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.

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#### ORDER

##### 29 THE COMMISSION ORDERS:

30 (1) The commission repeals WAC 480-107-005, 480-107-010, 480-107-020, 480-107-030, 480-107-040, 480-107-050, 480-107-060, 480-107-070, 480-107-080, 480-107-090, 480-107-100, 480-107-110, 480-107-120, 480-107-130, 480-107-140, 480-107-150, 480-107-160, and 480-107-170.

31 (2) The commission amends and adopts WAC 480-107-001, 480-107-002, 480-107-004, 480-107-006, 480-107-007, 480-107-015, 480-107-025, 480-107-035, 480-107-045, 480-107-055, 480-107-065, 480-107-075, 480-107-085, 480-107-095, 480-107-105, 480-107-115, 480-107-125, 480-107-135, 480-107-145, and 480-107-999 to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

32 (3) This order and the rules set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, March 27th, 2006.

Washington utilities and transportation commission

Mark H. Sidran, Chairman

Patrick J. Oshie, Commissioner

Philip B. Jones, Commissioner

**AMENDATORY SECTION** (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

**WAC 480-107-001 Purpose and scope.** (1) ~~((The purpose of this chapter is to establish rules for determining rates, terms, and conditions governing the following purchases by electric utilities: Electricity from qualifying facilities; the electrical savings associated with eligible conservation measures pursuant to these rules; electricity from independent power producers; and, at the utility's election, utility subsidiaries, and other electric utilities. These rules are intended to provide an opportunity for conservation and generating resources to compete on a fair and reasonable basis to fulfill a utility's new resource needs. It is the commission's intent that bids under these rules shall include the costs of compliance by the project with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.~~

~~These))~~ The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures utilities must use to acquire new resources. Utilities may construct electric resources, operate conservation programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission will consider the information obtained through these bidding procedures when it evaluates the performance of the utility in rate and other proceedings.

(3) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent of any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under these rules ((shall satisfy an electric)) satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

~~((These rules do not preclude electric utilities from constructing electric resources, operating conservation programs, purchasing power through negotiated purchase contracts, or otherwise taking action to satisfy their public service obligations. Information about the price and availability of electric power obtained through the bidding procedures described in these rules may be used, in conjunction with other evidence, in general rate cases and other cost recovery proceedings pertaining to resources not acquired through these bidding procedures.~~

~~(2) The provisions of this chapter shall apply to any electric utility which has submitted to the commission a least-cost plan as provided in WAC 480-100-238 (Least-cost planning).))~~

#### NEW SECTION

**WAC 480-107-002 Application of rules.** (1) The rules in this chapter apply to any utility that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(2) Any affected person may ask the commission to review the interpretation or application of these rules by a utility or customer by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleading—General.

(3) No exception from the provisions of any rule in this chapter is permitted without prior written authorization by the commission. Such exceptions may be granted only if consistent with the public interest, the purposes underlying regulation, and applicable statutes. Any deviation from the provisions of any rule in this chapter without prior commission authorization will be subject to penalties as provided by law.

NEW SECTION**WAC 480-107-004 Additional requirements.** (1)

These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains its authority to impose additional or different requirements on any utility in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

**WAC 480-107-006 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

**WAC 480-107-007 Definitions.** "Affiliate" means a person or corporation that meets the definition of an "affiliated interest" in RCW 80.16.010.

"Avoided costs" means the incremental costs to a utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. A utility's avoided costs are the prices, terms and conditions, including the period of time and the power supply attributes, of the least cost final contract entered into as a result of the competitive bidding process described in these rules. If no final contract is entered into in response to a request for proposal (RFP) issued by a utility under these rules, the utility's avoided costs are the lesser of:

(1) The price, terms and conditions set forth in the least cost project proposal that meets the criteria specified in the RFP; or

(2) Current projected market prices for power with comparable terms and conditions.

"Back-up power" means electric energy or capacity supplied by a utility to replace energy ordinarily supplied by utility-owned generation or purchased through contracts that is unavailable due to an unscheduled outage.

"Commission" means the Washington utilities and transportation commission.

"Conservation" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production or distribution, or from demand response, load management or efficiency measures that reduce peak capacity demand.

"Conservation supplier" means a third party supplier or utility affiliate that provides equipment or services that save capacity or energy.

"Economic dispatch" means modifying the scheduling of power purchases from a generating facility within contractually specified limits to minimize the costs of delivering electricity.

"Generating facilities" means plant and other equipment used to generate electricity purchased through contracts entered into under these rules.

"Independent power producers" means an entity that owns generating facilities or portions thereof that are not

included in a utility's rate base and that are not qualifying facilities as defined in this section.

"Integrated resource plan" or "IRP" means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

"Interruptible power" means electric energy or capacity supplied to a utility by a generating facility, the availability of which may be interrupted under certain conditions.

"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of a generating facility.

"Project developer" means an individual, association, corporation, or other legal entity that can enter into a power or conservation contract with the utility.

"Project proposal" means a project developer's document containing a description of a project and other information responsive to the requirements set forth in a request for proposal, also known as a bid.

"Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

"Request for proposals" or "RFPs" means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation.

"Resource block" means the deficit of capacity and associated energy that the IRP shows for the near term.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary if the utility can demonstrate that it does not control that company.

"Supplementary power" means electric energy or capacity supplied by a utility that is regularly used by a generating facility in addition to that which the facility generates itself.

"Utility" means an electrical company as defined by RCW 80.04.010.

NEW SECTION

**WAC 480-107-015 The solicitation process.** (1) Any owner of a generating facility, developer of a potential generating facility, marketing entity, or provider of energy savings may participate in the RFP process. Bidders may propose a variety of energy resources including: Electrical savings associated with conservation; electricity from qualifying facilities; electricity from independent power producers; and, at the utility's election, electricity from utility subsidiaries, and other electric utilities, whether or not such electricity includes ownership of property. Qualifying facility producers with a generation capacity of one megawatt or less may choose to participate in the utilities' standard tariffs without filing a bid.

(2) A utility may participate in the bidding process as a power supplier, or may allow a subsidiary or affiliate to participate in the bidding process as a power supplier, on conditions described in WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility's subsidiary

or affiliate. The utility's RFP submittal must declare the utility's or affiliate's participation and must demonstrate how the utility will satisfy the requirements of WAC 480-107-135.

(3) Timing of the solicitation process.

(a) The rules in this section do not apply when a utility's integrated resource plan, prepared pursuant to WAC 480-100-238, demonstrates that the utility does not need additional capacity within three years.

(b) A utility must submit to the commission a proposed request for proposals and accompanying documentation no later than one hundred thirty-five days after the utility's integrated resource plan is due to be filed with the commission. Interested persons will have sixty days from the RFP's filing date with the commission to submit written comments to the commission on the RFP. The commission will approve or suspend the RFP within thirty days after the close of the comment period.

(c) A utility must solicit bids for electric power and electrical savings within thirty days of a commission order approving the RFP.

(d) All bids will remain sealed until expiration of the solicitation period specified in the RFP.

(4) In addition to the solicitation process required by these rules, a utility may, at its own discretion, issue an RFP that limits project proposals to resources with specific characteristics. In addition, a utility, at its own discretion, may issue RFPs more frequently than required by this rule.

(5) Persons interested in receiving commission notice of a specific utility's RFP filings can request the commission to place their names on a mailing list for notification of future RFP filings by that utility.

#### NEW SECTION

##### **WAC 480-107-025 Contents of the solicitation.** (1)

The RFP must identify the resource block, consisting of the overall amount and duration of power the utility is soliciting, the initial estimate of avoided cost schedule as calculated in WAC 480-107-055 Avoided cost schedule, and any additional information necessary for potential bidders to make a complete bid.

(2) The RFP must document that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's integrated resource plan.

(3) The RFP must explain general evaluation and ranking procedures the utility will use in accordance with WAC 480-107-035 Project ranking procedure. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

(4) The RFP must specify the timing of process including the solicitation period, the ranking period, and the expected selection period.

(5) The RFP must identify all security requirements and the rationale for them.

(6) Utilities are encouraged to consult with commission staff during the development of the RFP. Utilities, at their own discretion, may submit draft RFPs for staff review prior to formally submitting an RFP to the commission.

#### NEW SECTION

##### **WAC 480-107-035 Project ranking procedure.** (1)

The procedures and criteria the utility will use in its RFP to evaluate and rank project proposals are subject to commission approval.

(2) At a minimum, the ranking criteria must recognize resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, credit and financial risks to the utility, the risks imposed on ratepayers, public policies regarding resource preference adopted by Washington state or the federal government and environmental effects including those associated with resources that emit carbon dioxide. The ranking criteria must recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, and contract provisions. The ranking process must complement power acquisition goals identified in the utility's integrated resource plan.

(3) After the project proposals have been opened for ranking, the utility must make available for public inspection at the utility's designated place of business a summary of each project proposal and a final ranking of all proposed projects.

(4) The utility may reject any project proposal that does not specify, as part of the price bid, the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid.

(5) The utility may reject all project proposals if it finds that no proposal adequately serves ratepayers' interests. The commission will review, as appropriate, such a finding together with evidence filed in support of any acquisition in the utility's next general rate case or other cost recovery proceeding.

(6) When the utility, the utility's subsidiary or an affiliate submits a bid in response to an RFP, one or more competing bidders may request the commission to appoint an independent third party to assist commission staff in its review of the bid. Should the commission grant such a request, the fees charged by the independent third party will be paid by the party or parties requesting the independent review.

#### NEW SECTION

##### **WAC 480-107-045 Pricing and contracting procedures.** (1)

Once project proposals have been ranked in accordance with WAC 480-107-035 Project ranking procedure, the utility must identify the bidders that best meet the selection criteria and that are expected to produce the energy, capacity, and electrical savings as defined by that portion of the resource block to which the project proposal is directed.

(2) The project proposal's price, pricing structure, and terms are subject to negotiation.

#### NEW SECTION

##### **WAC 480-107-055 Schedules of estimated avoided cost.** (1)

A utility must file annually a schedule of estimated avoided cost for the energy and capacity associated with the resource block the utility solicited in its most recent RFP filed pursuant to WAC 480-07-025 Contents of the solicitation.



(2) Schedules of estimated avoided cost are to be based upon:

(a) The most recent project proposals received pursuant to an RFP issued under these rules;

(b) Estimates included in the utility's current integrated resource plan filed pursuant to WAC 480-100-238;

(c) The results of the utility's most recent bidding process; and

(d) Current projected market prices for power.

The utility must file documentation supporting its schedule of estimated avoided cost.

(3) Utilities may revise a schedule of estimated avoided cost at any time. Such revisions must be filed with the commission along with documentation supporting the revision.

(4) The schedule of estimated avoided cost provides only general information to potential bidders about the costs of new power supplies; it does not provide a guaranteed contract price for electricity. For discussion of such guarantee, see WAC 480-107-095.

#### NEW SECTION

**WAC 480-107-065 Eligibility for long-run conservation purchase rates.** (1) Any conservation supplier may participate in the bidding process. A utility may allow a utility subsidiary to participate as a conservation supplier, on conditions described in WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate. A decision to allow a utility subsidiary to participate must be explained in the utility's RFP submittal.

(2) All conservation measures included in a project proposal must:

(a) Produce electrical savings over a time period greater than five years, or a longer period if specified in the utility's RFP. A measure with an expected life that is shorter than the contract term must include replacements through the contract term;

(b) Be consistent with the utility's integrated resource plan; and

(c) Produce savings that can be reliably measured or estimated with accepted engineering methods.

#### NEW SECTION

**WAC 480-107-075 Contract finalization.** (1) Unless otherwise prohibited by law, a utility has discretion to decide whether to enter into a final contract with any project bidder that meets the selection criteria of the RFP. Any such bidder may petition the commission to review a utility's decision not to enter into a final contract.

(2) Any project bidder and utility may negotiate changes to the selected project proposal for the purpose of finalizing a particular contract consistent with the provisions of this chapter.

(3) The utility may sign contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. The utility may sign longer-term contracts if such provisions are specified in the utility's RFP.

(4) If material changes are made to the project proposal after project ranking, including material price changes, the utility must suspend contract finalization with that party and

rerank projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility must instead pursue contract finalization with the next ranked project.

(5) A project developer must provide evidence that the developer has obtained or will obtain a generation site (e.g., letter of intent) before signing a contract with the purchasing utility.

#### NEW SECTION

**WAC 480-107-085 Obligations of generating facilities to the utility.** (1) The owner or operator of a generating facility purchasing or selling electricity under this chapter must execute a written agreement with the utility stating at a minimum that:

(a) The owner or operator will construct and operate all interconnected generating facilities and interconnection facilities within its control in accordance with all applicable federal, state, and local laws and regulations to ensure system safety and reliability of interconnected operations;

(b) The generating facility will furnish, install, operate, and maintain in good order and repair, and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus determined by the utility to be necessary for the safe and reliable operation of the generating facility in parallel with the utility's system; and

(c) The utility will be able to gain access at all times to all switching equipment capable of isolating the generating facility from the utility's system.

(2) The utility may choose to operate the switching equipment described in subsection (1)(c) of this section if, in the sole opinion of the utility, continued operation of the customer's generating facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification in accordance with WAC 480-107-115 System emergencies. The utility must endeavor to minimize any adverse effects of such operation on the customer.

(3) Any agreement between a generating facility and a utility must state the extent to which the generating facility will assume responsibility for the safe operation of the interconnection facilities. The generating facility may not be required to assume responsibility for negligent acts of the utility.

#### NEW SECTION

**WAC 480-107-095 Obligations of the utility to qualifying facilities.** (1) A utility must purchase electric energy, electric capacity, or both from a qualifying facility on terms that do not exceed the utility's avoided costs for such electric energy, electric capacity, or both.

(2) All utilities must file a standard tariff for purchases from qualifying facilities rated at one megawatt or less. Such standard tariff may be based upon market prices and include incremental costs associated with purchasing small quantities of power. Qualifying facility developers proposing projects with a design capacity of one megawatt or less may choose to

receive a purchase price for power that is set forth in such standard tariff.

(3) A utility must sell to any qualifying facilities, in accordance with WAC 480-107-105 Rates for sales to qualifying facilities, any energy and capacity requested by the qualifying facilities on the same basis as available to other customers of the utility in the same class.

(4) Any utility must make all the necessary interconnections with any qualifying facilities to accomplish purchases or sales under this section. The obligation to pay for any interconnection costs will be determined in accordance with WAC 480-107-125 Interconnection costs.

(5) At the request of a qualifying facility, a utility that would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit energy or capacity to any other utility at the option of the utilities involved. Nothing in this section obligates the utility connected with the qualifying facility to transmit to other utilities. Nothing in this section obligates other utilities to purchase from the qualifying facility.

(6) Each utility may offer to operate in parallel with a qualifying facility if the qualifying facility complies with all applicable standards established in WAC 480-107-095 Obligations of generating facilities to electric utilities.

#### NEW SECTION

**WAC 480-107-105 Rates for sales to qualifying facilities.** (1) General rules:

(a) Rates must be just and reasonable, and in the public interest; and

(b) Rates must not discriminate between qualifying facilities and other customers served by the utility.

(2) Rates for sales that are based on accurate data and consistent system-wide costing principles will not be considered to discriminate against any qualifying facilities if those rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request by a qualifying facility, each utility will provide:

- (i) Supplementary power;
- (ii) Back-up power;
- (iii) Maintenance power; and
- (iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the utility and after opportunity for public comment, the utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the utility.

(4) The rate for sale of back-up power or maintenance power:

(a) May not be based on an assumption that forced outages or other reductions in electric output by all qualifying facilities on a utility's system will occur simultaneously, or

during the system peak, or both unless such an assumption is supported by factual data; and

(b) Must take into account the extent to which scheduled outages of the qualifying facilities can be coordinated with scheduled outages of the utility's facilities.

#### NEW SECTION

**WAC 480-107-115 System emergencies.** (1) A generating facility entering into a power contract under these rules is required to provide energy or capacity to a utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) During any system emergency, a utility may discontinue or curtail:

(a) Purchases from a generating facility if such purchases would contribute to such emergency; and

(b) Sales to a generating facility, if such discontinuance or curtailment:

(i) Does not discriminate against a generating facility; and (ii) Takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.

#### NEW SECTION

**WAC 480-107-125 Interconnection costs.** (1) Any costs of interconnection are the responsibility of the owner or operator of the generating facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a generating facility on a non-discriminatory basis.

(2) The owner or operator of the generating facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement shall be made, at the utility's election:

(a) At the time the utility invoices the owner or operator of the generating facility for interconnection costs incurred by the utility; or

(b) Over an agreed period of time not greater than the length of any contract between the utility and the generating facility.

#### NEW SECTION

**WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate.** (1) The utility, its subsidiary or affiliate may participate in the utility's bidding process. In these circumstances, the solicitation and bidding process will be subject to additional scrutiny by the commission to ensure that no unfair advantage is given to the utility's subsidiary or affiliate. Commission scrutiny will ensure that ratepayer interests are protected.

(2) As part of its RFP, a utility must include specific notice if it intends to submit a bid or intends to allow its subsidiaries and affiliates to participate in its bidding process. The utility must indicate in its RFP how it will ensure that its subsidiary or affiliate, through association with the utility, will not gain an unfair advantage over potential nonaffiliated competitors. A utility's disclosure of the contents of an RFP or competing project proposals to its own personnel involved in developing the utility's bid, or to its subsidiary or affiliate prior to such information being made public will be construed to constitute an unfair advantage.

(3) The commission may not allow a utility to recover in its rates all or part of the costs associated with the utility's project, or a subsidiary's or affiliate's project(s), if any unfair advantage was given to any bidder.

NEW SECTION

**WAC 480-107-145 Filings—Investigations.** (1) The commission retains the right to examine project proposals as originally submitted by potential developers. The utility must keep all documents supplied by project bidders or on their behalf, and all documents created by the utility relating to each bid, for at least seven years from the close of the bidding process, or the conclusion of the utility's next general rate case, whichever is later.

(2) The utility must file with the commission and maintain on file for inspection at its place of business, the current rates, prices, and charges established in accordance with this chapter.

NEW SECTION

**WAC 480-107-999 Adoption by reference.** In WAC 480-107-001, Purpose and scope, the commission refers to the provisions of the Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. The versions referenced are those current on the day the commission adopted the rule that includes the reference, consistent with the requirements of WAC 480-07-180.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-107-005 Definitions.
- WAC 480-107-010 Filing requirements for prototype contracts.
- WAC 480-107-020 Eligibility for long-run generating facility purchase rates.
- WAC 480-107-030 Eligibility for long-run conservation purchase rates.
- WAC 480-107-040 Size of resource block.
- WAC 480-107-050 Avoided cost schedules.

- WAC 480-107-060 The solicitation process.
- WAC 480-107-070 Project ranking procedure.
- WAC 480-107-080 Pricing and contracting procedures.
- WAC 480-107-090 Security considerations.
- WAC 480-107-100 Contract finalization.
- WAC 480-107-110 Obligations of generating facilities to electric utility.
- WAC 480-107-120 Obligations of electric utility to qualifying facilities.
- WAC 480-107-130 Rates for sales to qualifying facilities.
- WAC 480-107-140 System emergencies.
- WAC 480-107-150 Interconnection costs.
- WAC 480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary.
- WAC 480-107-170 Filings—Investigations—Exceptions.

**WSR 06-08-030**

**PERMANENT RULES**

**PUGET SOUND**

**CLEAN AIR AGENCY**

[Filed March 28, 2006, 9:58 a.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: To exempt small coffee roasters (ten lbs/batch or less); to clarify certain existing exemptions; to add an exemption to the list for certain closed-loop solvent recovery systems; and to update the fees for notification review of small coffee roasters.

Citation of Existing Rules Affected by this Order: Amending Section 6.03 and 6.04 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 06-05-056 on February 13, 2006.

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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 23, 2006.

A. McIntyre  
Engineer II

## **AMENDATORY SECTION**

### **REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION**

(a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued by the Agency. The exemptions in Sections 6.03 (b) and (c) of this regulation shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), and Subpart S (Primary Aluminum Reduction Plants); and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) and Subpart OOO (Nonmetallic Mineral Processing Plants) for which an Order of Approval has been previously issued by the Agency;

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);

(3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except for the provisions of Subpart M (Dry Cleaning Facilities) pertaining to area source perchloroethylene dry cleaners, Subpart LL (Primary Aluminum Reduction Plants), and the provisions of Subpart S (Pulp and Paper Industry) and Subpart MM (Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills) pertaining to kraft and sulfite pulp mills;

(4) Any new major stationary source or major modification as defined under WAC 173-400-030; and

(5) Any stationary source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.

(b) **Notifications.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that a complete notification is filed with the Agency prior to initial startup:

#### **Liquid Storage and Transfer**

(1) Storage tanks used exclusively for:

(A) Gasoline and having a rated capacity of 1,001-19,999 gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;

(B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or

(C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity  $\geq$ 40,000 gallons.

(2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

#### **Relocation of Portable Batch Plants**

(3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, rock (or concrete) crushers, and concrete batch plants for which an Order of Approval has been previously issued by the Agency. *All the conditions in the previously issued Order of Approval remain in effect.*

#### **Dry Cleaning**

(4) Unvented, dry-to-dry, dry-cleaning equipment that is equipped with refrigerated condensers to recover the cleaning solvent.

#### **Printing**

(5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with  $\leq$ 6% VOC by volume or  $\leq$ 8.5% if refrigerated to  $<60^{\circ}\text{F}$ , and cleaning solvents with a vapor pressure  $\leq$ 25mm Hg or a VOC content  $\leq$ 30% by volume.

#### **Water Treatment**

(6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). *A letter from the local sewer district documenting compliance is required in order to use this exemption.*

#### **Sanding Equipment**

(7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $<3.5:1$  (for reverse-air or manual cleaning) or  $<12:1$  (for pulse-jet cleaning).

#### **Ventilation and Control Equipment**

(8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $<3.5:1$  (for mechanical or manual cleaning) or  $<12:1$  (for pulse-jet cleaning).

(9) Replacement of existing paint spray booths. *All the conditions in the previously issued Order of Approval remain in effect.*

#### **Miscellaneous**

(10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an Order of Approval because it has a

de minimis impact on air quality and does not pose a threat to human health or the environment.

### **Coffee Roasters**

(11) Batch coffee roasters with a maximum rated capacity of 10 lbs per batch or less.

(c) **Exemptions.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that sufficient records are kept to document the exemption:

#### **Combustion**

(1) Fuel-burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:

(A) <10 million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane (or any combination thereof);

(B) <0.5 million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or

(C) <1 million Btu per hour heat input burning any other fuel.

(2) All stationary gas turbines with a rated heat input <10 million Btu per hour.

(3) Stationary internal combustion engines having a rated capacity:

(A) <50 horsepower output;

(B) Used solely for instructional purposes at research, teaching, or educational facilities; or

(C) Portable or standby units operated <500 hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.

(4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.

(5) All nonroad compression ignition engines subject to 40 CFR Part 89.

#### **Metallurgy**

(6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity ≤1,000 pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing >50% aluminum, magnesium, tin, zinc, or copper is melted.

(7) Crucible furnaces or pot furnaces with a capacity ≤450 cubic inches of any molten metal.

(8) Ladles used in pouring molten metals.

(9) Foundry sand-mold forming equipment.

(10) Shell core and shell-mold manufacturing machines.

(11) Molds used for the casting of metals.

(12) Die casting machines with a rated capacity ≤1,000 pounds that are not used for copper alloys.

(13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.

(14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.

(15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.

(16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.

(17) Atmosphere generators used in connection with metal heat-treating processes.

(18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

(19) Welding equipment and oxygen/gaseous fuel cutting equipment.

(20) Soldering or brazing, or equipment, including brazing ovens.

(21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that meets all of the following tank content criteria:

(A) ~~((uses materials containing))~~ ≤50 grams of VOC per liter(-s);

(B) No acids other than boric, ~~((or containing exclusively))~~ formic ~~((acid))~~, acetic ~~((acid))~~, phosphoric ~~((acid))~~, sulfuric ~~((acid))~~, or ≤12% hydrochloric ~~((acid))~~; and

(C) May contain alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and~~((or))~~ water in any concentration.

~~((and a))~~ Associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment are also exempt. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of ≤20% by weight and using ≤10,000 amp-hours per day, or phosphoric acid anodizing with a bath concentration of ≤15% by weight of phosphoric acid and using ≤20,000 amp-hours per day.)

(22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. Also, equipment used to electrolytically recover metals from spent or pretreated plating solutions that qualify for this exemption.

#### **Ceramics and Glass**

(23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.

(24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.

(25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity ≤1,000 pounds of glass.

(26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

(27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

**Plastics and Rubber and Composites**

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.

(30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is  $\leq 1\%$  by weight.

(31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.

(32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.

(33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter  $\leq 26$  inches, PROVIDED THAT it is operated at  $\leq 400^\circ\text{F}$ .

(34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.

(35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.

(36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.

(37) Hot wire cutting of expanded polystyrene foam and woven polyester film.

(38) Mixers, roll mills, and calenders for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

**Material Working and Handling**

(39) Equipment used for mechanical buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon, graphite, or composites. This exemption also applies to laser cutting, drilling, and machining of metals.

(40) Hand-held sanding equipment.

(41) Sanding equipment controlled by a fabric filter with an airflow of  $< 2,000$  cfm.

(42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoppers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.

(43) Paper shredding and associated conveying systems and baling equipment.

(44) Hammermills used exclusively to process aluminum and/or tin cans.

(45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

**Abrasive Blasting**

(46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or

similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with  $\geq 66\%$  by volume water.

(47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.

(48) Hydroblasting equipment using exclusively water as the abrasive.

(49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is  $\leq 100$  cubic feet.

(50) Shot peening operations, PROVIDED THAT no surface material is removed.

**Cleaning****(51) Solvent Cleaning**

(A) Non-refillable, hand-held aerosol spray cans of solvent; or

(B) Closed-loop solvent recovery systems with refrigerated or water-cooled condensers used for recovery of waste solvent generated on-site.

(52) Steam-cleaning equipment.

(53) Unheated liquid solvent tanks used for cleaning or drying parts:

(A) With a solvent capacity  $\leq 10$  gallons and containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(B) Using a solvent with a true vapor pressure  $\leq 0.6$  psi containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(C) With a remote reservoir and using a solvent containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(D) With a solvent capacity  $\leq 2$  gallons.

(54) Hand-wipe cleaning.

**Coating, Resin, and Adhesive Application**

(55) Powder-coating equipment.

(56) Portable coating equipment and pavement strippers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.

(57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity  $\leq 8$  fluid ounces, PROVIDED THAT it is not used to coat  $> 9$  square feet per day and is not used to coat motor vehicles or aerospace components.

(58) Airbrushes having a cup capacity  $\leq 2$  fluid ounces and an airflow of 0.5-2.0 cfm.

(59) Hand-held aerosol spray cans having a capacity of  $\leq 1$  quart of coating.

(60) Spray-coating equipment used exclusively for application of automotive undercoating materials with a flash point  $> 100^\circ\text{F}$ .

(61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)

(63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.

(64) Hand lay, brush, and roll-up resins equipment and operations.

(65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.

(66) Hot-melt adhesive equipment.

(67) Any adhesive application equipment that exclusively uses materials containing <1% VOC by weight and <0.1% HAP.

(68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

#### **Printing**

(69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).

(70) Presses using exclusively UV-curable inks.

(71) Presses using exclusively plastisols.

(72) Presses using exclusively water-based inks (<1.5 lbs VOC per gallon, excluding water, or <10% VOC by volume) and cleaning solvents without VOC.

(73) Presses used exclusively for making proofs.

(74) Electrostatic, ink jet, laser jet, and thermal printing equipment.

(75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

#### **Photography**

(76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

#### **Liquid Storage and Transfer**

(77) Storage tanks permanently attached to a motor vehicle.

(78) Storage tanks used exclusively for:

(A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;

(B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, or petroleum refinery;

(C) Any liquids (other than asphalt) that also have a rated capacity  $\leq 1,000$  gallons;

(D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity <20,000 gallons;

(E) Organic liquids (other than asphalt) with a true vapor pressure <2.2 psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity <40,000 gallons;

(F) Organic liquids (other than asphalt) with a true vapor pressure <0.5 psia that also have a rated capacity  $\geq 40,000$  gallons;

(G) Sulfuric acid or phosphoric acid with an acid strength  $\leq 99\%$  by weight;

(H) Nitric acid with an acid strength  $\leq 70\%$  by weight;

(I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength  $\leq 30\%$  by weight;

(J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains  $\leq 1\%$  VOC by weight;

(K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;

(L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;

(M) Water emulsion intermediates and products, including latex, with a VOC content  $\leq 5\%$  by volume or a VOC composite partial pressure of  $\leq 0.1$  psi at 68°F; or

(N) Wine, beer, or other alcoholic beverages.

(79) Loading and unloading equipment used exclusively for the storage tanks exempted above.

(80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity <60 gallons, except equipment transferring >1,000 gallons per day of liquid with a true vapor pressure >0.5 psia.

(81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

#### **Mixing**

(82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains <1% VOC by weight.

(83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.

(85) Equipment used exclusively for the mixing and packaging of lubricants or greases.

(86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.

(87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.

(88) Batch mixers with a rated working capacity  $\leq 55$  gallons.

(89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts  $\geq 90\%$  of the rim.

#### **Water Treatment**

(90) Oil/water separators, except those at petroleum refineries.

(91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.

(92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.

(94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

**Landfills and Composting**

(95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.

(96) Closed landfills that do not have an operating, active landfill gas collection system.

(97) Non-commercial composting.

**Agriculture, Food, and Drugs**

(98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.

(99) Insecticide, pesticide, or fertilizer spray equipment.

(100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.

(101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.

(102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.

(103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

(104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.

(105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.

(106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.

(107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.

(108) Brewing operations at facilities producing <3 million gallons per year of beer.

(109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).

(110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.

(111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

**Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants**

(112) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤150 tons per hour.

(113) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤25 tons per hour.

(114) Common clay plants and pumice plants with a cumulative rated capacity of all initial crushers of ≤10 tons per hour.

(115) Mixers and other ancillary equipment at concrete batch plants (or aggregate product production facilities) with a rated capacity <15 cubic yards per hour.

(116) Concrete mixers with a rated working capacity of ≤1 cubic yard.

(117) Drilling or blasting (explosives detonation).

(118) Asphaltic concrete crushing/recycling equipment with a throughput <5,000 tons per year.

**Construction**

(119) Asphalt paving application.

(120) Asphalt (hot-tar) roofing application.

(121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

**Ventilation and Control Equipment**

(122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.

(123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

(124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

(125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

(126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.

(127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.

(128) Portable control equipment used exclusively for storage tank degassing.

(129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow <2,000 cfm.

(130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.

(131) Routine maintenance, repair, or similar parts replacement of control equipment.

**Testing and Research**

(132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, used specifically in achieving the purpose of the analysis, test, or teaching activity. ~~((including n))~~ Non-production bench scale research equipment is also included.

**Miscellaneous**

(133) Single-family and duplex dwellings.

(134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.

(135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.



(136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of  $\leq 2$  cubic feet used by healthcare facilities.

(137) Ozone generators that produce  $< 1$  pound per day of ozone.

(138) Fire extinguishing equipment.

(d) Each Notice of Construction application and Section 6.03(b) notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of this Article are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

**AMENDATORY SECTION**

**REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION FEES**

(a) A Notice of Construction application is incomplete until the Agency has received fees as shown below:

|  |          |
|--|----------|
| Filing Fee (for each application, to be paid prior to any review) . . . . .          | \$750    |
| Spray-Coating Booth (commercially manufactured) . . . . .                            | \$250    |
| Coffee Roaster (less than 40 pounds/ batch, with thermal oxidizer) . . . . .         | \$500    |
| Hot Mix Asphalt Batch Plant . . . . .  | \$7,000  |
| Soil Thermal Desorption Unit . . . . .   | \$5,000  |
| Electric Generation Project: (combined heat input capacity)                          |          |
| 10 - 100 million Btu/hr (2.9 - 29 MW) . . . . .                                      | \$5,000  |
| 101 - 250 million Btu/hr (29 - 73 MW) . . . . .                                      | \$10,000 |
| $> 250$ million Btu/hr ( $> 73$ MW) . . . . .  | \$25,000 |
| Composting Facility . . . . .  | \$10,000 |
| Commercial Solid Waste Handling Facility . . . . .                                   | \$10,000 |
| Landfill Gas System . . . . .  | \$2,500  |
| Refuse Burning Equipment: (rated charging capacity)                                  |          |
| $\leq 12$ tons per day . . . . .   | \$5,000  |
| $> 12$ tons and $\leq 250$ tons per day . . . . .                                    | \$20,000 |
| $> 250$ tons per day . . . . .   | \$50,000 |
| Other (not listed above) for each Piece of Equipment and Control Equipment . . . . . | \$500    |
| Additional Charges (for each application):   |          |
| SEPA Threshold Determination (DNS, under Regulation I, Section 2.04) . . . . .       | \$500    |

|   |                                |
|---|--------------------------------|
| SEPA Threshold Determination (MDNS, under Regulation I, Section 2.07) . . . . .   | \$1,500                        |
| Public Notice (under WAC 173-400-171) . . . . .   | \$500<br>(+ publication costs) |
| NSPS or NESHAP (per subpart of 40 CFR Parts 60, 61, and 63) . . . . .   | \$1,000                        |
| Refined Dispersion Modeling Analysis . . . . .  | \$500                          |
| (under Regulation III, Section 2.07 (c)(2))   |                                |
| Major Source, Major Modification, or Emission Increases Greater than Prevention of Significant Deterioration (PSD) Thresholds . . . . .     | \$5,000<br>(+ Ecology fees)    |
| (under WAC 173-400-112 or WAC 173-400-113)  |                                |
| An Agency request for an Inapplicability Determination for PSD Program Requiring Written Applicability Determination from Ecology . . . . . | \$5,000                        |
| Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see 40 CFR 63.2) . . . . .                                    | \$2,500                        |
| Tier II Air Toxics Review (under WAC 173-460-090) . . . . .   | \$5,000<br>(+ Ecology fees)    |
| Opacity/Grain Loading Correlation . . . . .   | \$5,000                        |

(b) A notification under Section 6.03 (b)(1) through Section 6.03 (b)(9) and 6.03 (b)(11) of this regulation is incomplete until the Agency has received a fee of \$100. An application processed as a Notice of Construction exemption under Section 6.03 (b)(10) requires payment of the Notice of Construction filing fee only. An application for coverage under a general order of approval issued by this Agency is not subject to the fees in Section 6.04(a) and instead requires payment of a \$500 fee, which is due prior to any review of the application.

(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70.94.085.

(d) Additional Fee for Service - Second Incomplete Application

Upon receipt of a second incomplete Notice of Construction application from the same applicant for the same project, the Control Officer may cease review of the application and provide written notification of that determination. The Control Officer may resume review of the application if, within 30 days of the date of the notification describing the Agency's receipt of the second incomplete Notice of Construction application, the applicant has deposited \$1,000 with the Agency, and executed a fee-for-service agreement with the Agency that allows the Agency to recover the reasonable direct and indirect costs that arise from processing the Notice

of Construction application, including the requirements of other relevant laws such as the Washington State Environmental Policy Act (SEPA).

The agreement shall require that the applicant assume full responsibility for paying the Agency for the costs incurred under the fee-for-service agreement. The Agency shall credit the \$1,000 deposit made by the applicant towards the costs required by a fee-for-service agreement. The fee-for-service agreement may require the applicant to make progress payments during the application review period. The \$1,000 deposit referred to in this section and the costs provided for in a fee-for-service agreement are in addition to the fees required in Section 6.04(a).

If the applicant has not made a \$1,000 deposit and executed such a fee-for-service agreement within 30 days of the date of the notification from the Agency describing its receipt of a second incomplete application, the Agency may issue an Intent to Disapprove an Application.

The \$1,000 deposit required under this section is not refundable. In addition, any payments made to the Agency under a fee-for-service agreement are not refundable.

(e) Additional Fee - Revised Application

The Control Officer may assess an additional fee for processing a Notice of Construction application when a subsequent significantly revised application is submitted after the original application was determined to be complete and prior to the Agency issuing an Order of Approval or Intent to Disapprove an Application regarding the original application. The revision fee shall be the amount of the fee that was charged for the original Notice of Construction application, including the filing fee. The resulting total fee is the fee for the original Notice of Construction application plus the revision fee.

**WSR 06-08-031**

**PERMANENT RULES**

**PUGET SOUND**

**CLEAN AIR AGENCY**

[Filed March 28, 2006, 9:59 a.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: To require that compliance source test notifications be submitted on forms provided by the agency and to update a WAC reference that was changed by the department of ecology.

Citation of Existing Rules Affected by this Order: Amending Sections 3.07 and 6.01 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 06-05-057 on February 13, 2006.

Changes Other than Editing from Proposed to Adopted Version: Minor rewording of Section 3.07 to clarify.

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.

Date Adopted: March 23, 2006.

Steve M. VanSlyke  
Supervisory Engineer

**AMENDATORY SECTION**

**REGULATION I SECTION 3.07 COMPLIANCE TESTS**

(a) Testing of sources for compliance with emission standards shall be performed in accordance with current U.S. Environmental Protection Agency approved methods unless specific methods have been adopted by the Board. Where there is no federally approved or Board approved method, testing shall be performed in accordance with a method approved in writing by the Control Officer.

(b) The owner or operator of a source shall notify the Agency in writing at least ~~((2 weeks))~~ 21 days prior to any compliance test ~~((and provide the Agency an opportunity to review the test plan and to observe the test))~~. Notification of a compliance test shall be submitted on forms provided by the Agency. Test notifications using the Agency forms do not constitute test plans. Compliance with this notification provision does not satisfy any obligation found in an order or other regulatory requirement to submit a test plan for Agency review. Notification under Section 3.07(b) of this regulation does not waive or modify test notification requirements found in other applicable regulations.

(c) The owner or operator of any source required to perform a compliance test shall submit a report to the Agency no later than 60 days after the test. The report shall include:

- (1) A description of the source and the sampling location;
- (2) The time and date of the test;
- (3) A summary of results, reported in units and for averaging periods consistent with the applicable emission standard;
- (4) A description of the test methods and quality assurance procedures employed;
- (5) The amount of fuel burned or raw material processed by the source during the test;
- (6) The operating parameters of the source and control equipment during the test;
- (7) Field data and example calculations; and
- (8) A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

**AMENDATORY SECTION****REGULATION I SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM**

(a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions of the new source review program established by the Washington State Department of Ecology:

WAC 173-400-030 Definitions. (effective 2/10/05)

WAC 173-400-081 Startup and shutdown. (effective 9/20/93)

WAC 173-400-110 (3) and (6)-(10) New source review (NSR). (effective 2/10/05)

WAC 173-400-112 Requirements for new sources in nonattainment areas. (effective 2/10/05)

WAC 173-400-113 Requirements for new sources in attainment or unclassifiable areas. (effective 2/10/05)

WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 9/15/01)

WAC 173-400-117 Special protection requirements for federal Class I areas. (effective 2/10/05)

WAC 173-400-171 Public involvement. - excluding references to chapter 173-460 WAC (effective 2/10/05)

WAC 173-400-200 Creditable stack height and dispersion techniques. (effective 2/10/05)

WAC 173-400-560 General order of approval. (effective 2/10/05)

WAC 173-400-700 Review of major stationary sources of air pollution. (effective 2/10/05)

WAC 173-400-710 Definitions. (effective 2/10/05)

WAC 173-400-720 Prevention of significant deterioration (PSD). (effective 2/10/05)

WAC 173-400-730 Prevention of significant deterioration application processing procedures. (effective 2/10/05)

WAC 173-400-740 PSD permitting public involvement requirements. (effective 2/10/05)

WAC 173-400-750 Revisions to PSD permits. (effective 2/10/05)

WAC 173-460-020 Definitions. (effective 2/14/94)

WAC 173-460-040 (3)-(10) New source review. (effective 2/14/94)

WAC 173-460-050 Requirement to quantify emissions. (effective 2/14/94)

WAC 173-460-060 Control technology requirements. (effective 8/21/98)

WAC 173-460-070 Ambient impact requirement. (effective 9/18/91)

WAC 173-460-080 Demonstrating ambient impact compliance. (effective 2/14/94)

WAC 173-460-090 Second tier analysis. (effective 2/14/94)

(b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under WAC 173-400-700 through WAC 173-400-750 (as delegated by agreement with the US Environmental Protection Agency, Region 10), and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.

(c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

(d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-((39))78 WAC.

**WSR 06-08-036****PERMANENT RULES****DEPARTMENT OF TRANSPORTATION**

[Filed March 29, 2006, 11:30 a.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: The purpose of this rule is to raise the ferry tolls within the specified WACs. The revisions follow the annual review of WSF's farebox revenue needs. No major effects are anticipated.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutory Authority for Adoption: RCW 47.56.030, 47.60.326.

Adopted under notice filed as WSR 06-05-109 on February 15, 2006.

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.

Date Adopted: March 23, 2006.

Reema Griffith  
Executive Director  
Transportation Commission

AMENDATORY SECTION (Amending WSR 05-10-041, filed 4/28/05, effective 6/1/05)

WAC 468-300-010 Ferry passenger tolls.

EFFECTIVE 03:00 A.M. (~~(JUNE 1, 2005)~~) **May 1, 2006**

| ROUTES   | Full Fare            | Senior/<br>Disabled  | Youth Fare<br>18 and under | ((Frequent User<br>Commuter)) Multiride |                           | Bicycle<br>Surcharge <sup>2,6</sup> |
|--|----------------------|----------------------|----------------------------|---|---------------------------|-------------------------------------|
|  |                      |                      |                            | Media 20<br>Rides <sup>1</sup>          | Monthly Pass <sup>5</sup> |                                     |
| Via Passenger-Only Ferry   | <del>((8.10))</del>  | <del>((4.00))</del>  | <del>((6.90))</del>        | <del>((68.80))</del>                    | <del>((110.10))</del>     |                                     |
| *Seattle-Vashon  | <u>8.50</u>          | <u>4.25</u>          | <u>7.20</u>                | <u>72.00</u>                            | <u>115.20</u>             | 1.00                                |
| Via Auto Ferry   | <del>((4.70))</del>  | <del>((2.30))</del>  | <del>((3.80))</del>        | <del>((37.60))</del>                    | <del>((60.20))</del>      |                                     |
| *Fauntleroy-Southworth   | <u>5.00</u>          | <u>2.50</u>          | <u>4.00</u>                | <u>40.00</u>                            | <u>65.00</u>              | 1.00                                |
| *Seattle-Bremerton   |                      |                      |                            |   |                           |                                     |
| *Seattle-Bainbridge Island   | <del>((6.10))</del>  | <del>((3.00))</del>  | <del>((4.90))</del>        | <del>((48.80))</del>                    | <del>((78.10))</del>      |                                     |
| *Edmonds-Kingston  | <u>6.50</u>          | <u>3.25</u>          | <u>5.20</u>                | <u>52.00</u>                            | <u>84.20</u>              | 1.00                                |
|  | <del>((2.35))</del>  | <del>((1.15))</del>  | <del>((1.90))</del>        | <del>((37.60))</del>                    | <del>((60.20))</del>      |                                     |
| Port Townsend-Keystone   | <u>2.50</u>          | <u>1.25</u>          | <u>2.00</u>                | <u>40.00</u>                            | <u>65.00</u>              | 0.50                                |
| *Fauntleroy-Vashon   |                      |                      |                            |   |                           |                                     |
| *Southworth-Vashon   | <del>((4.00))</del>  | <del>((2.00))</del>  | <del>((3.20))</del>        | <del>((32.00))</del>                    | <del>((51.20))</del>      |                                     |
| *Pt. Defiance-Tahlequah  | <u>4.20</u>          | <u>2.10</u>          | <u>3.40</u>                | <u>33.60</u>                            | <u>54.80</u>              | 1.00                                |
|  | <del>((3.60))</del>  | <del>((1.80))</del>  | <del>((2.90))</del>        | <del>((28.80))</del>                    | <del>((46.10))</del>      |                                     |
| *Mukilteo-Clinton  | <u>3.85</u>          | <u>1.90</u>          | <u>3.10</u>                | <u>30.80</u>                            | <u>50.30</u>              | 1.00                                |
| *Anacortes to Lopez, Shaw, Orcas<br>or Friday Harbor - Sunday-Tuesday          | <del>((9.10))</del>  | <del>((4.50))</del>  | <del>((7.30))</del>        | <del>((65.70))</del>                    |                           | 2.00 <sup>7</sup>                   |
|  | <u>9.60</u>          | <u>4.80</u>          | <u>7.70</u>                | <u>69.25</u>                            | N/A                       |                                     |
| *Anacortes to Lopez, Shaw, Orcas<br>or Friday Harbor - Wednesday-Sat-<br>urday | <del>((10.10))</del> | <del>((5.00))</del>  | <del>((8.10))</del>        | <del>((65.70))</del>                    |                           | 2.00 <sup>7</sup>                   |
|  | <u>10.65</u>         | <u>5.30</u>          | <u>8.55</u>                | <u>69.25</u>                            | N/A                       |                                     |
| Between Lopez, Shaw, Orcas and<br>Friday Harbor <sup>4</sup>                   | N/C                  | N/C                  | N/C                        | N/C                                     | N/A                       | N/C                                 |
| Anacortes to Sidney and Sidney to<br>all destinations                          | <del>((14.70))</del> | <del>((7.30))</del>  | <del>((11.80))</del>       |   |                           | 4.00 <sup>8</sup>                   |
|  | <u>15.60</u>         | <u>7.80</u>          | <u>12.50</u>               | N/A                                     | N/A                       |                                     |
| From Lopez, Shaw, Orcas and Fri-<br>day Harbor to Sidney@                      | <del>((5.50))</del>  | <del>((2.75))</del>  | <del>((4.50))</del>        |   |                           | 1.00 <sup>9</sup>                   |
|  | <u>5.85</u>          | <u>2.90</u>          | <u>4.90</u>                | N/A                                     | N/A                       |                                     |
| Lopez, Shaw, Orcas and Friday<br>Harbor to Sidney (round trip) <sup>3</sup>    | <del>((20.20))</del> | <del>((10.05))</del> | <del>((16.30))</del>       |   |                           | 5.00 <sup>10</sup>                  |
|  | <u>21.45</u>         | <u>10.70</u>         | <u>17.20</u>               | N/A                                     | N/A                       |                                     |

((@ These fares rounded to the next multiple of \$.25.)) All ((other)) fares rounded to the next multiple of ((\$.10)) \$0.05.  
\* These routes operate as a one-point toll collection system.

<sup>1</sup>((FREQUENT USER COUPONS)) MULTIRIDE MEDIA - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. ((Unused coupons)) Remaining value will not be eligible for refund or exchange. Subsequent to the implementation of the Electronic Fare System (EFS) in the fall of 2005, this will be replaced by a 20 ride card valid for 90 days from the date of purchase. For mail order deliveries, WSF may add additional days to allow for delivery times. Starting ((May 1, 2006)) on the earliest fare change opportunity (May 1 or the second Sunday in October) at a minimum 6 months after completion of system-wide implementation of the Electronic Fare System (EFS), purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers paying with commuter vouchers made available through local transit agencies or qualifying for the senior/disabled and youth fares.

<sup>2</sup>BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

<sup>3</sup>ROUND TRIP - Round trip ((tickets)) passage for international travel available for trips beginning or ending on one of the Islands served.

<sup>4</sup>INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

<sup>5</sup>PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. ((It is)) Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount. ((Passes may be available in monthly, quarterly or annual denominations.))

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user.

<sup>6</sup>BICYCLE ((PASS)) PERMIT - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney for a \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

<sup>7</sup>BICYCLE SURCHARGE - This becomes \$4.00 during peak season (((first Sunday in)) May 1 until the second Sunday in October).

<sup>8</sup>BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

<sup>9</sup>BICYCLE SURCHARGE - This becomes \$2.00 during peak season.

<sup>10</sup>BICYCLE SURCHARGE - This becomes \$8.00 during peak season.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be 80% of full fare rounded to the next multiple of \$0.10.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a volume-based back-end discount to match frequent user policies and rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. On a monthly basis, discount credits for each account will be calculated based on equivalent multiride media level of usage. The credits will be based on the discount policies and rates offered to

frequent users applicable on the date of travel. This program will expire after April 30, 2007.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. ~~((Starting September 1, 1999,))~~ All school groups require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect. Due to space limitations, authorized school groups will not be permitted to use one of the passenger-only routes without prior WSF approval.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into ~~((multiple trip books))~~ multiride media as a customer convenience. ~~((These books))~~ This media shall be valid only until the first of May following the date of purchase, after which time the coupons shall not be accepted for passage. ~~((Unused coupons are not refundable.))~~ Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

PEAK SEASON SURCHARGE - A 20% surcharge shall be applied to passengers from ~~((the first Sunday in))~~ May 1 to the second Sunday in October, except those using frequent user fare media, on the Anacortes to Lopez, Shaw, Orcas and Friday Harbor routes.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into ~~((multiple trip books))~~ multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**AMENDATORY SECTION** (Amending WSR 05-10-041, filed 4/28/05, effective 6/1/05)

**WAC 468-300-020 Vehicle under 20', motorcycle, and stowage ferry tolls.**

**EFFECTIVE 03:00 A.M. ~~((JUNE 1, 2005))~~ May 1, 2006**

| ROUTES                    | Vehicle Under 20' Incl. Driver One Way | Vehicle Under 20' w/Sr Citizen or Disabled Driver <sup>4</sup> | Vehicle Under 20' Over Height Charge <sup>1</sup> | <del>((Frequent User Commuter))</del> <u>Multiride Media 20 Rides<sup>2</sup></u> |
|---------------------------|--|--|---|---|
| Fauntleroy-Southworth     | <del>((8.20))</del>                    | <del>((7.00))</del>  | <del>((8.20))</del>                               | <del>((131.20))</del>   |
| Port Townsend/Keystone    | <u>8.70</u>                            | <u>7.45</u>  | <u>8.70</u>                                       | <u>139.20</u>   |
| Seattle-Bainbridge Island |  |  |   |   |
| Seattle-Bremerton         | <del>((10.60))</del>                   | <del>((9.05))</del>  | <del>((10.60))</del>                              | <del>((169.60))</del>   |
| Edmonds-Kingston          | <u>11.25</u>                           | <u>9.60</u>  | <u>11.25</u>                                      | <u>180.00</u>   |
| *Fauntleroy-Vashon        |  |  |   |   |
| *Southworth-Vashon        | <del>((13.60))</del>                   | <del>((11.60))</del>   | <del>((13.60))</del>                              | <del>((108.80))</del>   |
| *Pt. Defiance-Tahlequah   | <u>14.40</u>                           | <u>12.30</u>   | <u>14.40</u>                                      | <u>115.20</u>   |
| Mukilteo-Clinton          | <del>((6.30))</del>                    | <del>((5.40))</del>  | <del>((6.30))</del>                               | <del>((100.80))</del>   |
|                           | <u>6.65</u>                            | <u>5.65</u>  | <u>6.65</u>                                       | <u>106.40</u>   |

| ROUTES  | Vehicle Under 20' Incl. Driver One Way | Vehicle Under 20' w/Sr Citizen or Disabled Driver <sup>4</sup> | Vehicle Under 20' Over Height Charge <sup>1</sup> | (Frequent User Commuter) Multiride Media 20 Rides <sup>2</sup> |
|---|--|--|---|--|
| 10 Rides - 5 Round Trips  |  |  |   |  |
| *Anacortes to Lopez - Sunday-Tuesday  | ((22.00))<br>23.35                     | ((17.40))<br>18.55   | ((22.00))<br>23.35                                | ((91.50))<br>97.15   |
| *Lopez - Wednesday-Saturday   | ((24.40))<br>25.90                     | ((19.30))<br>20.55   | ((24.40))<br>25.90                                | ((91.50))<br>97.15   |
| *Shaw, Orcas - Sunday-Tuesday   | ((26.40))<br>27.95                     | ((21.80))<br>23.15   | ((26.40))<br>27.95                                | ((109.90))<br>116.45   |
| *Shaw, Orcas - Wednesday-Saturday   | ((29.30))<br>31.05                     | ((24.20))<br>25.70   | ((29.30))<br>31.05                                | ((109.90))<br>116.45   |
| *Friday Harbor - Sunday-Tuesday   | ((31.40))<br>33.25                     | ((26.80))<br>28.45   | ((31.40))<br>33.25                                | ((130.50))<br>138.40   |
| *Friday Harbor - Wednesday-Saturday   | ((34.80))<br>36.90                     | ((29.70))<br>31.55   | ((34.80))<br>36.90                                | ((130.50))<br>138.40   |
| Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>   | ((13.90))<br>15.45                     | ((13.90))<br>15.45   | ((13.90))<br>15.45                                | ((55.60))<br>61.80   |
| <i>International Travel</i>   |  |  |   |  |
| Anacortes to Sidney and Sidney to all destinations  | ((39.50))<br>41.90                     | ((32.40))<br>34.10   | ((39.50))<br>41.90                                | N/A  |
| Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>6</sup> | ((24.50))<br>26.90                     | ((17.40))<br>19.10   | ((39.50))<br>41.90                                | N/A  |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney  | ((11.75))<br>12.45                     | ((9.00))<br>9.50   | ((11.75))<br>12.45                                | N/A  |
| Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>7</sup> | ((4.75))<br>5.45                       | ((2.00))<br>2.50   | ((11.75))<br>12.45                                | N/A  |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>  | ((51.25))<br>54.35                     | ((41.40))<br>43.60   | ((51.25))<br>54.35                                | N/A  |

**EFFECTIVE 03:00 A.M. (~~JUNE 1, 2005~~) May 1, 2006**

| ROUTES  | Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1</sup> One Way((@)) | Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1</sup> One Way((@)) | Motorcycle Oversize Charge <sup>1</sup> | Motorcycle Frequent User Commuter 20 Rides <sup>2</sup> ((@)) |
|---|--|--|---|---|
| Fauntleroy-Southworth                                     | ((3.60))<br>3.75   | ((2.40))<br>2.50   | 1.25                                    | ((57.60))<br>60.00  |
| Port Townsend/Keystone                                    |  |  |   |   |
| Seattle-Bainbridge Island                                 |  |  |   |   |
| Seattle-Bremerton   | ((4.60))   | ((3.05))   | ((1.55))                                | ((73.60))   |
| Edmonds-Kingston  | 4.85   | 3.20   | 1.60                                    | 77.60   |
| *Fauntleroy-Vashon  |  |  |   |   |
| *Southworth-Vashon  | ((6.00))   | ((4.00))   | ((2.00))                                | ((48.00))   |
| *Pt. Defiance-Tahlequah                                   | 6.25   | 4.15   | 2.05                                    | 50.00   |
| Mukilteo-Clinton  | ((2.70))<br>2.90   | ((1.80))<br>1.90   | ((0.90))<br>1.00                        | ((43.20))<br>46.40  |
| *Anacortes to Lopez - Sunday-Tuesday                      | ((11.70))<br>12.35   | ((7.10))<br>7.55   | ((2.60))<br>2.75                        | ((97.50))<br>102.75   |
| *Lopez - Wednesday-Saturday                               | ((13.00))<br>13.70   | ((7.90))<br>8.35   | ((2.90))<br>3.05                        | ((97.50))<br>102.75   |
| *Shaw, Orcas - Sunday-Tuesday                             | ((12.60))<br>13.30   | ((8.00))<br>8.50   | ((3.50))<br>3.70                        | ((105.00))<br>110.65  |
| *Shaw, Orcas - Wednesday-Saturday                         | ((14.00))<br>14.75   | ((8.90))<br>9.40   | ((3.90))<br>4.10                        | ((105.00))<br>110.65  |
| *Friday Harbor - Sunday-Tuesday                           | ((13.60))<br>14.35   | ((9.00))<br>9.55   | ((4.50))<br>4.75                        | ((113.30))<br>119.25  |
| *Friday Harbor - Wednesday-Saturday                       | ((15.10))<br>15.90   | ((10.00))<br>10.55   | ((5.00))<br>5.25                        | ((113.30))<br>119.25  |
| Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup> | ((4.00))<br>4.40   | ((4.00))<br>4.40   | ((4.00))<br>4.40                        | N/A   |
| Anacortes to Sidney and Sidney to all destinations        | ((19.75))<br>20.90   | ((12.35))<br>13.10   | ((5.05))<br>5.30                        | N/A   |

| ROUTES  | Motorcycle <sup>5</sup> Incl.<br>Driver Stowage <sup>1</sup><br>One Way(( <del>7.25</del> )) | Motorcycle w/Sr Citizen or<br>Disabled Driver Stowage <sup>1</sup><br>One Way(( <del>4.50</del> )) | Motorcycle<br>Oversize Charge <sup>1</sup> | Motorcycle Frequent User<br>Commuter<br>20 Rides <sup>2</sup> (( <del>2.00</del> )) |
|---|--|--|--|---|
| Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>6</sup> | N/A  | N/A  | N/A  | N/A   |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney  | (( <del>7.25</del> ))<br>7.20  | (( <del>4.50</del> ))<br>4.25  | (( <del>1.75</del> ))<br>1.35              | N/A   |
| Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>7</sup> | N/A  | N/A  | N/A  | N/A   |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>  | (( <del>27.00</del> ))<br>28.10  | (( <del>16.85</del> ))<br>17.35  | (( <del>6.80</del> ))<br>6.65              | N/A   |

((~~7.25~~) These fares rounded to the next multiple of \$0.10.) All ((~~7.25~~)) fares rounded to the next multiple of ((~~0.25~~)) \$0.05.  
\* These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - All vehicles up to 20' in length and under 7'6" shall pay the vehicle under 20' toll. Vehicles up to 20' but over 7'6" in height shall pay an overheight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or any vehicle licensed as a motorcycle with three or more wheels will pay an oversize motorcycle charge of 100% of the motorcycle full fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

<sup>2</sup>((~~FREQUENT USER COUPONS~~)) MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the ((~~ticket~~)) media shall not be accepted for passage. ((~~Unused coupons~~)) Remaining value will not be eligible for refund. ((~~Subsequent to the implementation of the Electronic Fare System (EFS) in the fall of 2005, this will be replaced by a 20 ride (10 ride in the San Juan Islands) card valid for 90 days from the date of purchase. From~~)) For mail order deliveries, WSF may add additional days to allow for delivery time. Starting on ((May 1, 2006)) the earliest fare change opportunity (May 1 or the second Sunday in October) at a minimum 6 months after completion of system-wide implementation of the Electronic Fare System (EFS), purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers paying with commuter vouchers made available through local transit agencies or qualifying for the senior/disabled and youth fares.

<sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

<sup>5</sup>ROUND TRIP - Round trip ((~~tickets~~)) passage for international travel available for trips beginning or ending on one of the islands served.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable

reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>7</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from the first Sunday in May to the second Sunday in October except those using ((~~frequent user coupons~~)) multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using ((~~frequent user coupons~~)) multiride media.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a volume-based back-end discount to match frequent user policies and rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. On a monthly basis, discount credits for each account will be calculated based on equivalent multiride media level of usage. The credits will be based on the discount policies and rates offered to frequent users applicable on the date of travel. This program will expire after April 30, 2007.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into ~~((multiple trip books))~~ multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares

in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE ~~((BOOKS))~~ MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. ~~((These books))~~ This media shall be valid only until the first of May following the date of purchase after which time the ~~((coupons))~~ media shall not be accepted for passage. ~~((Unused coupons are not refundable.))~~ Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

**AMENDATORY SECTION** (Amending WSR 05-10-041, filed 4/28/05, effective 6/1/05)

**WAC 468-300-040 Oversize vehicle ferry tolls.**

**EFFECTIVE 03:00 A.M. ~~((JUNE 1, 2005))~~ May 1, 2006**

| ROUTES   | Oversize Vehicle Ferry Tolls <sup>1</sup> |  |  |  |  |  |  | Cost Per Ft. Over 80' @            |
|--|---|--|--|--|--|--|--|------------------------------------|
|  | Overall Unit Length - Including Driver    |  |  |  |  |  |  |                                    |
|  | 20' To Under 30' Under 7'6" High          | 20' To Over 7'6" High                  | 30' To Under 40'                       | 40' To Under 50'                       | 50' To Under 60'                       | 60' To under 70'                       | 70' To and include 80'                 |                                    |
| Fauntleroy-Southworth<br>Port Townsend/Keystone  | <del>((12.50))</del><br><u>13.05</u>      | <del>((24.60))</del><br><u>26.10</u>   | <del>((32.80))</del><br><u>34.80</u>   | <del>((41.00))</del><br><u>43.50</u>   | <del>((49.20))</del><br><u>52.20</u>   | <del>((57.40))</del><br><u>60.90</u>   | <del>((65.60))</del><br><u>69.60</u>   | 0.90                               |
| Seattle-Bainbridge Island<br>Seattle/Bremerton<br>Edmonds-Kingston                         | <del>((16.00))</del><br><u>16.90</u>      | <del>((31.80))</del><br><u>33.75</u>   | <del>((42.40))</del><br><u>45.00</u>   | <del>((53.00))</del><br><u>56.25</u>   | <del>((63.60))</del><br><u>67.50</u>   | <del>((74.20))</del><br><u>78.75</u>   | <del>((84.80))</del><br><u>90.00</u>   | <del>((1.40))</del><br><u>1.15</u> |
| *Fauntleroy-Vashon<br>*Southworth-Vashon<br>*Pt. Defiance-Tahlequah                        | <del>((20.50))</del><br><u>21.60</u>      | <del>((40.80))</del><br><u>43.20</u>   | <del>((54.40))</del><br><u>57.60</u>   | <del>((68.00))</del><br><u>72.00</u>   | <del>((81.60))</del><br><u>86.40</u>   | <del>((95.20))</del><br><u>100.80</u>  | <del>((108.80))</del><br><u>115.20</u> | <del>((1.40))</del><br><u>1.45</u> |
| Mukilteo-Clinton   | <del>((9.50))</del><br><u>10.00</u>       | <del>((18.90))</del><br><u>19.95</u>   | <del>((25.20))</del><br><u>26.60</u>   | <del>((31.50))</del><br><u>33.25</u>   | <del>((37.80))</del><br><u>38.90</u>   | <del>((44.10))</del><br><u>46.55</u>   | <del>((50.40))</del><br><u>53.20</u>   | 0.70                               |
| *Anacortes to Lopez -<br>Sunday-Tuesday <sup>2</sup>                                       | <del>((33.00))</del><br><u>35.05</u>      | <del>((66.00))</del><br><u>70.05</u>   | <del>((88.00))</del><br><u>93.40</u>   | <del>((110.00))</del><br><u>116.75</u> | <del>((132.00))</del><br><u>140.10</u> | <del>((154.00))</del><br><u>168.45</u> | <del>((176.00))</del><br><u>186.80</u> | <del>((2.20))</del><br><u>2.35</u> |
| *Anacortes to Shaw, Orcas -<br>Sunday-Tuesday <sup>2</sup>                                 | <del>((39.75))</del><br><u>41.95</u>      | <del>((79.20))</del><br><u>83.85</u>   | <del>((105.60))</del><br><u>111.80</u> | <del>((132.00))</del><br><u>139.75</u> | <del>((158.40))</del><br><u>167.70</u> | <del>((184.80))</del><br><u>195.65</u> | <del>((211.20))</del><br><u>223.60</u> | <del>((2.70))</del><br><u>2.80</u> |
| *Anacortes to Friday Harbor -<br>Sunday-Tuesday  | <del>((43.50))</del><br><u>48.00</u>      | <del>((87.00))</del><br><u>96.00</u>   | <del>((116.00))</del><br><u>128.00</u> | <del>((145.00))</del><br><u>160.00</u> | <del>((174.00))</del><br><u>192.00</u> | <del>((203.00))</del><br><u>224.00</u> | <del>((232.00))</del><br><u>256.00</u> | <del>((2.90))</del><br><u>3.20</u> |
| *Anacortes to Lopez -<br>Wednesday-Saturday <sup>2</sup>                                   | <del>((36.75))</del><br><u>38.85</u>      | <del>((73.20))</del><br><u>77.70</u>   | <del>((97.60))</del><br><u>103.60</u>  | <del>((122.00))</del><br><u>129.50</u> | <del>((146.40))</del><br><u>155.40</u> | <del>((170.80))</del><br><u>181.30</u> | <del>((195.20))</del><br><u>207.20</u> | <del>((2.50))</del><br><u>2.60</u> |
| *Anacortes to Shaw, Orcas -<br>Wednesday-Saturday <sup>2</sup>                             | <del>((44.00))</del><br><u>46.60</u>      | <del>((87.90))</del><br><u>93.15</u>   | <del>((117.20))</del><br><u>124.20</u> | <del>((146.50))</del><br><u>155.25</u> | <del>((175.80))</del><br><u>186.30</u> | <del>((205.10))</del><br><u>217.35</u> | <del>((234.40))</del><br><u>248.90</u> | <del>((3.00))</del><br><u>3.15</u> |
| *Anacortes to Friday Harbor -<br>Wednesday-Saturday  | <del>((48.00))</del><br><u>53.35</u>      | <del>((96.00))</del><br><u>106.65</u>  | <del>((128.00))</del><br><u>142.20</u> | <del>((160.00))</del><br><u>177.75</u> | <del>((192.00))</del><br><u>213.30</u> | <del>((224.00))</del><br><u>248.85</u> | <del>((256.00))</del><br><u>289.40</u> | <del>((3.20))</del><br><u>3.60</u> |
| Between Lopez, Shaw, Orcas and Fri-<br>day Harbor <sup>3</sup>                             | <del>((21.00))</del><br><u>23.20</u>      | <del>((41.70))</del><br><u>46.35</u>   | <del>((55.60))</del><br><u>61.80</u>   | <del>((69.50))</del><br><u>77.25</u>   | <del>((83.40))</del><br><u>92.70</u>   | <del>((97.30))</del><br><u>108.15</u>  | <del>((111.20))</del><br><u>123.60</u> | N/A                                |
| <i>International Travel</i>  |   |  |  |  |  |  |  |                                    |
| Anacortes to Sidney to all destinations -<br>Recreational Vehicles and Buses               | <del>((59.25))</del><br><u>62.85</u>      | <del>((59.25))</del><br><u>62.85</u>   | <del>((79.00))</del><br><u>83.80</u>   | <del>((98.75))</del><br><u>104.75</u>  | <del>((118.50))</del><br><u>125.70</u> | <del>((138.25))</del><br><u>146.65</u> | <del>((158.00))</del><br><u>167.60</u> | <del>((2.00))</del><br><u>2.10</u> |
| Anacortes to Sidney and Sidney to all<br>destinations - Commercial Vehicles                | <del>((59.25))</del><br><u>62.85</u>      | <del>((118.50))</del><br><u>125.70</u> | <del>((158.00))</del><br><u>167.60</u> | <del>((197.50))</del><br><u>209.50</u> | <del>((237.00))</del><br><u>251.40</u> | <del>((276.50))</del><br><u>293.30</u> | <del>((316.00))</del><br><u>335.20</u> | <del>((4.00))</del><br><u>4.20</u> |
| Travelers with advanced reservations<br>(\$15 fee)   |   |  |  |  |  |  |  |                                    |
| Anacortes to Sidney and<br>Sidney to all destinations - Recreational<br>Vehicles and Buses | <del>((44.25))</del><br><u>47.85</u>      | <del>((44.25))</del><br><u>47.85</u>   | <del>((64.00))</del><br><u>68.80</u>   | <del>((83.75))</del><br><u>89.75</u>   | <del>((103.50))</del><br><u>110.70</u> | <del>((123.25))</del><br><u>131.65</u> | <del>((143.00))</del><br><u>152.60</u> | <del>((2.00))</del><br><u>2.10</u> |



| ROUTES   | Oversize Vehicle Ferry Tolls <sup>1</sup> |                             |                      |                      |                      |                      |                           | Cost Per<br>Ft. Over<br>80' @ |
|--|---|-----------------------------|----------------------|----------------------|----------------------|----------------------|---------------------------|-------------------------------|
|  | Overall Unit Length - Including Driver    |                             |                      |                      |                      |                      |                           |                               |
|  | 20' To<br>Under 30'<br>Under 7'6"<br>High | 20' To<br>Over 7'6"<br>High | 30' To<br>Under 40'  | 40' To Under<br>50'  | 50' To<br>Under 60'  | 60' To under<br>70'  | 70' To and<br>include 80' |                               |
| Travelers with advanced reservations (\$15 fee)  |   |                             |                      |                      |                      |                      |                           |                               |
| Anacortes to Sidney and Sidney to all destinations <sup>5</sup> - Commercial Vehicles  | ((44.25))<br>47.85                        | ((103.25))<br>110.70        | ((143.00))<br>152.60 | ((182.50))<br>194.50 | ((222.00))<br>236.40 | ((261.50))<br>278.30 | ((301.00))<br>320.20      | ((4.00))<br>4.20              |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney - Recreational Vehicles and Buses - Commercial Vehicles                           | ((17.75))<br>18.70                        | ((17.75))<br>18.70          | ((23.50))<br>24.90   | ((29.50))<br>31.15   | ((35.25))<br>37.35   | ((41.25))<br>43.60   | ((47.00))<br>49.80        | ((0.75))<br>0.65              |
| Travelers with advanced reservations (\$7 fee) from  |   |                             |                      |                      |                      |                      |                           |                               |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>6</sup> - Recreational Vehicles and Buses - Commercial Vehicles              | ((17.75))<br>18.70                        | ((35.25))<br>37.35          | ((47.00))<br>49.80   | ((58.75))<br>62.25   | ((70.50))<br>74.70   | ((82.25))<br>87.15   | ((94.00))<br>99.60        | ((1.20))<br>1.25              |
| Travelers with advanced reservations (\$7 fee) from  |   |                             |                      |                      |                      |                      |                           |                               |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup> - Recreational Vehicles and Buses - Commercial Vehicles | ((10.75))<br>11.70                        | ((10.75))<br>11.70          | ((16.50))<br>17.90   | ((22.50))<br>24.15   | ((28.25))<br>30.35   | ((34.25))<br>36.60   | ((40.00))<br>42.80        | ((0.60))<br>0.65              |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup> - Recreational Vehicles and Buses - Commercial Vehicles | ((77.00))<br>81.55                        | ((77.00))<br>81.55          | ((102.30))<br>108.70 | ((128.25))<br>135.90 | ((153.75))<br>163.05 | ((179.50))<br>190.29 | ((205.00))<br>217.40      | 2.75<br>5.45                  |

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles (~~11 feet in width or wider~~) wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 20-30 feet in length and over 7'6" in height shall be charged the 20-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

<sup>2</sup>TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: (~~June 1, 2005~~) May 1, 2006 - April 30, 2007, ((\$37.50)) \$48.25 base season, (~~(\$50.00)) \$65.25 peak season.~~

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip (~~(tickets))~~ passage for international travel available for trips beginning or ending on one of the islands served.

<sup>5</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

COMMERCIAL VEHICLE RESERVATION FEES - For commercial vehicles traveling with reservations a participation fee (\$200 for summer schedule season, \$100 for each of the other schedule seasons) will be charged. Fees will be collected when reservations are confirmed.

PEAK SEASON SURCHARGE - A peak season surcharge of 25% shall apply to all oversize vehicles, except for Anacortes to Lopez, Shaw, Orcas, and Friday Harbor. The senior citizen discount shall apply to the driver of an oversize vehicle. A 35% surcharge will apply to oversized vehicles traveling from Anacortes to Lopez, Shaw, Orcas and Friday Harbor.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in (~~fall 2005~~) spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only

be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

~~((BULK NEWSPAPERS—Per 100 lbs. \$2.20~~

~~(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)~~

~~Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.~~

~~EXPRESS SHIPMENTS—A flat handling charge of \$25.00 per parcel is charged.~~

~~(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)~~

~~Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees.~~

~~Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.~~

~~San Juan inter-island express shipments will be handled at \$5.00 per parcel.~~

~~MEDICAL SUPPLIES—A flat handling charge of \$5.00 per shipment is charged.)~~

~~DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.~~

AMENDATORY SECTION (Amending WSR 05-10-041, filed 4/28/05, effective 6/1/05)

**WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system.** Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 1, ~~((2004))~~ 2005, through June 30, ~~((2005))~~ 2006:

| Vessel Class  | Deck Crew On Overtime                       | Deck Crew On Straight Time                  |
|---------------|---|---|
| Jumbo Mark II | <del>\$(1,191.00))</del><br><u>1,388.00</u> | <del>\$(1,019.00))</del><br><u>1,207.00</u> |
| Jumbo         | <del>((1,151.00))</del><br><u>1,346.00</u>  | <del>((991.00))</del><br><u>1,178.00</u>    |
| Super         | <del>((1,102.00))</del><br><u>1,278.00</u>  | <del>((949.00))</del><br><u>1,117.00</u>    |
| Evergreen     | <del>((822.00))</del><br><u>903.00</u>      | <del>((695.00))</del><br><u>769.00</u>      |
| Issaquah      | <del>((871.00))</del><br><u>977.00</u>      | <del>((743.00))</del><br><u>843.00</u>      |
| Steel         | <del>((687.00))</del><br><u>752.00</u>      | <del>((586.00))</del><br><u>645.00</u>      |

| Vessel Class                | Deck Crew On Overtime                  | Deck Crew On Straight Time             |
|-----------------------------|--|--|
| Rhododendron                | <del>((646.00))</del><br><u>688.00</u> | <del>((545.00))</del><br><u>581.00</u> |
| Hiyu                        | <del>((455.00))</del><br><u>659.00</u> | <del>((398.00))</del><br><u>552.00</u> |
| <del>((Passenger Only</del> | <del>521.78</del>                      | <del>445.57</del>                      |
| <del>Passenger Only</del>   | <del>595.00</del>                      | <del>516.34))</del>                    |
| <del>Fast Ferry</del>       |  |  |

The rate for an individual charter will be calculated by:

- (1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;
- (2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and
- (3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by an appropriate profit margin based on market conditions, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

**WSR 06-08-039**

**PERMANENT RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed March 29, 2006, 1:46 p.m., effective April 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To reflect legislative changes made by HB 1130 which modified the requirements regarding campaign records inspections during the eight days before an election. Included in WAC 390-16-012 is space for a candidate e-mail address to facilitate communication of key reporting dates and other notifications.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-011 and 390-16-012.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 06-04-082 on January 31, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

Date Adopted: March 23, 2006.

Vicki Rippie  
Executive Director

AMENDATORY SECTION (Amending WSR 05-06-070, filed 3/1/05, effective 4/1/05)

**WAC 390-16-011 Forms—Registration statement for political committees.** The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1pc," revised ((2/05)) 3/06. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

((STRICKEN GRAPHIC



Political Committee Registration

C1PC (2/05)

Committee Name (Show entire official name.) Acronym: Telephone: ( ) Mailing Address Fax: ( ) City County Zip + 4 E-mail:

NEW OR AMENDED REGISTRATION? COMMITTEE STATUS

1. What is the purpose or description of the committee? Bona Fide Political Party Committee - official state or county central committee or legislative district committee.

Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: Ballot Number FOR AGAINST

Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing (a) one or more candidates? (b) the entire ticket of a political party?

2. Related or affiliated committees. List name, address and relationship. Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. MINI REPORTING FULL REPORTING

4. Campaign Manager's or Media Contact's Name and Address Telephone Number: ( )

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.) Continued on attached sheet Daytime Telephone Number: ( )

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer." Continued on attached sheet

7. Campaign Bank or Depository Branch City

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address. Street Address, Room Number, City Hours [Two consecutive hours; see 8(a)] In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( )

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State. 10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee Treasurer's Signature Date

SEE INSTRUCTIONS ON REVERSE (STRICKEN GRAPHIC))


~~((STRICKEN GRAPHIC~~

Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

|  |  |
|--|--|
| <b>Who Must File</b>                                   | Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.  |
| <b>When To File</b>                                    | <p><u>Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)</u></p> <p>File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. <u>For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.</u></p> <p>Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.</p> |
| <b>Where To File</b>                                   | Send the <b>original to PDC</b> at the above address. Send a <b>copy to County Auditor</b> (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.   |
| <b>“Officer” of a Political Committee – Definition</b> | <p>Officer of a political committee includes the following persons:</p> <ul style="list-style-type: none"> <li>• the treasurer,</li> <li>• any person designated as an officer on the C-1pc registration statement, and</li> <li>• any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)</li> </ul>  |

**For Instruction Manuals and Reporting Forms or look under the “Filer Assistance” menu category on PDC’s Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

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|   |   |  |   |
|---|---|--|---|
|  <p><b>PUBLIC DISCLOSURE COMMISSION</b><br/>                 711 CAPITOL WAY RM 205<br/>                 PO BOX 46908<br/>                 OLYMPIA WA 98504-0908<br/>                 (360) 763-1111<br/>                 Toll Free 1-877-601-2628</p>   | <h2>Political Committee Registration</h2> | <h1>C1PC</h1> <p>(306)</p>   |   |
| Committee Name (Show entire official name.)   |   | Acronym: _____   |   |
|   |   | Telephone: ( ) _____   |   |
| Mailing Address   |   | Fax: ( ) _____   |   |
| City  | County                                    | Zip + 4  | E-mail: _____   |
| <b>NEW OR AMENDED REGISTRATION?</b><br><input type="checkbox"/> NEW. Complete entire form.<br><input type="checkbox"/> AMENDS previous report. Complete entire form.  |   | <b>COMMITTEE STATUS</b><br><input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.)<br><input type="checkbox"/> _____ election year only. Date of general or special election: _____<br>(Year) |   |
| 1. What is the purpose or description of the committee?<br><input type="checkbox"/> <b>Bona Fide Political Party Committee</b> - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support   |   |  |   |
| <input type="checkbox"/> <b>Ballot Committee</b> - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: _____  |   |  | Ballot Number _____ FOR <input type="checkbox"/> AGAINST <input type="checkbox"/> |
| <input type="checkbox"/> <b>Other Political Committee</b> - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name: _____  |   |  |   |
| For single election-year only committees (not continuing committees): Is the committee supporting or opposing<br>(a) one or more candidates? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of each candidate's name, office sought and political party affiliation.<br>(b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the party: _____  |   |  |   |
| 2. Related or affiliated committees. List name, address and relationship. <span style="float: right;"><input type="checkbox"/> Continued on attached sheet</span>   |   |  |   |
| 3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)<br>If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.  |   |  |   |
| <input type="checkbox"/> <b>MINI REPORTING</b><br>Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.   |   | <input type="checkbox"/> <b>FULL REPORTING</b><br>Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.   |   |
| 4. Campaign Manager's or Media Contact's Name and Address   |   |  | Telephone Number: _____   |
|   |   |  | ( ) _____   |
| 5. Treasurer's Name and Address (List deputy treasurers on attached sheet.) <span style="float: right;"><input type="checkbox"/> Continued on attached sheet</span>   |   |  | Daytime Telephone Number: _____   |
|   |   |  | ( ) _____   |
| 6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer." <span style="float: right;"><input type="checkbox"/> Continued on attached sheet</span>   |   |  |   |
| 7. Campaign Bank or Depository  |   |  |   |
|   |   | Branch   | City  |
| 8. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.<br>Street Address, Room Number, City where campaign books will be available for inspection<br><br>In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( ) _____ |   |  |   |
| 9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.<br><br><input type="checkbox"/> A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).  |   | 10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.<br><br>Committee Treasurer's Signature _____ Date _____  |   |

**SEE INSTRUCTIONS ON REVERSE**



Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

- Who Must File**                      Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- When To File**                      Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)**
- File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.
- Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- Where To File**                      Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.
- “Officer” of a Political Committee – Definition**                      Officer of a political committee includes the following persons:
- the treasurer,
  - any person designated as an officer on the C-1pc registration statement, and
  - any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

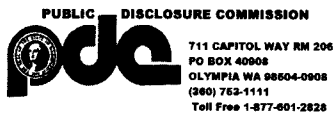
**For Instruction Manuals and Reporting Forms or look under the “Filer Assistance” menu category on PDC’s Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

AMENDATORY SECTION (Amending WSR 05-06-070, filed 3/1/05, effective 4/1/05)

**WAC 390-16-012 Forms—Registration statement for candidates.** The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1," revised ~~((2/05))~~ 3/06. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.



((STRICKEN GRAPHIC \_\_\_\_\_))



# Candidate Registration

**C1**  
(2/05)

|   |        |                          |
|---|--------|--------------------------|
| Candidate's Name (Give candidate's full name.)  |        | Telephone Numbers<br>( ) |
| Candidate's Committee Name (Do not abbreviate.) |        | ( )                      |
| Mailing Address                                 |        | Fax Number<br>( )        |
| City  | County | Zip + 4                  |
|   |        | E-Mail Address           |

1. What office are you running for? \_\_\_\_\_ Legislative District, County or City Position No. \_\_\_\_\_ Do you now hold this office?  
Yes  No

2. Political party (if partisan office) \_\_\_\_\_ 3. Date of general or special election \_\_\_\_\_

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

**Option I MINI REPORTING:** In addition to my filing fee of \$ \_\_\_\_\_, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.

**Option II FULL REPORTING:** I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet.  Continued on attached sheet Daytime Telephone Number  
( )

6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."  Continued on attached sheet

7. Campaign Bank or Depository \_\_\_\_\_ Branch \_\_\_\_\_ City \_\_\_\_\_

8. Related or Affiliated Political Committees. List name, address and relationship. \_\_\_\_\_

Continued on attached sheet

9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday – two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City \_\_\_\_\_ Hours [Two consecutive hours; see 9(a)] \_\_\_\_\_

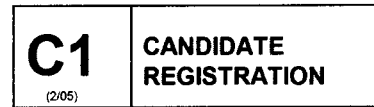
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( ) \_\_\_\_\_

10. **CERTIFICATION:**  
I certify that this report is true, complete and correct to the best of my knowledge.  
Candidate's Signature \_\_\_\_\_ Date \_\_\_\_\_

SEE INSTRUCTIONS ON REVERSE

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Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

- Who Must File** Candidates who seek

  - state office (legislative or statewide executive),
  - a state supreme court or state court of appeals position,
  - local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
  
- When To File** Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:


  - receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
  - purchases commercial advertising space or broadcast time to promote his or her candidacy;
  - authorizes another person to take one of these above actions on his or her behalf;
  - announces publicly that he or she is seeking office; or
  - files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
  
- Where To File** Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign’s records.
  
- “Officer” of a Candidate’s Committee – Definition** Officer of a candidate’s authorized committee or officer of a candidate’s committee includes the following persons:

  - the treasurer,
  - any person designated as an officer on the C-1 registration statement, and
  - any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**For Instruction Manuals and Reporting Forms look under the “Filer Assistance” menu category on PDC’s Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

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|   |        |  |                                     |  |
|---|--------|--|-------------------------------------|--|
|  <b>PUBLIC DISCLOSURE COMMISSION</b><br>711 CAPITOL WAY RM 206<br>PO BOX 40905<br>OLYMPIA WA 98504-0908<br>(360) 753-1111<br>Toll Free 1-877-801-2828  |        | <h2>Candidate Registration</h2>        |                                     | <h1>C1</h1> <small>(3/06)</small>  |
| Candidate's Name (Give candidate's full name.)  |        |  | Telephone Number<br>(     )         |  |
| Candidate's Committee Name (Do not abbreviate.)   |        |  | Fax Number<br>(     )               |  |
| Mailing Address   |        |  | Candidate's E-Mail Address          |  |
| City  | County | Zip + 4                                | Campaign E-Mail Address             |  |
| 1. What office are you running for?   |        | Legislative District, County or City   | Position No.                        | Do you now hold this office?<br>Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 2. Political party (if partisan office)   |        | 3. Date of general or special election |                                     |  |
| 4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.  |        |  |                                     |  |
| <input type="checkbox"/> <b>Option I MINI REPORTING:</b> In addition to my filing fee of \$_____, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.  |        |  |                                     |  |
| <input type="checkbox"/> <b>Option II FULL REPORTING:</b> I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.  |        |  |                                     |  |
| 5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet. <input type="checkbox"/> Continued on attached sheet   |        |  | Daytime Telephone Number<br>(     ) |  |
| 6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."  |        |  |                                     | <input type="checkbox"/> Continued on attached sheet                                     |
| 7. Campaign Bank or Depository  |        | Branch                                 | City                                |  |
| 8. Related or Affiliated Political Committees. List name, address and relationship.<br><br><input type="checkbox"/> Continued on attached sheet   |        |  |                                     |  |
| 9. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.<br><br>Street Address, Room Number, City where campaign books will be available for inspection<br><br>In order to make an appointment, contact the campaign at (telephone, fax, e-mail): (     ) |        |  |                                     |  |
| 10. <b>CERTIFICATION:</b><br>I certify that this report is true, complete and correct to the best of my knowledge.<br>Candidate's Signature _____ Date _____  |        |  |                                     |  |

SEE INSTRUCTIONS ON REVERSE



Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

- |  |   |
|--|---|
| <b>Who Must File</b>                                     | <p>Candidates who seek</p> <ul style="list-style-type: none"> <li>• state office (legislative or statewide executive),</li> <li>• a state supreme court or state court of appeals position,</li> <li>• local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.</li> </ul>   |
| <b>When To File</b>                                      | <p><u>Within 2 weeks of becoming a candidate.</u> A person becomes a candidate for PDC purposes when he or she <b>first</b> does any of the following:</p> <ul style="list-style-type: none"> <li>• receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;</li> <li>• purchases commercial advertising space or broadcast time to promote his or her candidacy;</li> <li>• authorizes another person to take one of these above actions on his or her behalf;</li> <li>• announces publicly that he or she is seeking office; or</li> <li>• files a declaration of candidacy with the appropriate elections official.</li> </ul> <p>File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.</p> |
| <b>Where To File</b>                                     | <p>Send the <b>original to PDC</b> at the above address. Send a <b>copy to County Auditor</b> (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.</p>   |
| <b>“Officer” of a Candidate’s Committee – Definition</b> | <p>Officer of a candidate’s authorized committee or officer of a candidate’s committee includes the following persons:</p> <ul style="list-style-type: none"> <li>• the treasurer,</li> <li>• any person designated as an officer on the C-1 registration statement, and</li> <li>• any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)</li> </ul>  |

**For Instruction Manuals and Reporting Forms look under the “Filer Assistance” menu category on PDC’s Web Site: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

**WSR 06-08-043**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 30, 2006, 11:26 a.m., effective April 30, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revisions to this chapter were made in response to past session legislative changes regarding the traffic safety education regulations. References to OSPI oversight of commercial driving schools were eliminated. Language was changed to provide updated terminology and clarification. Teacher and instructor qualifications were modified to provide easier continuation of certification or endorsement. Greater flexibility for school districts was provided in the structure of TSE courses.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-153-005, 392-153-015, 392-153-017, 392-153-022, 392-153-023, 392-153-024 and 392-153-045; and amending WAC 392-153-001, 392-153-010, 392-153-014, 392-153-020, 392-153-021, 392-153-025, 392-153-032, 392-153-035, and 392-153-040.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 06-03-121 on January 17, 2006.

Changes Other than Editing from Proposed to Adopted Version: **Deleted phrase:** WAC 392-153-010 Definitions, subsection (2)(c) No driver's license suspension, cancellation, revocation or denial ~~within the preceding three years.~~

This change has the effect of extending the prohibition on suspension, cancellation, revocation or denial from the preceding three years to the preceding five years.

**Added definition:** WAC 392-153-010 Definitions, subsection (8) "Sequenced and integrated" means that the classroom treatment of driving concepts generally precede the laboratory practice of those concepts and that classroom instruction and laboratory experience are concurrently scheduled.

**Added word:** WAC 392-153-021 Conditional traffic safety education certificates—Behind the wheel or classroom, subsection (1)(d) Have at least five years of licensed driving experience.

Provides clarification for acceptable driving experience.

**Clarification and expansion:** WAC 392-153-032 Curriculum guide and course requirements, subsection (1)(e) Information on ~~models for the fifty hours of~~ adult guided practice and the driving restrictions required by the intermediate driver license.

Provides clarification for the curriculum requirement for information on adult guided practice and expands the topic to include driving restrictions under the intermediate driver license law.

**Added testing requirement:** WAC 392-153-032 Curriculum guide and course requirements, subsection (2) Each traffic safety education course shall include comprehensive written and driving exams.

Returns the language to the current practice of requiring written and driving exams.

**Amended language:** WAC 392-153-035 Course scheduling requirements, subsection (3) The minimum course of instruction is thirty hours of classroom instruction, ~~six~~ four

hours of driving experience and four hours of driving observation time.

Returns the language to the current minimum requirement of four hours driving experience.

**Deleted number:** WAC 392-153-035 Course scheduling requirements, subsection (4) ~~Night driving ((experiences)) may be offered ((as part of the traffic safety education course: Provided, That (a))) provided a student has previously completed ((sufficient)) daytime driving experience; and (((b))) such night driving experience ((shall in no case)) does not exceed fifty percent of the student's total driving experience.~~

Removes the restriction on the maximum percentage of hours of night driving experience.

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 4, Amended 9, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 9, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 9, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 17, 2006.

Marty Daybell  
for Dr. Terry Bergeson  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-001 Authority and purpose.** RCW 28A.220.030 ~~((and 46.20.100))~~ authorizes the superintendent of public instruction to adopt rules and regulations governing the operation ~~((and scope of the))~~ of public and private school traffic safety education programs and to monitor the quality of the programs ~~((and carry out the purpose of this chapter regarding all public, commercial, and private traffic safety programs))~~ offered. This chapter specifies the requirements to obtain a traffic safety education endorsement or conditional certificate and the approval requirements for public and private school traffic safety education programs. The endorsement and conditional certificate requirements in this chapter are in addition to those specified in chapter 180-79A WAC.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-010 Definitions.** (1) A "traffic safety education course" ~~((means a course of instruction in traffic safety education approved by the superintendent of public~~

instruction, and for commercial driving schools teaching students between fifteen and eighteen years of age, licensed and approved by the department of licensing, which shall) consists of two phases: Classroom instruction and laboratory experience ((which shall be concurrent and integrated.

(2) "Classroom instruction" means that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers. Such classroom instruction shall consist of not less than thirty hours of teacher contact time in a classroom setting and where direct instruction, or teacher-led activities, does not constitute less than fifty percent of the classroom instruction.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving experience in a dual-controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent. Provided, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of). Laboratory experience is primarily characterized by student on-street driving, but includes simulator and multiple car driving range experience.

(2) A "satisfactory driving record" means an official record from the Washington state department of licensing and/or the corresponding licensing jurisdiction of the teacher's state of residence for the previous five-year period showing all departmental actions and:

(a) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding twenty-four months;

(b) No alcohol related traffic violation, conviction or infraction, including any deferred prosecution program resulting from such violation;

(c) No driver's license suspension, cancellation, revocation or denial.

(3) "School district" includes, for the purpose of this chapter, education service districts and private schools approved under chapter 180-90 WAC.

(4) A "completion certificate" is a document provided by the superintendent of public instruction that indicates successful completion of an approved school district traffic safety program and is used to verify such completion to the department of licensing.

(5) "Course work" means credits ((normally 100-level or above) awarded by a regionally accredited institution as defined in WAC 180-78A-010(6) or continuing education credit pursuant to chapter 180-85 WAC)) and/or a combination of credits and professional development approved by the superintendent of public instruction as traffic safety professional ((growth for the betterment of the teacher's instructional ability. Definition of "course work" shall apply when applying for conditional renewals and continuing education.

(6) "Certification of parent involvement" means where a parent, guardian, or employer has verified in writing to the department of licensing that the driver license applicant, under eighteen years of age (as of 7/1/2001) has had at least fifty hours of guided practice driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least five years.

(7) "Implementation of guided practice" means the process which traffic safety personnel provides information on models for adult guided practice. This may include school policy on the requirement and delivery of guided practice.

(8)) development.

(6) "Curriculum guide" means a locally written curriculum, available to and used by each teacher in the traffic safety education program.

(7) "Clock hour" of course work or instruction is defined as not less than sixty minutes of student instruction time.

((9) "Teacher trainer" is a person who has completed course work approved by the office of the superintendent of public instruction in teacher preparation for traffic safety education.)) (8) "Sequenced and integrated" means that the classroom treatment of driving concepts generally precedes the laboratory practice of those concepts and that classroom instruction and laboratory experience are concurrently scheduled.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-014 ((State certificate of) Program approval ((of traffic safety education programs)). ((+))** School districts are required to apply annually to the superintendent of public instruction ((shall approve)) for approval of their traffic safety education program((s on an annual basis. Only programs meeting the requirements of this chapter shall be approved)). Only approved programs ((shall be)) are entitled to provide completion certificates ((for issuance)) to students ((under eighteen years of age for completing an approved traffic safety program.

(2) Upon an annual review for program approval, current traffic safety education programs and program applicants will receive notification of program approval status)). In order for a traffic safety education program to be approved, the school district must:

(1) Provide the name and contact information of the program administrator;

(2) Provide the names of all traffic safety education instructors; and

(3) Provide verification of compliance with the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-020 (~~Teacher qualifications~~) Traffic safety education endorsement.** (1) If you are a teacher certified under provisions of chapter 28A.410 RCW ((shall be eligible to be endorsed or receive a)), you can qualify for a traffic safety endorsement or letter of authorization issued by the superintendent of public instruction to teach the classroom or laboratory phases ((of the traffic safety education program if he/she possesses)) if you meet the following ((qualifications in addition to those required under chapter 28A.410 RCW)) requirements:

(a) Possess(es) a valid Washington state driver's license (or a valid license issued by ((an adjacent)) another state provided ((the person is)) you are a legal resident of ((the adjacent)) that state ((and is employed by a Washington school district, commercial or private school)).

(b) Provide(s) a ((complete record(s) or complete abstract)) current satisfactory driving record to the employing school district ((or commercial or private school)) on an annual basis ((from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than one moving traffic violation within the preceding 12 months or more than two moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation, conviction or infraction within the preceding five years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Verification by the employing school district, private or commercial driving school that the applicant complies with all of the requirements for teaching traffic safety education as set forth in this chapter.

(d) Has completed 12).

(e) Complete twelve quarter hours ((8)) or eight semester hours) of approved course work ((from a regionally accredited institution as defined in WAC 180-78A-010(6) and as approved by the office of the superintendent of public instruction.

(f) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction).

(g) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(2) ((Any person)) If you were endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and ((who possesses)) you possess a conditional certificate but ((does)) do not hold a valid teaching certificate ((required by WAC 392-153-010(4), shall)) under chapter 28A.410 RCW, you can continue to be qualified to teach both classroom and laboratory phase ((of traffic safety education in this state on the condition that he or she renew such conditional certificate on a two-year basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020 (1)(a) and (1)(b). Such endorsed person must fulfill all requirements relating to continuing education)) provided you continue to meet all conditional certificate requirements.

(3) The course work requirement ((for certified teachers endorsed in)) to maintain a traffic safety education ((shall be)) endorsement or letter of approval is forty clock hours every five years ((or equivalent college credit in traffic safety education)).

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-021 Conditional ((instructor qualifications)) traffic safety education certificates—Behind the wheel or classroom.** (1) ((The behind the wheel conditional course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(2) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certified pursuant to chapter 28A.410 or 46.82 RCW, serves under the supervision of the Washington state school district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least twenty one years of age.

(c) Has at least five years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a complete record(s) or complete abstract, to the employing school district, commercial, or private school, on an annual basis from the Washington state department of licensing and/or other driver licensing jurisdiction for a five year period as set forth in WAC 392-153-020.

(f) Provides evidence of the following:

(i) Completion of at least sixty hours of course work as defined in WAC 392-153-010(5) in the field of driving instruction taught by a teacher trainer as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind the wheel supervised practice in instructing;

(iii) A request for a certificate from a school district or private school superintendent or designee, or from a commercial school owner approved by the office of the superintendent of public instruction that wishes to employ the instructor.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Establishes, utilizes and/or follows teaching lesson plans, selects routes for behind the wheel lessons and con-

ducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic environment and utilizes visual skills and physical control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson and gives appropriate prescription for additional driving experience and/or parent guided practice.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty hours of course work as defined by WAC 392-153-010(5) which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing. ~~Provided, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a conditionally certificated person shall not be required to meet any of the requirements set forth in WAC 392-153-020(3).~~

(3) The superintendent of public instruction may issue the conditional certificate to any person who completes all course work, and complies with chapter 180-79A WAC. An applicant must meet all the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education and provide evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies listed in WAC 392-153-020.

(4) The classroom conditional teacher training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(5) Conditional certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ;

(b) Verification of a satisfactory driving record as outlined in WAC 392-153-020;

(c) Verification of having completed sixty clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school in accordance with WAC 392-153-010(5).

(6) The conditional certificate fee and requirements shall be in accordance with chapter 180-79A WAC.

(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school, the classroom phase may be taught by an instructor licensed by the department of licensing and who holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least twenty-one years of age.

(c) Has at least five years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a complete record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a five year period showing a satisfactory driving record as set forth in subsection (2)(e) of this section.

(f) Provides evidence of the following: ~~Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:~~

(i) Completion of at least 1,000 hours of behind-the-wheel teaching experience over a two-year period.

(ii) Completion of an eighty clock hour instructor training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation, classroom teaching experience and writing lesson plans.

(iv) A recommendation for a classroom conditional certificate from the school district superintendent or designee, private school administrator or designee, or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ.

(b) Verification of a satisfactory driving record.

(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing commercial driving school in accordance with WAC 392-153-010(5). If you are not a certificated teacher, you may be issued a behind the wheel conditional certificate by the superintendent of public instruction to teach the laboratory phase, provided you meet the following requirements:

(a) Complete a behind the wheel conditional certificate course approved by the superintendent of public instruction that includes supervised practice in instructing and demonstration of instructional competencies. You must also pass practical and knowledge examinations administered by an agent approved by the office of the superintendent of public instruction.

(b) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).

(c) Hold a high school diploma or its equivalent.

(d) Have at least five years of licensed driving experience.

(e) Provide a current satisfactory driving record to the employing school district on an annual basis.



(f) Verify completion of at least sixty hours of course work within the previous two years.

(g) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(h) To teach using a simulator or on a multiple car driving range, you must provide evidence of having completed an additional thirty hours of course work which includes supervised practice in instructing using the designated method.

(2) If you are not a certificated teacher, you may be issued a classroom conditional certificate by the superintendent of public instruction to teach the classroom phase, provided you meet the following requirements:

(a) Possess a valid Washington state driver's license (or a valid license from another state provided you are a resident of that state).

(b) Provide a current satisfactory driving record to the employing school district on an annual basis.

(c) Complete at least one thousand hours of behind the wheel teaching experience within the last five years.

(d) Complete an eighty clock hour classroom instructor training course approved by the superintendent of public instruction.

(e) Provide verification to the office of the superintendent of public instruction that the employing school district has determined that you comply with all of the requirements set forth in this chapter.

(3) A behind the wheel or classroom conditional certificate is valid for two years or less. The superintendent of public instruction may reissue the conditional certificate if you provide verification that you continue to meet all requirements of this chapter, including having completed sixty hours of course work within the previous two years. However, for the purpose of reissue, the employing school district superintendent (or designee) may approve up to forty-eight of the sixty hours, including approving credit for professional development courses or traffic safety education related projects.

(4) Conditional certificates are subject to suspension and revocation under the provisions of 180-79A WAC.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-025 Traffic safety education vehicles.**

((All vehicles loaned by an automobile dealer shall comply with subsections (1), (2), (3) and (4) of this section. District-owned vehicles shall comply with subsections (1), (2) and (4) of this section only.

(1) Equipment. Every vehicle used in on-street instruction shall) Every vehicle used in on-street traffic safety education instruction shall:

(1) Be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(2) ((Signing. Every vehicle used in on-street instruction shall have a sign where the lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be readable from the rear with normal vision from a safe following dis-

tance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver. The sign shall have letter size not less than two inches high.)) Have a sign clearly readable from the rear at one hundred feet designating the vehicle is driven by a student driver.

(3) ((Use. A traffic safety education vehicle shall)) Be used exclusively for traffic safety education purposes while the course is in session, if the vehicle is on loan from an automobile dealer.

(4) ((Inspection. Every vehicle used in the public, commercial and private traffic safety education program shall)) Pass a safety inspection ((requirement pursuant to)) according to the requirements of WAC 392-143-070 ((and 392-153-025. Commercial and private programs, in lieu of chapter 46.32 RCW, shall use the superintendent of public instruction approved self-inspection form unless providing a contracted service for the laboratory phase to a public school. The approved self-inspection form shall be submitted annually to the superintendent of public instruction for each vehicle used for behind the wheel instruction and shall be on file at the commercial or private driving school)).

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-032 ((Realistic level of effort.)) Curriculum guide and course requirements.**

(1) Each school district((, private school, and commercial driving school shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program. A student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time to complete traffic safety education instruction.

The student shall be taught at least the following program concepts: Introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide)) curriculum guide shall ((also)) include:

(a) ((The performance objectives appropriate for the area of instruction.)) The minimum concepts to be taught, which are: Introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections, which shall include highway-rail grade crossings; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance, which shall include emotional and behavior

issues; physical factors affecting driving performance, which shall include seatbelt usage and its benefits; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness.

(b) The methods of instruction used by the teacher in presenting the material ((where direct instruction does not constitute less than fifty percent of the classroom instruction as approved by the superintendent of public instruction)).

(c) The student ((activities that will enable a student to accomplish the)) performance objectives and ((to the extent possible allow for individual differences)) evaluation criteria.

(d) ((The level of competency each student is to successfully complete for each objective.

(e) The evaluation criteria for the classroom and laboratory phase.)) The activities that will enable a student to accomplish the objectives (while allowing for individual differences) and the required level of competency for each objective.

(e) Information on the fifty hours of adult guided practice and the driving restrictions required by the intermediate driver license.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(g) Classroom and laboratory lesson plans, including driving routes for laboratory experience.

(2) ((A student enrolled in a traffic safety education program must have a valid driver's permit issued before or within seven days after the start date of the traffic safety education classroom instruction. A student shall meet the objectives and competencies listed in the district, private and commercial driving school curriculum guide, as approved by the office of the superintendent of public instruction, as a condition of successful completion of the traffic safety education program. Effective January 31, 2003, all completing students must pass a comprehensive written and driving test as verified by providing results of achieving a criteria of not less than eighty percent accuracy rate. Comprehensive written exams must be approved or provided by the superintendent of public instruction.

For the purposes of school district reporting and state reimbursement a completing student means a person under twenty-one years of age at the time of enrollment who has enrolled in an approved course and has met one of the following criteria:

(a) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade; or

(b) Has received a failing grade after attending more than fifty percent of the program's scheduled classes but achieved less than ninety percent of the program objectives; or

(c) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

(3) A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than eight school weeks in length equaling not less than fifty-six days during the school year. Provided, That public, private, and commercial driving schools offering a summer school course must deliver an approved program that shall not be less than five weeks in length and equaling not less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes, lesson plans and student record cards.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class.)) Each traffic safety education course shall include comprehensive written and driving exams.

#### NEW SECTION

**WAC 392-153-033 Student requirements.** A student enrolled in a traffic safety education course must have a valid driver instruction permit issued before or within seven days after the start date of classroom instruction. A student shall meet the objectives and competencies listed in the curriculum guide prior to being issued a completion certificate.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-035 Course scheduling requirements.**

(1) Any portion((s)) of a traffic safety education course may

be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course (at the option of the school district).

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) Classroom and laboratory instruction shall be conducted during daylight hours. Provided, That such instruction may be extended to the hours of 8:00 p.m. during winter months even though darkness may occur prior to 8:00 p.m.: Provided further, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where the school district conducts one or more educational offerings at night for high school students.

(4) Night driving experiences may be offered as a part of the traffic safety education course. Provided, That (a) a student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs.

(5) The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than eight school weeks in length equaling not less than fifty-six days during the school year. Provided, That public school summer school course offerings, private and commercial driving schools offering an approved program shall not be less than five weeks in length and equaling not less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction during a thirty-hour minimum classroom course offering.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes and lesson plans.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class).

(2) Students shall not have more than two hours of classroom and one hour laboratory instruction in any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, up to one additional hour per day is allowed.

(3) The minimum course of instruction is thirty hours of classroom instruction, four hours of driving experience and four hours of driving observation time. Break time shall not be included in clock hours. Four hours of simulation instruction may be substituted for up to one hour driving experience. Two hours of multiple car off-street driving range time may be substituted for up to one hour of driving experience.

AMENDATORY SECTION (Amending WSR 01-16-003, filed 7/18/01, effective 8/18/01)

**WAC 392-153-040 Administration.** ((1) Each school district, private, or commercial driving school shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's, private, or commercial driving school's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district, private, or commercial driving school shall adopt a written policy including, but not limited to: (a) Each school district offering an approved traffic safety education program shall:

(1) Appoint a person to be responsible for ensuring the program's continuing compliance with the requirements of this chapter.

(2) Adopt written policies including enrollment criteria, student fees, student fee refunds, failures, repeats, and ((for public schools written policies of)) access for part-time and home-based students.

(3) ((Each school district, private, or commercial driving school shall)) Maintain individual student records ((on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent of public instruction)) which include((s)) the student's progress, time ((involvement)) of instruction and evaluation results.

Records shall also include attendance information ((pertaining to attendance, classroom and behind-the-wheel)) and the starting and ending dates for each course conducted within the program. ((Time of instruction shall be included on student records. Records shall also include, for commercial and private traffic safety education programs, the office of the superintendent of public instruction teacher and instructor certificates which shall be posted in a conspicuous

~~place at the location where instruction takes place. Registration of public school traffic safety education teacher and instructor certificates shall be referred to chapter 28A.410 RCW.~~

~~(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by The Accounting Manual for Public School Districts of the State of Washington.~~

~~(5) Every school district, private, or commercial driving school is to submit in writing all reportable traffic safety education motor vehicle collisions and injury and fatality collisions to the superintendent of public instruction within forty-eight hours of occurrence.) (4) Ensure that any activity provided under a contract with a commercial driving school meets all the requirements of a public school program.~~

(5) Notify the superintendent of public instruction, in accordance with the provisions of chapter 180-79A WAC, of any instructor no longer meeting the requirements of WAC 392-153-010(2).

NEW SECTION

**WAC 392-153-050 Discipline—Grounds for denial, reprimand, suspension, or revocation of program approval.** A request for program approval may be denied or a program approval issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in this chapter.

NEW SECTION

**WAC 392-153-060 Discipline—Emergency suspension.** If the superintendent of public instruction finds that public health, safety, or welfare of students, instructors, teachers, or the general public is threatened or compromised and requires an emergency action, and incorporates a finding to that effect in its order, emergency suspension of the program approval may be ordered pending proceedings for revocation or other action. In all cases in this section, the superintendent of public instruction shall expedite all due process actions.

NEW SECTION

**WAC 392-153-070 Discipline—Appeals—Adjudicative proceedings.** Any school district may appeal a decision by the superintendent of public instruction to deny, suspend, or revoke a traffic safety education program approval, using the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures in chapter 392-101 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-153-005 Purposes.
- WAC 392-153-015 State reimbursement to school districts.

- WAC 392-153-017 Reporting.
- WAC 392-153-022 Discipline—Grounds for denial, reprimand, suspension, or revocation of certification endorsement or program approval.
- WAC 392-153-023 Discipline—Emergency suspension.
- WAC 392-153-024 Discipline—Appeals—Adjudicative proceedings.
- WAC 392-153-045 Burden and standard of proof.

**WSR 06-08-044  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)  
[Filed March 30, 2006, 1:56 p.m., effective June 1, 2006]

Effective Date of Rule: June 1, 2006.

Purpose: The department is amending WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant, 388-310-0500 WorkFirst—Individual responsibility plan, 388-310-0600 WorkFirst—Job search, and 388-310-0700 WorkFirst—Employability evaluation, in order to implement a comprehensive evaluation process for WorkFirst clients. These amended rules implement the recommendations of the WorkFirst reexamination workgroup as endorsed by Governor Gregoire. They are being filed under the authority of RCW 74.08.090 which directs the department to ensure uniform statewide application of rules. RCW 74.08.090 also directs the department to ensure that the spirit and purpose of Title 74 RCW is complied with.

WAC 388-310-0900 and 388-310-1000 proposed under WSR 06-04-069 are being permanently adopted under a separate CR-103 rule-making order to be effective May 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0400, 388-310-0500, 388-310-0600, and 388-310-0700.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 06-04-069 on January 4, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 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 4, Repealed 0.

Date Adopted: March 23, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

**WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) What happens when I enter the WorkFirst program as a mandatory participant?**

If you are a mandatory participant, you must follow instructions as written in your individual responsibility plan (see WAC 388-310-0500), which is written after ~~((the case manager asks you a series of questions about your situation to evaluate))~~ you have participated in a comprehensive evaluation of elements related to your employability. If you have been identified as someone who needs necessary supplemental accommodation (NSA) services (defined in chapter 388-472 WAC) your case manager will first develop an accommodation plan to help you access WorkFirst services. The case manager will use the accommodation plan to help develop your IRP with you. If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

If you are a mandatory participant, your case manager will refer you to ~~((job search))~~ WorkFirst activities unless any of the following applies to you:

(a) You work thirty-two or more hours a week. **"Work"** means to engage in any legal, income generating activity which is taxable under the United States Tax Code or which would be taxable with or without a treaty between an Indian Nation and the United States;

(b) You work sixteen or more hours a week in the federal or state work study program and you attend a Washington state community or technical college at least half time;

(c) You work twenty or more hours a week in unsubsidized employment and attend a Washington state community or technical college at least half time;

(d) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full time;

(e) You are eighteen or nineteen years of age and are attending high school or an equivalent full time;

(f) You are pregnant or have a child under the age of twelve months, and are participating in other pregnancy to employment activities. See WAC 388-310-1450;

(g) Your situation prevents you from looking for a job and you are conducting activities identified on your IRP to help you with your situation. (For example, you may be unable to look for a job while you have health problems or you are homeless); or

(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation.

~~(2) ((What are my requirements if I am not required to participate in job search activities))~~ How will I know what my participation requirements are?

~~(a) ((If and when you are not required to participate in job search activities, you may be required to take part in an employability evaluation.))~~ Your individual responsibility plan will describe what you need to do to be able to enter job search or other WorkFirst activities and then find a job (see WAC 388-310-0500 and 388-310-0700).

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-1450(2)), you must take part in an assessment.

**(3) What happens if I do not follow my WorkFirst requirements?**

If you do not participate in creating an individual Responsibility Plan, job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will ~~((reduce your WorkFirst grant))~~ follow the sanction((see)) rules in WAC 388-310-1600~~((?))~~.

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

**WAC 388-310-0500 WorkFirst—Individual responsibility plan. (1) What is the purpose of my individual responsibility plan?**

The purpose of your individual responsibility plan is to give you a written statement that describes:

(a) What your responsibilities are; and

(b) Which WorkFirst activities you are required to participate in; and

(c) What services you will receive so you are able to participate.

**(2) What is included in my individual responsibility plan?**

Your individual responsibility plan includes the following:

(a) What WorkFirst activities you must do and the participation requirements for those activities including the amount of time you will spend doing the activities, a start and end date for each activity and the requirement to participate fully.

(b) Any other specific requirements that are tied to the WorkFirst work activity. For example, you might be required to learn English as part of your work experience activity.

(c) What services we will provide to help you participate in the activity. For example, you may require support services (such as help with paying for transportation) or help with paying childcare.

(d) Your statement that you recognize the need to become and remain employed as quickly as possible.

**(3) How is my individual responsibility plan developed?**

You and your case manager will work together and use information gathered from your ~~((employability))~~ comprehensive evaluation (see WAC 388-310-0700) to develop your individual responsibility plan and decide what activities will be included in it. Then, your case manager will assign you to specific WorkFirst activities that will help you find employment ~~((as quickly as possible))~~.

**(4) What happens after my individual responsibility plan is completed?**

Once your individual responsibility plan is completed:

(a) You will sign and get a copy of your individual responsibility plan.

(b) You and your case manager will review your plan as necessary over the coming months to make sure your plan continues to meet your employment needs. You will sign and get a copy of your individual responsibility plan every time it is reviewed and changed.

**(5) What should I do if I cannot go to a required WorkFirst appointment or activity because of a temporary situation outside of my control?**

If you cannot participate because of a temporary situation outside of your control, you must call the telephone number shown on your individual responsibility plan on the same day you were to report to explain your situation. You will be given an excused absence. Some examples of excused absences include:

(a) You, your children or other family members are ill;

(b) Your transportation or child care arrangements break down and you cannot make new arrangements in time to comply;

(c) A significant person in your life died; or

(d) A family violence situation arose or worsened.

**(6) What happens if I don't call in on the same day I am unable to attend to get an excused absence?**

If you do not call in on the same day you are unable to attend to get an excused absence, it will be considered an unexcused absence.

If you exceed the number of unexcused absences allowed on your individual responsibility plan, without good cause, your case manager will begin the sanction process. (See WAC 388-310-1600 for more details.)

AMENDATORY SECTION (Amending WSR 05-16-107, filed 8/2/05, effective 9/2/05)

**WAC 388-310-0600 WorkFirst—Job search. (1) What is job search?**

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

(a) Classroom instruction; and/or

(b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or

(c) Preemployment training; and/or

(d) High-wage/high-demand training.

**(2) What is preemployment training?**

Preemployment training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Preemployment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete preemployment training.

(b) You can find out about current preemployment training opportunities by asking your job service specialist, your

case manager or staff at your local community and technical college.

**(3) What is high-wage/high-demand training?**

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology, health care or other professional-technical programs: This option allows you to start and finish a one-year or shorter state community or technical college training program in the information technology, health care fields or other professional-technical programs that meet high-wage high-demand criteria; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of any certificate or degree program in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy). There is no work requirement with either option for the twelve months of training time.

(c) To qualify for HWHD training, you must also:

(i) Meet all of the prerequisites for the course;

(ii) Obtain the certificate or degree within twelve calendar months;

(iii) Participate full time in the training program and make satisfactory progress;

(iv) Work with colocated ESD staff during the last quarter of training for job placement; and

(v) Return to job search once you complete((s)) the educational program if still unemployed.

**(4) Who provides me with job search?**

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

**(5) How long do I stay in job search?**

Periods of job search will start with a review of the work skills assessment portion of your comprehensive evaluation and may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

(a) You find a full-time job; or

(b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or

(c) Your situation changes and the case manager changes the activities on your IRP to fit your new circumstances (see WAC 388-310-0400); or

(d) After fully participating in job search, and based on your experience in looking for work in the local labor market, it is determined that you need additional skills and/or experience to find a job; or

(e) You have not found a job at the end of the job search period.

**(6) What happens at the end of job search if I have not found a job?**

At the end of each job search period, you will be referred back to your case manager who will ~~((conduct a new employability))~~, at a minimum, review and update the DSHS portion of your comprehensive evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

**WAC 388-310-0700 WorkFirst—((Employability)) Comprehensive evaluation. (1) Why do I receive ((an employability)) a comprehensive evaluation?**

You ~~((receive an employability))~~ participate in a comprehensive evaluation ((from)) with your case manager and other WorkFirst staff to determine:

(a) ~~((Why you are unable to look for work (if you are temporarily deferred from job search) or why you have been unable to find work in your local labor market))~~ Your employment strengths, your educational background, family situation and other factors; and

(b) Which WorkFirst activities you need to become employed ~~((in the shortest time possible))~~.

**(2) What is the ((employability)) comprehensive evaluation and when will it be used?**

(a) The ~~((employability))~~ comprehensive evaluation is a series of questions ~~((and))~~, answers and evaluations focused on your strengths, job skills, education and other relevant elements. The results of the comprehensive evaluation are used to determine your ability to find and keep a job in your local labor market and what WorkFirst activities will help you prepare for and find work. It includes:

(i) An employability evaluation with your case manager, discussing important issues that can affect your ability to find a job, like child care, family violence or substance abuse;

(ii) A work skills assessment to review your education, employment history, employment strengths and job skills; and

(iii) Educational and other evaluations.

(b) You and your case manager and/or social worker use the information and recommendations from ~~((this))~~ these evaluations to create or modify your individual responsibility plan, adding activities that help you become employable.

(c) ~~((Your case manager evaluates your ability to find employment when you are a mandatory WorkFirst participant and have:~~

~~(i) Gone through a period of job search without finding a job;~~

~~(ii) Been referred back early from job search; or~~

~~(iii) Been temporarily deferred from job search;~~

~~((d))~~ After your ~~((employability))~~ comprehensive evaluation, you may receive more assessments to find out if you need additional services.

**WSR 06-08-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed March 30, 2006, 1:56 p.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: Amend WAC 388-450-0085 How we count your self-employment income?, to clarify department policy on deductions the department allows to determine countable income of someone who is self employed. The changes also adopt federal requirements for the food stamp program regarding losses for self-employed fishers of [or] farmers.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: 7 C.F.R. 273.9; 7 C.F.R. 273.11.

Adopted under notice filed as WSR 06-05-020 on February 6, 2006.

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.

Date Adopted: March 23, 2006.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-045, filed 6/11/03, effective 8/1/03)

**WAC 388-450-0085 ((How we count your self-employment income)) Does the department count all of my self-employment income to determine if I am eligible for benefits?** This section applies to ~~((TANF/SFA, GA, RCA))~~ cash assistance, Basic Food, and medical programs for children, pregnant women and families.

(1) We decide how much of your self-employment income to count by:

(a) Adding together your gross self-employment income and any profit you make from selling your business property or equipment;

(b) Subtracting your business expenses as described in subsection (2) below; and

(c) Dividing the remaining amount of self-employment income by the number of months over which the income will be averaged.

(2) We (~~automatically~~) subtract one hundred dollars as a business expense even if your costs are less than this. If you want (~~to claim~~) us to subtract your actual costs of more than one hundred dollars, you must (~~itemize and provide~~) list and give us proof of your expenses (in order) for us to count them. We never allow the following expenses:

- (a) Federal, state, and local income taxes;
- (b) Money set aside for retirement purposes;
- (c) Personal work-related expenses (such as travel to and from work);
- (d) Net losses from previous periods;
- (e) Depreciation; or
- (f) Any amount that (~~exceeds~~) is more than the payment you get from a boarder for lodging and meals.

(3) If you have worked at your business for less than a year, we figure your gross self-employment income by averaging:

(a) The income over the period of time the business has been in operation; and

(b) The monthly amount (~~estimated~~) we estimate you will get for the coming year.

(4) For cash and medical assistance, if your self-employment expenses are more than your self-employment income, we do not use this "loss" to reduce income from other self-employment businesses or other sources of income to your assistance unit.

(5) For Basic Food, we use a "loss" from self-employment farming or fishing income to reduce other sources of income only if you meet the following three conditions:

(a) Someone in your assistance unit is a self-employed farmer or fisher;

(b) Your gross yearly income from farming or fishing is or is expected to be at least one thousand dollars; and

(c) Your allowable costs for farming or fishing are more than your income from farming or fishing.

#### WSR 06-08-046

#### PERMANENT RULES DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed March 30, 2006, 1:56 p.m., effective April 30, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules add language to clarify, update, and ensure clear and consistent policies for the certified public expenditure (CPE) program, the disproportional share hospital (DSH) program, and the trauma program; add an additional requirement that peer group E hospitals are not eligible for certain DSH programs; add a new section that identifies the criteria for considering a hospital's eligibility for the psychiatric indigent inpatient disproportionate share hospital (PIIDSH) payment and that PIIDSH payments are determined using a prospective payment method; replace "medical assistance administration" and "MAA" with "the department"; add language that requires hospitals to annually submit a copy of their charity and bad debt policy; repeal WAC 388-550-6800 and provide updated language in new section

WAC 388-550-5425 regarding the upper payment limit (UPL) for inpatient hospital services; and delete language that allows payment through the ratio of costs-to-charges (RCC) payment method when the department determines that the psychiatric services provided to a client eligible under a state-only administered program qualify for a special exemption.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-550-6800; and amending WAC 388-550-3300, 388-550-4300, 388-550-4600, 388-550-4650, 388-550-4900, 388-550-5000, 388-550-5150, 388-550-5200, 388-550-5210, 388-550-5220, 388-550-5400, and 388-550-5450.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Adopted under notice filed as WSR 06-05-103 and 06-05-104 on February 14, 2006.

A final cost-benefit analysis is available by contacting Ayuni Wimpee, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1835, fax (360) 753-9152, e-mail wimpeeah@dshs.wa.gov. (No changes were made. The preliminary cost-benefit analysis will be final.)

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 2, Amended 12, 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 2, Amended 12, Repealed 1.

Date Adopted: March 28, 2006.

Andy Fernando, 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 06-09 issue of the Register.

#### WSR 06-08-047

#### PERMANENT RULES DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 30, 2006, 1:56 p.m., effective April 30, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This amendment to WAC 388-406-0005 Can I apply for cash, medical, or Basic Food?, supports the requirement that the department accept a public assistance application from a person with mental illness while the person is confined in a public institution (jail, prison or institution for mental diseases). The department is required to determine



the person's eligibility for medical assistance prior to release from the institution and, when possible, issue medical benefits effective the date of the person's release. This rule also supports the department accepting other public assistance applications from people in public institutions but without the requirement to determine eligibility for benefits before their release from an institution.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.09.555.

Adopted under notice filed as WSR 06-04-045 on January 26, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 23, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-22-039, filed 10/28/03, effective 12/1/03)

**WAC 388-406-0005 Can I apply for cash, medical, or Basic Food?** (1) You can apply for any benefit the department offers, including cash assistance, medical assistance, or Basic Food.

(2) You must meet certain eligibility requirements in order to receive a program benefit.

(3) You can apply for someone else if you are:

(a) A legal guardian, caretaker, or authorized representative applying for:

(i) A dependent child;

(ii) An incapacitated person; or

(iii) Someone who is deceased.

(b) Applying for someone who cannot apply for some other reason. We may ask why the applicant is unable to apply on their own behalf.

(4) If you get Supplemental Security Income (SSI), you do not need to apply for medical benefits. We automatically open medical benefits for you.

(5) A person or agency may apply for GAU or medical assistance for you if:

(a) You temporarily live out-of-state; and

(b) You are a Washington state resident.

(6) When you are confined or incarcerated in a Washington State public institution, you may apply for cash or medi-

cal assistance within forty-five days prior to your expected release date if you meet the following criteria:

(a) You are confined by or in the following public institutions:

(i) Department of Corrections;

(ii) City or county jail; or

(iii) Institution for Mental Diseases (IMD).

(b) Staff at the public institution provide medical records including diagnosis by a mental health professional that you have a mental disorder (as defined in the Diagnostic and Statistical Manual of Psychiatric Disorders, most recent edition) that affects your thoughts, mood or behavior so severely that it prevents you from performing any kind of work.

(7) The department will make an eligibility determination for medical assistance prior to your release from confinement and will authorize medical benefits upon your release from confinement when you:

(a) Meet the criteria of subsection (6) in this section; and

(b) Were receiving Medicaid or General Assistance benefits immediately before confinement or within the five years prior to confinement.

(8) If you meet the criteria in subsection (6) but did not receive Medicaid or General Assistance benefits within the past five years, the department will process your request for medical assistance within the time frames in WAC 388-406-0035.

#### WSR 06-08-048

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 30, 2006, 1:57 p.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: The department is amending WAC 388-310-0900 WorkFirst—Basic education and 388-310-1000 WorkFirst—Vocational education, in order to make changes to the approval criteria for training that is determined necessary to assist a client find and keep employment. These amended rules implement the recommendations of the WorkFirst reexamination workgroup as endorsed by Governor Gregoire. They are being filed under the authority of RCW 74.08.090 which directs the department to ensure uniform statewide application of rules. RCW 74.08.090 also directs the department to ensure that the spirit and purpose of Title 74 RCW is complied with.

WAC 388-310-0400, 388-310-0500, 388-310-0600 and 388-310-0700, proposed under WSR 06-04-069 are being permanently adopted under a separate CR-103 Rule-making order to be effective June 1, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0900 and 388-310-1000.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 06-04-069 on January 30, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: March 23, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

**WAC 388-310-0900 WorkFirst—Basic education. (1) What is basic education?**

Basic education is high school completion, classes to prepare for general equivalency diploma (GED) ~~((and))~~, testing to acquire GED certification ~~((-It may include))~~, adult basic education (ABE) or English as a second language (ESL) training ~~((if~~

~~((a) It is determined you need this education to become employed or get a better job; and~~

~~((b) This activity is combined with paid or unpaid employment or job search; or~~

~~((c) You have fully participated in job search without finding a job)).~~

**(2) When do I participate in basic education as part of WorkFirst?**

You may participate in basic education as part of WorkFirst under any of the following circumstances:

~~((a) ((#) You are twenty years of age or older and ((are working in paid or unpaid employment or in job search for a minimum of twenty hours a week your case manager may add basic education to your IRP as part of your full-time participation-)) your comprehensive evaluation shows you need this education to become employed or get a better job and:~~

~~((i) You are enrolled in an approved WorkFirst work activity for at least twenty hours per week; or~~

~~((b)) ((ii) You ((may attend full-time basic education classes if you)) have fully participated in job search without finding a job((-and it has been determined that you need this training to become employed)).~~

~~((c)) ((b) You may be required to participate if you are a mandatory participant, a parent eighteen or nineteen years of age, you do not have a high school diploma or GED certificate and you need this education in order to find employment.~~

~~((d)) ((c) You will be required to be in high school or a GED certification program if you are a mandatory participant, sixteen or seventeen years old and you do not have a high school diploma or GED certificate.~~

~~((e)) ((d) Employment security department (ESD) has determined that you are a seasonal worker (that is, your usual pattern of employment is based on recurring cycle of seasonal employment). Under WorkFirst, seasonal workers qualify for full-time education and training during the off season.~~

~~((e) You are enrolled in the Pregnancy to Employment pathway and your comprehensive evaluation shows basic education would help you find and keep employment. (See WAC 388-310-1450.)~~

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

**WAC 388-310-1000 WorkFirst—Vocational education. (1) What is vocational education?**

Vocational education is training that leads to a degree or certificate in a specific occupation and is offered by an accredited:

(a) Public and private technical college or school;

(b) Community college; or

(c) Tribal college.

**(2) When can vocational education be included in my individual responsibility plan?**

We may add vocational education to your individual responsibility plan for up to twelve months if:

~~((a) ((You are working twenty or more hours a week in paid unsubsidized work; or~~

~~((b) You are working sixteen or more hours per week in a federal or state work-study position; or~~

~~((c) You are working in a subsidized job, like a community jobs position, at least twenty hours per week)) Your comprehensive evaluation shows you need this education to become employed or get a better job and you participate full time in vocational education or by combining vocational education with any approved WorkFirst work activity; or~~

~~((d)) ((b) Employment security department (ESD) has determined that you are a seasonal worker (that is, your usual pattern of employment is based on a recurring cycle of seasonal employment). Under WorkFirst, seasonal workers qualify for full-time education and training during the off season; or~~

~~((e)) ((c) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand field, as determined by the employment security department; or~~

~~((f)) ((d) You have limited English proficiency and you lack job skills that are in demand for entry level jobs in your area; and the vocational education program is the only way that you can acquire the job skills you need to qualify for entry level jobs in your area (because there is no available work experience, preemployment training or on-the-job training that can teach you these skills)((-)); or~~

~~((e) You are in the Pregnancy to Employment pathway and your comprehensive evaluation shows vocational education would help you find and keep employment. (See WAC 388-310-1450.)~~

**(3) Can I get help with paying the costs of vocational education?**

WorkFirst may pay for the costs of your vocational education, such as tuition or books, for up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

**WSR 06-08-057**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket A-060085, General Order No. R-531—Filed March 31, 2006, 11:40 a.m., effective May 1, 2006]

In the matter of amending WAC 480-90-252, 480-100-252, 480-110-505, 480-120-382 and 480-120-385, relating to requirement of regulatory fee provision.

**1 STATUTORY OR OTHER AUTHORITY:** The Washington utilities and transportation commission takes this action under Notice No. WSR 06-03-129, filed with the code reviser on January 18, 2006. The commission brings this proceeding pursuant to RCW 80.01.040(4), 81.04.160, and 34.05.353.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission's reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission's responses to the comments reflecting the commission's consideration of them.

**5** In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

**6 REFERENCE TO AFFECTED RULES:** This order amends the following sections of the Washington Administrative Code: Amending WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2, 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1, 480-110-505 Accounting and reporting requirements and regulatory fees, 480-120-382 Annual report for competitively classified companies, and 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive.

**7 NOTICE OF PROPOSED RULE MAKING:** The commission filed an expedited rule making, CR-105, on January 18, 2006, at WSR 06-03-129. The statement advised interested persons that the rule making would correct a production error in a prior rule making in 2005 to include a subsection that sets regulatory fee provisions in five sections of the Washington Administrative Code (WAC). During the reorganization, the subsection that set the regulatory fee provisions was inadvertently omitted. The commission also informed persons of the matter by providing notice of the subject and the CR-105 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), the commission's lists of all registered electric, gas, water, and telecommunications companies, persons interested in issues related to these companies, as well as attorneys representing these companies, and by posting all information on the commission's web site.

**8 COMMENTERS (WRITTEN COMMENTS):** The commission received no written comments

**9 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR 06-03-129.

**10 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the commission determines that WAC 480-90-252, 480-100-252, 480-110-505, 480-120-382, and 480-120-385 should be amended to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 5, 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.

**ORDER**

**11 THE COMMISSION ORDERS:**

**12 (1)** The commission amends and adopts WAC 480-90-252, 480-100-252, 480-110-505, 480-120-382, and 480-120-385 to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

**13 (2)** This order and the rules set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser

for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, March 31, 2006.

Washington state utilities and transportation commission

Mark H. Sidran, Chairman

Patrick J. Oshie, Commissioner

Philip B. Jones, Commissioner

**AMENDATORY SECTION** (Amending Docket No. A-050271, General Order No. R-521, filed 10/10/05, effective 11/10/05)

**WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2.** (1) Each gas utility must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 2, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 2, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

**(5) Regulatory fees.** The gas utility annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a gas utility must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any gas utility with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

**WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1.** (1) Each electric utility must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 1, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 1, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

**(5) Regulatory fees.** The electric utility annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that an electric utility must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any electric utility with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two

percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

**WAC 480-110-505 Accounting and reporting requirements and regulatory fees.** (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999 (Adoption by reference). The USOA sets out the accounting requirements for Class A, B, and C water companies.

Water companies are classified by revenues.

| Class | Annual Gross Operating Revenue |
|-------|--------------------------------|
| A     | \$1,000,000 or more            |
| B     | \$200,000 to \$999,999         |
| C     | Less than \$200,000            |

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

(5) The maximum water company regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a water company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any water company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

**WAC 480-120-382 Annual report for competitively classified companies.** The commission will distribute an

annual report form including a regulatory fee form. A competitively classified company must:

(1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(2) Provide total number of access lines as required on the annual report form;

(3) Provide income statement and balance sheet for total company; ~~(and)~~

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction~~(-)~~; and

(5) **Regulatory fees.** The telecommunications annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(f) The commission may take action to revoke a company's registration certificate if it fails to pay its regulatory fee.

**AMENDATORY SECTION** (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

**WAC 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive.** (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

(a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(b) Provide total number of access lines as required on the annual report form; and

(c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

(5) **Regulatory fees.** The telecommunications annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

#### WSR 06-08-064

#### PERMANENT RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 06-58—Filed March 31, 2006, 3:33 p.m., effective May 1, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend commercial crab rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-04-029 on January 25, 2006.

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.

Date Adopted: March 23, 2006.

J. P. Koenings, Ph.D.

Director

by Larry Peck

**AMENDATORY SECTION** (Amending Order 05-275, filed 12/9/05, effective 1/9/06)

#### WAC 220-52-046 Crab fishery—Seasons and areas.

"Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after 8:00 a.m. October 1st, from one-half hour before sunrise to one-half hour after sunset, except as provided by other subsections below.

(2) For purposes of crab harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (Catch Areas) are modified as follows:

(a) Catch Area 26A-E shall include those waters of Puget Sound south of a line from Sandy Point (on Whidbey Island) to Camano Head and from Camano Head to the north tip of Gedney Island, and from the southern tip of Gedney Island east to the mainland, and north and east of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(b) Catch Area 26A-W shall include those waters of Puget Sound south and east of a line from Foulweather Bluff to Double Bluff, and northerly of a line from Apple Cove Point to Point Edwards, and south and west of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(3) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a

line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(4) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed October 1 through October 31 and March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 15.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed from October 1 through October 15.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green No. 1 buoy at Possession Point to Possession Point and west of a line from the green No. 1 buoy at Possession Point northward along the 200-foot depth con-

tour to the Glendale Dock are closed October 1 through October 15.

(5) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ustalady Point, thence to Brown Point on the northeast corner of Ustalady Bay.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island thence to Chuckanut Rock thence to the most southerly tip of Clark's Point.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line

projected true east and west from the northernmost tip of Ben Ure Island.

(n) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.

(o) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

(6) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states, except that it is unlawful for the holder of a Washington state Dungeness crab coastal fishery license to fish for or possess Dungeness crab taken in waters north of 41°59'47"N. Lat. and south of 46°15'00"N. Lat. unless the holder also holds the licenses or permits needed to commercially fish for Dungeness crab within the state waters of Oregon.

### WSR 06-08-078

#### PERMANENT RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 06-59—Filed April 3, 2006, 3:50 p.m., effective May 4, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend coastal pilchard rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-69-240, 220-88C-030, 220-88C-040,  
and 220-88C-050.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 06-04-014 on January 22, 2006.

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 4, 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.

Date Adopted: March 23, 2006.

J. P. Koenings, Ph.D.

Director

AMENDATORY SECTION (Amending Order 05-275, filed 12/9/05, effective 1/9/06)

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) It is unlawful for any person originally receiving fresh or iced fish or shellfish or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or consumers at retail, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket.

It is unlawful for any original receiver of crab or spot shrimp to fail to record all crab or spot shrimp aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must



immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.

(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate." In the coastal pilchard fishery, the amount of pilchards, by weight, purchased for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait must be included on the fish ticket as "reduction."

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(5) Geoduck: It is unlawful for any person receiving geoducks, regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in

WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day. Reports must be made to the La Conner District Office by facsimile 360-466-0515 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, date of delivery of crab to the original receiver, and the total number of pounds of crab caught by nontreaty fishers by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and stur-

geon made on the previous calendar day, or for a direct retail endorsement holder to fail to report all salmon offered for retail sale on the previous calendar day. The report must include dealer or holder name and purchasing location, date of purchase, each fish ticket number used on the purchasing date, and the following catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to [trollfishtickets@dfw.wa.gov](mailto:trollfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to [harborfishtickets@dfw.wa.gov](mailto:harborfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to [crfishtickets@dfw.wa.gov](mailto:crfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1281

(e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained." Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(12) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management

and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

AMENDATORY SECTION (Amending Order 05-53, filed 3/30/05, effective 4/30/05)

**WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery.** (1) Beginning in 2007, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit or held a replacement permit the previous year;

(b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;

(c) Has purchased an emerging commercial fisheries license by April 1st; and

(d) ~~((As of December 1st of the previous licensing year has no outstanding observer fees owed to the department.))~~ Has an ownership interest of at least fifty percent in the vessel designated on the emerging commercial fishery license.

(2) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(3) ~~((For 2005.))~~ The director may offer ((temporary)) replacement permits ((valid for the 2005 season only)), provided that((=

~~((a)))~~ the total number of permits issued by the director, including ((2005 temporary)) replacement permits, shall not exceed twenty-five.

~~((b))~~ 2005 temporary permits may be issued only to a person who can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license in 2000, 2001, and 2002, the person has not previously held a coastal pilchard experimental fishery permit and the person has submitted a completed 2005 temporary permit application to the department by June 1, 2005.

~~((c))~~ A vessel must be designated on the 2005 temporary permit application, and only one 2005 temporary permit application per person or vessel will be allowed.))

(4) A coastal pilchard replacement permit will only be issued to a natural person who:

(a) Has an ownership interest of at least fifty percent in a vessel that was designated on a Washington coastal pilchard experimental fishery permit in 2004 or 2005;

(b) Landed a minimum of 40 mt cumulative weight of pilchard into Washington using the designated vessel referenced in (a) of this subsection in 2004 and 2005; and

(c) Has purchased an emerging commercial fisheries license by August 1, 2006.

(5) Coastal pilchard experimental fishery permits and replacement permits are only valid for the year issued and expire (~~on November 30 of the year issued~~) with the expiration of the emerging commercial fishery license.

(~~(5)) (6) Replacement permit holders must designate a vessel in which the replacement permit holder has an ownership interest of at least fifty percent.~~

(7) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery at least forty-eight hours before their first pilchard fishing trip of each season. Once designated, permit holders may not change vessel designation for the remainder of the season, except as provided in subsection (8) of this section in an emergency and then only if allowed by the director. The same vessel may not be designated on more than one emerging commercial fishery license and accompanying coastal pilchard experimental fishery permit.

(8) Vessel designation may be changed during the pilchard season provided that the designated vessel has not yet participated in the pilchard fishery during the current calendar year.

AMENDATORY SECTION (Amending Order 05-53, filed 3/30/05, effective 4/30/05)

**WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch.** (1) The coastal pilchard fishery season is open to purse seine fishing (~~(May)~~ April 1 through (~~(November 30))~~ December 31 only. Fishing under an experimental commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and market squid (*Logligo opalescens*). Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

(3) It is unlawful to transfer pilchard catch from one fishing vessel to another.

(4) It is unlawful to fail to have legal purse seine gear aboard the vessel making a pilchard landing.

(5) It is unlawful to fail to deliver pilchard landings to a shoreside processing facility.

(6) It is unlawful to deliver more than (~~(ten)~~) fifteen percent cumulative weight of (~~(a)~~) pilchard (~~(landing)~~) for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait during a pilchard fishery season.

(7) (~~It is unlawful to deliver more than one pilchard landing per calendar day.~~

(~~8))~~ Once a delivery has commenced at a processing plant, all fish onboard the vessel must be offloaded at that plant.

AMENDATORY SECTION (Amending Order 05-53, filed 3/30/05, effective 4/30/05)

**WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.**

(1) As a condition of the experimental commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort at the request of the department.

(2) Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain an experimental commercial fishery permit, including replacement permits, for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by January 15th of the following year. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

## WSR 06-08-082

### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed April 4, 2006, 8:35 a.m., effective May 5, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Additional Title 49 Code of Federal Regulations is to be adopted to remain compliant with federal enforcement requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010 Commercial motor vehicle regulations/transportation requirements.

Statutory Authority for Adoption: RCW 46.32.020.

Adopted under notice filed as WSR 06-04-076 on January 31, 2006.

A final cost-benefit analysis is available by contacting Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-3697, fax (360) 586-8233, e-mail Christine.Fox@wsp.wa.gov.

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 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 4, 2006.

Paul S. Beckley  
for John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 05-20-090, filed 10/5/05, effective 11/5/05)

**WAC 446-65-010 Transportation requirements.** (1)

The Washington state patrol hereby adopts the following parts, and any amendments thereto, of Title 49 Code of Federal Regulations (CFR), for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 40 Procedures for transportation workplace drug and alcohol testing programs, 325 Compliance with interstate motor carrier noise emission standards, 350 Commercial motor carrier safety assistance program, 355 Compatibility of state laws and regulations affecting interstate motor carrier operations, 365 Rules governing applications for operating authority, 367 Standards for registration with states, 380 Special training requirements, 382 Controlled substances and alcohol use and testing, 383 Compliance with commercial driver's license program, 385 Safety fitness procedures, 387 Minimum levels of financial responsibility for motor carriers, 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Agricultural operations exceptions:

(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases), over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is excepted from Part 397 when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.

(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 CFR 173.24, 173.24a, and 173.24b.

(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is excepted from the requirements of 49 CFR Part 172 subpart G (emergency response information) and H (training requirements) when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;

(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:

(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or

(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;

(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and

(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 CFR adopted in this section.

(C) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(4) Copies of Title 49 CFR, parts ((390)) 40 and 325 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

**WSR 06-08-087**

**PERMANENT RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed April 4, 2006, 9:26 a.m., effective September 1, 2006]

Effective Date of Rule: September 1, 2006.

Purpose: Formaldehyde rules, these requirements have been rewritten and moved from chapter 296-62 WAC into chapter 296-856 WAC. Chapter 296-841 WAC, Respiratory hazards, requires that employees be notified of exposure results over the permissible exposure limit within five days to meet the requirements of RCW 49.17.220 for "prompt" notification. The chapter further specifies that notification for specific rules be "In writing, as specified in the rule specific to the substance." The requirement in the formaldehyde rule, proposed chapter 296-856 WAC, will require employers to notify employees of monitoring results within five days of receiving the results. Currently, the employers are required to provide notification within fifteen days. This requirement has been changed to be consistent with the notification times for substance-specific hygiene rules. There were no anticipated effects of this rule making.

Citation of Existing Rules Affected by this Order:

**AMENDED SECTIONS:**

**WAC 296-62-07540 Formaldehyde.**

- The requirements from this section are moved to chapter 296-856 WAC, Formaldehyde.

- A note is added to clarify that the requirements in this WAC section apply only to agriculture.

**WAC 296-155-160 Gases, vapors, fumes, dusts, and mists.**

- Update a reference.

**WAC 296-307-56045 Label containers of hazardous chemicals.**

- Update a reference.

**WAC 296-307-62625 Permissible exposure limits of air contaminants.**

- Update a reference.

**WAC 296-307-624 Scope.**

- Update a reference.

**WAC 296-839-40005 Label containers of hazardous chemicals.**

- Update a reference.

**WAC 296-841-100 Scope.**

- Update a reference.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 05-23-138 on November 22, 2005.

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 19, Amended 7, 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 19, Amended 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 4, 2006.

Gary Weeks  
Director

**AMENDATORY SECTION** (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

**WAC 296-62-07540 Formaldehyde.**

**Note:** The requirements in this chapter apply only to agriculture. The general industry requirements relating to formaldehyde have been moved to chapter 296-856 WAC, Formaldehyde.

(1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC 296-800-370 shall apply.

(c) "Authorized person" means any person required by work duties to be present in regulated work areas, or authorized to do so by the employer, by this section of the standard, or by the WISHA Act.

(d) "Director" means the director of the department of labor and industries, or his/her designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds 0.75 part formaldehyde per million parts of air as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exception. Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER  
FORMALDEHYDE  
IRRITANT AND POTENTIAL CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) 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.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(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) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or vessel 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 exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-842 WAC, except WAC 296-842-13005 and 296-842-14005.

(ii) If air-purifying chemical-cartridge respirators are used, the employer must:

(A) Replace the cartridge after three hours of use or at the end of the workshift, whichever occurs first, unless the

cartridge contains a NIOSH-certified end-of-service-life indicator (ESLI) to show when breakthrough occurs.

(B) Unless the canister contains a NIOSH-certified ESLI to show when breakthrough occurs, replace canisters used in atmospheres up to 7.5 ppm (10 x PEL) every four hours and industrial-sized canisters used in atmospheres up to 75 ppm (100 x PEL) every two hours, or at the end of the workshift, whichever occurs first.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

TABLE 1

MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION AGAINST FORMALDEHYDE

| Condition of use or formaldehyde concentration (ppm)    | Minimum respirator required <sup>1</sup>  |
|---|---|
| Up to 7.5 ppm (10 x PEL) . . . .                        | Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde <sup>2</sup> .  |
| Up to 75 ppm (100 x PEL) . . .                          | Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde.<br><br>Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet. |
| Above 75 ppm or unknown (emergencies) (100 x PEL) . . . | Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece.<br><br>Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.   |
| Fire fighting . . . . .                                 | SCBA with positive-pressure in full facepiece.  |
| Escape . . . . .  | SCBA in demand or pressure demand mode.<br><br>Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.   |

<sup>1</sup> Respirators specified for use at higher concentrations may be used at lower concentrations.

<sup>2</sup> A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(ii) The employer must provide a powered air-purifying respirator adequate to protect against formaldehyde exposure to any employee who has difficulty using a negative-pressure respirator.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-800-160. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER

FORMALDEHYDE-CONTAMINATED (CLOTHING) EQUIPMENT  
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are

required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eye-wash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be 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.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL

and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.



(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first-aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formalde-

hyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may 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 from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) 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 for the purpose of medical removal or restriction.

(iii) 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 notification of the right to seek a second medical opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) 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 the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) 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.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-800-170 for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-800-170. The definitions of the chemical hazard communication standard shall apply under this standard.

(i) The following shall be subject to the hazard communication requirements of this section: Formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under reasonably foreseeable concentrations reaching or exceeding 0.1 ppm.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs as required by chapter 296-839 WAC.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-800-170 are affixed to all containers of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde: List the name and address of the responsible party; and state that physical and health hazard information is readily available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in WAC 296-800-170, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials listed in (a)(i) of this subsection shall comply with the requirements of WAC 296-800-170 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials listed in (a)(i) of this subsection shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multiemployer workplaces shall comply with the requirements of WAC 296-800-170.

(14) Employee information and training.

(a) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

(b) Frequency. Employers shall provide such information and training to employees at the time of their initial assignment and whenever a new exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.

(c) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls;

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency; and

(viii) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-842 WAC.

(d) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his/her designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years; and

(ii) Medical records shall be kept for the duration of employment plus thirty years.

(e) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his/her designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with chapter 296-802 WAC.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee in accordance with chapter 296-802 WAC.

**AMENDATORY SECTION** (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

**WAC 296-155-160 Gases, vapors, fumes, dusts, and mists.** (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with subsection (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure that employees are not exposed to unsafe concentrations of

toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the general occupational health standards and chapter 296-841 WAC, identifying and controlling respiratory hazards.

(4) Whenever any employee is exposed to asbestos, the provisions of the general occupational health standards, chapter 296-62 WAC shall apply.

(5) Subsections (1) and (2) of this section do not apply to the exposure of employees to formaldehyde. Whenever any employee is exposed to formaldehyde, the requirements of chapter 296-856 WAC ((296-62-07540)) shall apply.

**AMENDATORY SECTION** (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

**WAC 296-307-56045 Label containers of hazardous chemicals.**

**Exemption:** Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

**You must:**

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:

- The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS

- An appropriate hazard warning

- The name and address of the chemical manufacturer, importer, or other responsible party

- Make sure labeling does not conflict with the requirements of:

- The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

**AND**

- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>

- Revise labels within three months of becoming aware of new and significant information about chemical hazards

- Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers

- Revise the label when a chemical is not currently used, produced or imported, before:

- You resume shipping (or transferring) the chemical

**OR**

- The chemical is reintroduced in the workplace

- Label information

- Clearly written in English

**AND**

- Prominently displayed on the container.

**Reference:** Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, (H) and I-1 of that chapter).

**Note:** When the conditions specified in Table 10 are met for the solid material products listed, you are not required to provide labels for every shipment.

| <b>Table 10<br/>Labeling for Solid Materials</b>                            |  |
|---|--|
| <b>You need only send labels with the first shipment, IF the product is</b> | <b>And</b>   |
| <b>Whole grain</b>  | <ul style="list-style-type: none"> <li>• It is shipped to the same customer</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>• No hazardous chemicals are part of or known to be present with the product which could expose employees during handling                             <ul style="list-style-type: none"> <li>– For example, cutting fluids on solid metal, and pesticides with grain</li> </ul> </li> </ul> |
| <b>Solid untreated wood</b>   |  |
| <b>Solid metal</b><br>For example: Steel beams, metal castings              |  |
| <b>Plastic items</b>  |  |

**Exemptions:** The chemicals (and items) listed in Table 11 are EXEMPT from THIS SECTION under the conditions specified. Requirements in other sections still apply.

| <b>Table 11<br/>Conditional Label Exemptions</b>   |  |
|--|--|
| <b>This section does not apply to</b>  | <b>When the product is</b>   |
| <ul style="list-style-type: none"> <li>• Pesticides                             <ul style="list-style-type: none"> <li>– Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136<sup>1</sup>)</li> </ul> </li> </ul>                    | <ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of FIFRA<sup>1</sup></li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul> |
| <ul style="list-style-type: none"> <li>• A chemical substance or mixture                             <ul style="list-style-type: none"> <li>– Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602<sup>1</sup>)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of TSCA<sup>1</sup></li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul>  |

| <b>Table 11<br/>Conditional Label Exemptions</b>   |   |
|--|---|
| <b>This section does not apply to</b>  | <b>When the product is</b>  |
| <ul style="list-style-type: none"> <li>• Each of the following                             <ul style="list-style-type: none"> <li>– Food</li> <li>– Food additives</li> <li>– Color additives</li> <li>– Drugs</li> <li>– Cosmetics</li> <li>– Medical devices or products</li> <li>– Veterinary devices or products</li> <li>– Materials intended for use in these products (for example: Flavors, and fragrances)</li> </ul> </li> <li>• As defined in                             <ul style="list-style-type: none"> <li>– The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321<sup>1</sup>)</li> </ul> </li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>– The Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.<sup>1</sup>)</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>– Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul> | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> </li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>– Department of Agriculture (see Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Each of the following:                             <ul style="list-style-type: none"> <li>– Distilled spirits (beverage alcohols)</li> </ul> </li> </ul> <p style="text-align: center;"><b>AND</b></p>  | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements of Federal Alcohol Administration Act<sup>1</sup></li> </ul> </li> </ul> <p style="text-align: center;"><b>AND</b></p>  |

| <b>Table 11<br/>Conditional Label Exemptions</b>   |  |
|--|--|
| <b>This section does not apply to</b>  | <b>When the product is</b>   |
| <ul style="list-style-type: none"> <li>– Wine</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>– Malt beverage</li> </ul> <ul style="list-style-type: none"> <li>• As defined in                             <ul style="list-style-type: none"> <li>– The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201<sup>1</sup>)</li> </ul> </li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>– Regulations issued under this act (see Title 27 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> | <ul style="list-style-type: none"> <li>– Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations<sup>3</sup>)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Consumer products</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Hazardous substances                             <ul style="list-style-type: none"> <li>– As defined in the Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.<sup>1</sup>)</li> </ul> </li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>– The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.<sup>1</sup>)</li> </ul>   | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act<sup>1</sup></li> </ul> </li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>– Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Agricultural seed</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Vegetable seed treated with pesticides</li> </ul>   | <ul style="list-style-type: none"> <li>• Labeled as required by                             <ul style="list-style-type: none"> <li>– The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.<sup>1</sup>)</li> </ul> </li> </ul> <p style="text-align: center;"><b>AND</b></p>  |

| Table 11<br>Conditional Label Exemptions |   |
|--|---|
| This section does not apply to           | When the product is   |
|  | – Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture <sup>1</sup> |

<sup>1</sup>This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/usmain.html>.

<sup>2</sup>See <http://www.epa.gov>.

<sup>3</sup>See <http://www.access.gpo.gov/nara/cfr/index.html>.

**AMENDATORY SECTION** (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

**WAC 296-307-624 Scope.**

This part applies **only** if your employees:

- Are exposed to a respiratory hazard

**OR**

• Could be exposed to one of the specific hazards listed below.

This part applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed
- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely remove the hazard.

**Definition:**

**Exposed or exposure:**

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

**Note:** Examples of substances that may be respiratory hazards when airborne include:

- Chemicals listed in Table 3
- Any substance
  - Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
  - For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
  - That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
- Atmospheres considered oxygen deficient
- Biological agents such as harmful bacteria, viruses or fungi
- Examples include airborne TB aerosols and anthrax
- Pesticides with a label requirement for respirator use
- Chemicals used as crowd control agents such as pepper spray

- Chemicals present at clandestine drug labs. These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.

**Reference:**

- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-307-100, Personal protective equipment, for additional information and requirements.
- If any of the following hazards are present in your workplace, you will need both this part and any of the following specific rules that apply:

| Hazard                      | ((Rule that applies))                                  |
|-----------------------------|--|
| Acrylonitrile               | ((WAC 296-62-07336))                                   |
| Arsenic (inorganic)         | ((WAC 296-62-07347))                                   |
| Asbestos                    | ((WAC 296-62-077))                                     |
| Benzene                     | ((WAC 296-62-07523))                                   |
| Butadiene                   | ((WAC 296-62-07460))                                   |
| Cadmium                     | ((WAC 296-62-074 through 296-62-07449 or 296-155-174)) |
| Carcinogens                 | ((Chapter 296-62 WAC, Part F))                         |
| Coke ovens                  | ((Chapter 296-62 WAC, Part O))                         |
| Cotton dust                 | ((Chapter 296-62 WAC, Part N))                         |
| 1,2-Dibromo-3-chloropropane | ((WAC 296-62-07342))                                   |
| Ethylene oxide              | ((WAC 296-62-07355))                                   |
| Formaldehyde                | ((WAC 296-62-07540))                                   |
| Lead                        | ((WAC 296-62-07521 or 296-155-176))                    |
| Methylene chloride          | ((WAC 296-62-07470))                                   |
| Methylenedianiline          | ((WAC 296-62-076 or 296-155-173))                      |
| Thiram                      | ((WAC 296-62-07519))                                   |
| Vinyl chloride              | ((WAC 296-62-07329))                                   |

**AMENDATORY SECTION** (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

**WAC 296-307-62625 Permissible exposure limits of air contaminants.**

**IMPORTANT:**

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.
- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.
- Mg/m<sup>3</sup> refers to milligrams of substance per cubic meter of air.
- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web site: <http://www.cas.org>.
- Time weighted averages (TWA<sub>8</sub>) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8 hours the TWA<sub>8</sub> needs to be

determined using the 8 continuous hours with the highest average concentration.

- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

- Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-307-100.

- The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

| Mean aerodynamic diameter in micrometers | Percent passing the selector |
|--|------------------------------|
| 1  | 97                           |
| 2  | 91                           |
| 3  | 74                           |
| 4  | 50                           |
| 5  | 30                           |
| 6  | 17                           |
| 7  | 9                            |
| 8  | 5                            |
| 10                                       | 1                            |

**Table 3 "Permissible Exposure Limits for Air Contaminants"**

| Substance   | CAS       | TWA <sub>8</sub>       | STEL                   | Ceiling | Skin |
|---|-----------|------------------------|------------------------|---------|------|
| Abate (Temephos)  | 3383-96-8 | —                      | —                      | —       | —    |
| Total particulate   | —         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Acetaldehyde  | 75-07-0   | 100 ppm                | 150 ppm                | —       | —    |
| Acetic acid   | 64-19-7   | 10 ppm                 | 20 ppm                 | —       | —    |
| Acetic anhydride  | 108-24-7  | —                      | —                      | 5 ppm   | —    |
| Acetone   | 67-64-1   | 750 ppm                | 1,000 ppm              | —       | —    |
| Acetonitrile  | 75-05-8   | 40 ppm                 | 60 ppm                 | —       | —    |
| 2-Acetylaminofluorene<br>(((see WAC 296-62-073)))           | 53-96-3   | —                      | —                      | —       | —    |
| Acetylene   | 74-86-2   | Simple asphyxiant      | —                      | —       | —    |
| Acetylene dichloride<br>(1,2-Dichloroethylene)              | 540-59-0  | 200 ppm                | 250 ppm                | —       | —    |
| Acetylene tetrabromide                                      | 79-27-6   | 1 ppm                  | 3 ppm                  | —       | —    |
| Acetylsalicylic acid<br>(Aspirin)                           | 50-78-2   | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Acrolein  | 107-02-8  | 0.1 ppm                | 0.3 ppm                | —       | —    |
| Acrylamide  | 79-06-1   | 0.03 mg/m <sup>3</sup> | 0.09 mg/m <sup>3</sup> | —       | X    |
| Acrylic acid  | 79-10-7   | 10 ppm                 | 20 ppm                 | —       | X    |
| Acrylonitrile (Vinyl cyanide)<br>(((see WAC 296-62-07336))) | 107-13-1  | 2 ppm                  | 10 ppm                 | —       | —    |
| Aldrin  | 309-00-2  | 0.25 mg/m <sup>3</sup> | 0.75 mg/m <sup>3</sup> | —       | X    |
| Allyl alcohol   | 107-18-6  | 2 ppm                  | 4 ppm                  | —       | X    |
| Allyl chloride  | 107-05-1  | 1 ppm                  | 2 ppm                  | —       | —    |
| Allyl glycidyl ether (AGE)                                  | 106-92-3  | 5 ppm                  | 10 ppm                 | —       | —    |
| Allyl propyl disulfide                                      | 2179-59-1 | 2 ppm                  | 3 ppm                  | —       | —    |
| alpha-Alumina<br>(Aluminum oxide)                           | 1344-28-1 | —                      | —                      | —       | —    |
| Total particulate   | —         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Aluminum (as Al)  | 7429-90-5 | —                      | —                      | —       | —    |
| Total particulate   | —         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Pyro powders  | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Welding fumes   | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Soluble salts   | —         | 2 mg/m <sup>3</sup>    | 4 mg/m <sup>3</sup>    | —       | —    |
| Alkyls (NOC)  | —         | 2 mg/m <sup>3</sup>    | 4 mg/m <sup>3</sup>    | —       | —    |
| Aluminum oxide (Alundum, Corundum)                          | 7429-90-5 | —                      | —                      | —       | —    |
| Total particulate   | —         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>        | STEL                                 | Ceiling                 | Skin |
|--|------------|-------------------------|--------------------------------------|-------------------------|------|
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| 4-Aminodiphenyl<br>(((see WAC 296-62-073)))  | 92-67-1    | —                       | —                                    | —                       | —    |
| 2-Aminoethanol<br>(Ethanolamine)   | 141-43-5   | 3 ppm                   | 6 ppm                                | —                       | —    |
| 2-Aminopyridine  | 504-29-0   | 0.5 ppm                 | 1.5 ppm                              | —                       | —    |
| Amitrole   | 61-82-5    | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>                | —                       | —    |
| Ammonia  | 7664-41-7  | 25 ppm                  | 35 ppm                               | —                       | —    |
| Ammonium chloride, fume  | 12125-02-9 | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>                 | —                       | —    |
| Ammonium sulfamate (Ammate)  | 7773-06-0  | —                       | —                                    | —                       | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>                 | —                       | —    |
| Respirable fraction  | —          | 5.0 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>                 | —                       | —    |
| n-Amyl acetate   | 628-63-7   | 100 ppm                 | 150 ppm                              | —                       | —    |
| sec-Amyl acetate   | 626-38-0   | 125 ppm                 | 156 ppm                              | —                       | —    |
| Aniline and homologues   | 62-53-3    | 2 ppm                   | 4 ppm                                | —                       | X    |
| Anisidine (o, p-isomers)   | 29191-52-4 | 0.1 ppm                 | 0.3 ppm                              | —                       | X    |
| Antimony and compounds (as Sb)   | 7440-36-0  | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>                | —                       | —    |
| ANTU<br>(alpha Naphthyl thiourea)  | 86-88-4    | 0.3 mg/m <sup>3</sup>   | 0.9 mg/m <sup>3</sup>                | —                       | —    |
| Argon  | 7440-37-1  | Simple asphyxiant       | —                                    | —                       | —    |
| Arsenic,<br>organic compounds (as As)  | 7440-38-2  | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>                | —                       | —    |
| Arsenic, inorganic<br>compounds (as As) (when use is<br>covered by WAC 296-62-07347)     | 7440-38-2  | 0.01 mg/m <sup>3</sup>  | —                                    | —                       | —    |
| Arsenic, inorganic<br>compounds (as As) (when use is not<br>covered by WAC 296-62-07347) | 7440-38-2  | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>                | —                       | —    |
| Arsine   | 7784-42-1  | 0.05 ppm                | 0.15 ppm                             | —                       | —    |
| Asbestos<br>(((see WAC 296-62-077)))   | —          | —                       | —                                    | —                       | —    |
| Asphalt (Petroleum fumes)  | 8052-42-4  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| Atrazine   | 1912-24-9  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| Azinphos methyl (Guthion)  | 86-50-0    | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>                | —                       | X    |
| Azodrin (Monocrotophos)  | 6923-22-4  | 0.25 mg/m <sup>3</sup>  | 0.75 mg/m <sup>3</sup>               | —                       | —    |
| Barium, soluble<br>compounds (as Ba)   | 7440-39-3  | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>                | —                       | —    |
| Barium sulfate   | 7727-43-7  | —                       | —                                    | —                       | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>                 | —                       | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| Baygon (Propoxur)  | 114-26-1   | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>                | —                       | —    |
| Benomyl  | 17804-35-2 | —                       | —                                    | —                       | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>                 | —                       | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| Benzene<br>(((see WAC 296-62-07523)))  | 71-43-2    | 1 ppm                   | 5 ppm                                | —                       | —    |
| Benzidine<br>(((see WAC 296-62-073)))  | 92-87-5    | —                       | —                                    | —                       | —    |
| p-Benzoquinone<br>(Quinone)  | 106-51-4   | 0.1 ppm                 | 0.3 ppm                              | —                       | —    |
| Benzo(a) pyrene<br>(Coal tar pitch volatiles)  | 65996-93-2 | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>                | —                       | —    |
| Benzoyl peroxide   | 94-36-0    | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>                 | —                       | —    |
| Benzyl chloride  | 100-44-7   | 1 ppm                   | 3 ppm                                | —                       | —    |
| Beryllium and beryllium<br>compounds (as Be)   | 7440-41-7  | 0.002 mg/m <sup>3</sup> | 0.005 mg/m <sup>3</sup><br>(30 min.) | 0.025 mg/m <sup>3</sup> | —    |



Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>        | STEL                  | Ceiling               | Skin |
|--|------------|-------------------------|-----------------------|-----------------------|------|
| Biphenyl (Diphenyl)  | 92-52-4    | 0.2 ppm                 | 0.6 ppm               | —                     | —    |
| Bismuth telluride, undoped                                 | 1304-82-1  | —                       | —                     | —                     | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>  | —                     | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>  | —                     | —    |
| Bismuth telluride, Se-doped                                | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>  | —                     | —    |
| Borates, tetra, sodium salts                               | —          | —                       | —                     | —                     | —    |
| Anhydrous  | 1330-43-4  | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>   | —                     | —    |
| Decahydrate  | 1303-96-4  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>  | —                     | —    |
| Pentahydrate   | 12179-04-3 | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>   | —                     | —    |
| Boron oxide  | 1303-86-2  | —                       | —                     | —                     | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>  | —                     | —    |
| Boron tribromide   | 10294-33-4 | —                       | —                     | 1 ppm                 | —    |
| Boron trifluoride  | 6737-07-2  | —                       | —                     | 1 ppm                 | —    |
| Bromacil   | 314-40-9   | 1 ppm                   | 3 ppm                 | —                     | —    |
| Bromine  | 7726-95-6  | 0.1 ppm                 | 0.3 ppm               | —                     | —    |
| Bromine pentafluoride                                      | 7789-30-2  | 0.1 ppm                 | 0.3 ppm               | —                     | —    |
| Bromochloromethane<br>(Chlorobromomthane)                  | 74-97-5    | 200 ppm                 | 250 ppm               | —                     | —    |
| Bromoform  | 15-25-2    | 0.5 ppm                 | 1.5 ppm               | —                     | X    |
| Butadiene (1,3-butadiene)                                  | 106-99-0   | 1 ppm                   | 5 ppm                 | —                     | —    |
| Butane   | 106-97-8   | 800 ppm                 | 1,000 ppm             | —                     | —    |
| Butanethiol<br>(Butyl mercaptan)                           | 109-79-5   | 0.5 ppm                 | 1.5 ppm               | —                     | —    |
| 2-Butanone<br>(Methyl ethyl ketone)                        | 78-93-3    | 200 ppm                 | 300 ppm               | —                     | —    |
| 2-Butoxy ethanol<br>(Butyl cellosolve)                     | 111-76-2   | 25 ppm                  | 38 ppm                | —                     | X    |
| n-Butyl acetate  | 123-86-4   | 150 ppm                 | 200 ppm               | —                     | —    |
| sec-Butyl acetate  | 105-46-4   | 200 ppm                 | 250 ppm               | —                     | —    |
| tert-Butyl acetate   | 540-88-5   | 200 ppm                 | 250 ppm               | —                     | —    |
| Butyl acrylate   | 141-32-2   | 10 ppm                  | 20 ppm                | —                     | —    |
| n-Butyl alcohol  | 71-36-3    | —                       | —                     | 50 ppm                | X    |
| sec-Butyl alcohol  | 78-92-2    | 100 ppm                 | 150 ppm               | —                     | —    |
| tert-Butyl alcohol   | 75-65-0    | 100 ppm                 | 150 ppm               | —                     | —    |
| Butylamine   | 109-73-9   | —                       | —                     | 5 ppm                 | X    |
| Butyl cellosolve (2-Butoxy ethanol)                        | 111-76-2   | 25 ppm                  | 38 ppm                | —                     | —    |
| tert-Butyl chromate (as CrOs)                              | 1189-85-1  | —                       | —                     | 0.1 mg/m <sup>3</sup> | X    |
| n-Butyl glycidyl ether (BGE)                               | 2426-08-6  | 25 ppm                  | 38 ppm                | —                     | —    |
| n-Butyl lactate  | 138-22-7   | 5 ppm                   | 10 ppm                | —                     | —    |
| Butyl mercaptan  | 109-79-5   | 0.5 ppm                 | 1.5 ppm               | —                     | —    |
| o-sec-Butylphenol  | 89-72-5    | 5 ppm                   | 10 ppm                | —                     | X    |
| p-tert-Butyl-toluene                                       | 98-51-1    | 10 ppm                  | 20 ppm                | —                     | —    |
| Cadmium oxide fume (as Cd)<br>(((see WAC 296-62-074)))     | 1306-19-0  | 0.005 mg/m <sup>3</sup> | —                     | —                     | —    |
| Cadmium dust and salts (as Cd)<br>(((see WAC 296-62-074))) | 7440-43-9  | 0.005 mg/m <sup>3</sup> | —                     | —                     | —    |
| Calcium arsenate<br>(((see WAC 296-62-07347)))             | —          | 0.01 mg/m <sup>3</sup>  | —                     | —                     | —    |
| Calcium carbonate  | 1317-65-3  | —                       | —                     | —                     | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>  | —                     | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>  | —                     | —    |
| Calcium cyanamide  | 156-62-7   | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup> | —                     | —    |
| Calcium hydroxide  | 1305-62-0  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>  | —                     | —    |
| Calcium oxide  | 1305-78-8  | 2 mg/m <sup>3</sup>     | 4 mg/m <sup>3</sup>   | —                     | —    |
| Calcium silicate   | 1344-95-2  | —                       | —                     | —                     | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS        | TWA <sub>8</sub>      | STEL                  | Ceiling   | Skin |
|---|------------|-----------------------|-----------------------|-----------|------|
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Calcium sulfate   | 7778-18-9  | —                     | —                     | —         | —    |
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Camphor (synthetic)   | 76-22-2    | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —         | —    |
| Caprolactam   | 105-60-2   | —                     | —                     | —         | —    |
| Dust  | —          | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —         | —    |
| Vapor   | —          | 5 ppm                 | 10 ppm                | —         | —    |
| Captafol (Difolatan)  | 2425-06-1  | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | X    |
| Captan  | 133-06-2   | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Carbaryl (Sevin)  | 63-25-2    | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Carbofuran (Furadon)  | 1563-66-2  | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | —    |
| Carbon black  | 1333-86-4  | 3.5 mg/m <sup>3</sup> | 7 mg/m <sup>3</sup>   | —         | —    |
| Carbon dioxide  | 124-38-9   | 5,000 ppm             | 30,000 ppm            | —         | —    |
| Carbon disulfide  | 75-15-0    | 4 ppm                 | 12 ppm                | —         | X    |
| Carbon monoxide   | 630-08-0   | 35 ppm                | 200 ppm (5 min.)      | 1,500 ppm | —    |
| Carbon tetrabromide   | 558-13-4   | 0.1 ppm               | 0.3 ppm               | —         | —    |
| Carbon tetrachloride<br>(Tetrachloromethane)                    | 56-23-5    | 2 ppm                 | 4 ppm                 | —         | X    |
| Carbonyl chloride (Phosgene)                                    | 7803-51-2  | 0.1 ppm               | 0.3 ppm               | —         | —    |
| Carbonyl fluoride   | 353-50-4   | 2 ppm                 | 5 ppm                 | —         | —    |
| Catechol (Pyrocatechol)   | 120-80-9   | 5 ppm                 | 10 ppm                | —         | X    |
| Cellosolve acetate<br>(2-Ethoxyethylacetate)                    | 111-15-9   | 5 ppm                 | 10 ppm                | —         | X    |
| Cellulose (paper fiber)   | 9004-34-6  | —                     | —                     | —         | —    |
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Cesium hydroxide  | 21351-79-1 | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —         | —    |
| Chlordane   | 57-74-9    | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —         | X    |
| Chlorinated camphene<br>(Toxaphen)                              | 8001-35-2  | 0.5 mg/m <sup>3</sup> | 1 mg/m <sup>3</sup>   | —         | X    |
| Chlorinated diphenyl oxide                                      | 55720-99-5 | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —         | —    |
| Chlorine  | 7782-50-5  | 0.5 ppm               | —                     | 1 ppm     | —    |
| Chlorine dioxide  | 10049-04-4 | 0.1 ppm               | 0.3 ppm               | —         | —    |
| Chlorine trifluoride  | 7790-91-2  | —                     | —                     | 0.1 ppm   | —    |
| Chloroacetaldehyde  | 107-20-0   | —                     | —                     | 1 ppm     | —    |
| a-Chloroacetophenone<br>(Phenacyl chloride)                     | 532-21-4   | 0.05 ppm              | 0.15 ppm              | —         | —    |
| Chloroacetyl chloride   | 79-04-9    | 0.05 ppm              | 0.15 ppm              | —         | —    |
| Chlorobenzene<br>(Monochlorobenzene)                            | 108-90-7   | 75 ppm                | 113 ppm               | —         | —    |
| o-Chlorobenzylidene<br>malononitrile (OCBM)                     | 2698-41-1  | —                     | —                     | 0.05 ppm  | X    |
| Chlorobromomethane  | 74-97-5    | 200 ppm               | 250 ppm               | —         | —    |
| 2-Chloro-1, 3-butadiene<br>(beta-Chloroprene)                   | 126-99-8   | 10 ppm                | 20 ppm                | —         | X    |
| Chlorodifluoromethane   | 75-45-6    | 1,000 ppm             | 1,250 ppm             | —         | —    |
| Chlorodiphenyl<br>(42% Chlorine) (PCB)<br>(Polychlorobiphenyls) | 53469-21-9 | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —         | X    |
| Chlorodiphenyl<br>(54% Chlorine)<br>(Polychlorobiphenyls (PCB)) | 11097-69-1 | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —         | X    |
| 1-Chloro-2, 3-epoxypropane<br>(Epichlorhydrin)                  | 106-89-8   | 2 ppm                 | 4 ppm                 | —         | X    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS                     | TWA <sub>8</sub>       | STEL                   | Ceiling | Skin |
|---|-------------------------|------------------------|------------------------|---------|------|
| 2-Chloroethanol<br>(Ethylene chlorohydrin)  | 107-07-3                | —                      | —                      | 1 ppm   | X    |
| Chloroethylene<br>(vinyl chloride)<br>(((See WAC 296-62-07329)))  | 75-01-4                 | 1 ppm                  | 5 ppm                  | —       | —    |
| Chloroform (Trichloromethane)   | 67-66-3                 | 2 ppm                  | 4 ppm                  | —       | —    |
| 1-Chloro-1-nitropropane   | 600-25-9                | 2 ppm                  | 4 ppm                  | —       | —    |
| bis-Chloromethyl ether<br>(((see WAC 296-62-073)))  | 542-88-1                | —                      | —                      | —       | —    |
| Chloromethyl methyl ether<br>(Methyl chloromethyl ether)<br>(((see WAC 296-62-073)))                              | 107-30-2                | —                      | —                      | —       | —    |
| Chloropentafluoroethane   | 76-15-3                 | 1,000 ppm              | 1,250 ppm              | —       | —    |
| Chloropicrin (Nitrotrichloromethane)  | 76-06-2                 | 0.1 ppm                | 0.3 ppm                | —       | —    |
| beta-Chloroprene (2-Chloro-1,<br>3-butadiene)   | 126-99-8                | 10 ppm                 | 20 ppm                 | —       | X    |
| o-Chlorostyrene   | 2039-87-4               | 50 ppm                 | 75 ppm                 | —       | —    |
| o-Chlorotoluene   | 95-49-8                 | 50 ppm                 | 75 ppm                 | —       | —    |
| 2-Chloro-6-trichloromethyl pyridine<br>(Nitrapyrin)   | 1929-82-4               | —                      | —                      | —       | —    |
| Total particulate   | —                       | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —                       | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Chlorpyrifos  | 2921-88-2               | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —       | X    |
| Chromic acid and chromates<br>(as CrO <sub>3</sub> )  | Varies with<br>compound | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Chromium, soluble, chromic and<br>chromous salts (as Cr)  | 7440-47-3               | 0.5 mg/m <sup>3</sup>  | 1.5 mg/m <sup>3</sup>  | —       | —    |
| Chromium (VI) compounds<br>(as Cr)  | —                       | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup> | —       | —    |
| Chromium metal and insoluble salts  | 7440-47-3               | 0.5 mg/m <sup>3</sup>  | 1.5 mg/m <sup>3</sup>  | —       | —    |
| Chromyl chloride  | 14977-61-8              | 0.025 ppm              | 0.075 ppm              | —       | —    |
| Chrysene (Coal tar pitch volatiles)   | 65996-93-2              | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —       | —    |
| Clopidol  | 2971-90-6               | —                      | —                      | —       | —    |
| Total particulate   | —                       | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —                       | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Coal dust (less than 5% SiO <sub>2</sub> )  | —                       | —                      | —                      | —       | —    |
| Respirable fraction   | —                       | 2 mg/m <sup>3</sup>    | 4 mg/m <sup>3</sup>    | —       | —    |
| Coal dust (greater than or<br>equal to 5% SiO <sub>2</sub> )  | —                       | —                      | —                      | —       | —    |
| Respirable fraction   | —                       | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Coal tar pitch volatiles<br>(benzene soluble fraction)<br>(Particulate polycyclic<br>aromatic hydrocarbons)       | 65996-93-2              | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —       | —    |
| Cobalt, metal fume & dust (as Co)   | 7440-48-4               | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup> | —       | —    |
| Cobalt carbonyl (as Co)   | 10210-68-1              | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Cobalt hydrocarbonyl (as Co)  | 16842-03-8              | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Coke oven emissions<br>(((see WAC 296-62-200)))   | —                       | 0.15 mg/m <sup>3</sup> | —                      | —       | —    |
| Copper (as Cu)  | 7440-50-8               | —                      | —                      | —       | —    |
| Fume  | —                       | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Dusts and mists   | —                       | 1 mg/m <sup>3</sup>    | 3 mg/m <sup>3</sup>    | —       | —    |
| Cotton dust (raw)<br>(waste sorting, blending, cleaning,<br>willowing and gartting)<br>(((see WAC 296-62-14533))) | —                       | 1 mg/m <sup>3</sup>    | —                      | —       | —    |
| Corundum (Aluminum oxide)   | 7429-90-5               | —                      | —                      | —       | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS                    | TWA <sub>8</sub>      | STEL                  | Ceiling   | Skin |
|--|------------------------|-----------------------|-----------------------|-----------|------|
| Total particulate  | —                      | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction  | —                      | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate) | 136-78-7               | —                     | —                     | —         | —    |
| Total particulate  | —                      | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction  | —                      | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Cresol (all isomers)   | 1319-77-3              | 5 ppm                 | 10 ppm                | —         | X    |
| Crotonaldehyde   | 123-73-9;<br>4170-30-3 | 2 ppm                 | 4 ppm                 | —         | —    |
| Crufomate  | 299-86-5               | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Cumene   | 98-82-8                | 50 ppm                | 75 ppm                | —         | X    |
| Cyanamide  | 420-04-2               | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —         | —    |
| Cyanide (as CN compound)   | Varies with compound   | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | X    |
| Cyanogen   | 460-19-5               | 10 ppm                | 20 ppm                | —         | —    |
| Cyanogen chloride  | 506-77-4               | —                     | —                     | 0.3 ppm   | —    |
| Cyclohexane  | 110-82-7               | 300 ppm               | 375 ppm               | —         | —    |
| Cyclohexanol   | 108-93-0               | 50 ppm                | 75 ppm                | —         | X    |
| Cyclohexanone  | 108-94-1               | 25 ppm                | 38 ppm                | —         | X    |
| Cyclohexene  | 110-83-8               | 300 ppm               | 375 ppm               | —         | —    |
| Cyclohexylamine  | 108-91-8               | 10 ppm                | 20 ppm                | —         | —    |
| Cyclonite (RDX)  | 121-82-4               | 1.5 mg/m <sup>3</sup> | 3.0 mg/m <sup>3</sup> | —         | X    |
| Cyclopentadiene  | 542-92-7               | 75 ppm                | 113 ppm               | —         | —    |
| Cyclopentane   | 287-92-3               | 600 ppm               | 750 ppm               | —         | —    |
| Cyhexatin (Tricyclohexyltin hydroxide)                             | 13121-70-5             | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| 2,4-D (Dichlorophenoxy-acetic acid)                                | 94-75-7                | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| DBCP (1,2-Dibromo-3-chloropropane) ((See WAC 296-62-07342))        | 96-12-8                | 0.001 ppm             | —                     | 0.005 ppm | —    |
| DDT (Dichlorodiphenyltri-chloroethane)                             | 50-29-3                | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —         | X    |
| DDVP, (Dichlorvos)   | 62-73-7                | 0.1 ppm               | 0.3 ppm               | —         | X    |
| Dasanit (Fensulfothion)  | 115-90-2               | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | —    |
| Decaborane   | 17702-41-9             | 0.05 ppm              | 0.15 ppm              | —         | X    |
| Demeton  | 8065-48-3              | 0.01 ppm              | 0.03 ppm              | —         | X    |
| Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)                 | 123-42-2               | 50 ppm                | 75 ppm                | —         | —    |
| 1, 2-Diaminoethane (Ethylenediamine)                               | 107-15-3               | 10 ppm                | 20 ppm                | —         | —    |
| Diazinon   | 333-41-5               | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | X    |
| Diazomethane   | 334-88-3               | 0.2 ppm               | 0.6 ppm               | —         | —    |
| Diborane   | 19287-45-7             | 0.1 ppm               | 0.3 ppm               | —         | —    |
| Dibrom (see Naled)   | 300-76-5               | 3 mg/m <sup>3</sup>   | 6 mg/m <sup>3</sup>   | —         | X    |
| 1, 2-Dibromo-3-chloropropane (DBCP) ((see WAC 296-62-07342))       | 96-12-8                | 0.001 ppm             | —                     | 0.005 ppm | —    |
| 2-N-Dibutylamino ethanol   | 102-81-8               | 2 ppm                 | 4 ppm                 | —         | X    |
| Dibutyl phosphate  | 107-66-4               | 1 ppm                 | 2 ppm                 | —         | —    |
| Dibutyl phthalate  | 84-74-2                | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Dichloroacetylene  | 7572-29-4              | —                     | —                     | 0.1 ppm   | —    |
| o-Dichlorobenzene  | 95-50-1                | —                     | —                     | 50 ppm    | —    |
| p-Dichlorobenzene  | 106-46-7               | 75 ppm                | 110 ppm               | —         | —    |
| 3, 3'-Dichlorobenzidine ((see WAC 296-62-073))                     | 91-94-1                | —                     | —                     | —         | —    |
| Dichlorodiphenyltri-chloroethane (DDT)                             | 50-29-3                | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —         | X    |
| Dichlorodifluoromethane  | 75-71-8                | 1,000 ppm             | 1,250 ppm             | —         | —    |
| 1, 3-Dichloro-5, 5-dimethyl hydantoin                              | 118-52-5               | 0.2 mg/m <sup>3</sup> | 0.4 mg/m <sup>3</sup> | —         | —    |
| 1, 1-Dichloroethane (Ethyldine chloride)                           | 75-34-3                | 100 ppm               | 150 ppm               | —         | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS       | TWA <sub>8</sub>       | STEL                   | Ceiling | Skin |
|---|-----------|------------------------|------------------------|---------|------|
| 1, 2-Dichloroethane<br>(Ethylene dichloride)                          | 107-06-2  | 1 ppm                  | 2 ppm                  | —       | —    |
| 1, 1-Dichloroethylene<br>(Vinylidene chloride)                        | 75-35-4   | 1 ppm                  | 3 ppm                  | —       | —    |
| 1, 2-Dichloroethylene (Acetylene<br>dichloride)                       | 540-59-0  | 200 ppm                | 250 ppm                | —       | —    |
| Dichloroethyl ether   | 111-44-4  | 5 ppm                  | 10 ppm                 | —       | X    |
| Dichlorofluoromethane   | 75-43-4   | 10 ppm                 | 20 ppm                 | —       | —    |
| Dichloromethane<br>(Methylene chloride)<br>(((See WAC 296-62-07470))) | 75-09-2   | 25 ppm                 | 125 ppm                | —       | —    |
| 1, 1-Dichloro-1-nitroethane   | 594-72-9  | 2 ppm                  | 10 ppm                 | —       | —    |
| Dichlorophenoxyacetic acid (2, 4-D)                                   | 94-75-7   | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| 1, 2-Dichloropropane<br>(Propylene dichloride)                        | 78-87-5   | 75 ppm                 | 110 ppm                | —       | —    |
| Dichloropropene   | 542-75-6  | 1 ppm                  | 3 ppm                  | —       | X    |
| 2, 2-Dichloropropionic acid   | 75-99-0   | 1 ppm                  | 3 ppm                  | —       | —    |
| Dichlorotetrafluoroethane   | 76-14-2   | 1,000 ppm              | 1,250 ppm              | —       | —    |
| Dichlorvos (DDVP)   | 62-73-7   | 0.1 ppm                | 0.3 ppm                | —       | X    |
| Dicrotophos   | 141-66-2  | 0.25 mg/m <sup>3</sup> | 0.75 mg/m <sup>3</sup> | —       | X    |
| Dicyclopentadiene   | 77-73-6   | 5 ppm                  | 10 ppm                 | —       | —    |
| Dicyclopentadienyl iron   | 102-54-5  | —                      | —                      | —       | —    |
| Total particulate   | —         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction   | —         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Dieldrin  | 60-57-1   | 0.25 mg/m <sup>3</sup> | 0.75 mg/m <sup>3</sup> | —       | X    |
| Diethanolamine  | 111-42-2  | 3 ppm                  | 6 ppm                  | —       | —    |
| Diethylamine  | 109-89-7  | 10 ppm                 | 25 ppm                 | —       | —    |
| 2-Diethylaminoethanol   | 100-37-8  | 10 ppm                 | 20 ppm                 | —       | X    |
| Diethylene triamine   | 111-40-0  | 1 ppm                  | 3 ppm                  | —       | X    |
| Diethyl ether (Ethyl ether)   | 60-29-7   | 400 ppm                | 500 ppm                | —       | —    |
| Diethyl ketone  | 96-22-0   | 200 ppm                | 250 ppm                | —       | —    |
| Diethyl phthalate   | 84-66-2   | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Difluorodibromomethane  | 75-61-6   | 100 ppm                | 150 ppm                | —       | —    |
| Difolatan (Captafol)  | 2425-06-1 | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | X    |
| Diglycidyl ether (DGE)  | 2238-07-5 | 0.1 ppm                | 0.3 ppm                | —       | —    |
| Dihydroxybenzene (Hydroquinone)                                       | 123-31-9  | 2 mg/m <sup>3</sup>    | 4 mg/m <sup>3</sup>    | —       | —    |
| Diisobutyl ketone (2, 6-<br>Dimethylheptanone)                        | 108-83-8  | 25 ppm                 | 38 ppm                 | —       | —    |
| Diisopropylamine  | 108-18-9  | 5 ppm                  | 10 ppm                 | —       | X    |
| Dimethoxymethane (Methylal)   | 109-87-5  | 1,000 ppm              | 1,250 ppm              | —       | —    |
| Dimethyl acetamide  | 127-19-5  | 10 ppm                 | 20 ppm                 | —       | X    |
| Dimethylamine   | 124-40-3  | 10 ppm                 | 20 ppm                 | —       | —    |
| 4-Dimethylaminoazo benzene<br>(((see WAC 296-62-073)))                | 60-11-7   | —                      | —                      | —       | —    |
| Dimethylaminobenzene<br>(Xylidene)                                    | 1300-73-8 | 2 ppm                  | 4 ppm                  | —       | X    |
| Dimethylaniline<br>(N, N-Dimethylaniline)                             | 121-69-7  | 5 ppm                  | 10 ppm                 | —       | X    |
| Dimethylbenzene (Xylene)  | 1300-73-8 | 100 ppm                | 150 ppm                | —       | —    |
| Dimethyl-1, 2-dibromo-2,2-dichloroethyl<br>phosphate (Naled)          | 300-76-5  | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>    | —       | X    |
| Dimethylformamide   | 68-12-2   | 10 ppm                 | 20 ppm                 | —       | X    |
| 2, 6-Dimethylheptanone<br>(Diisobutyl ketone)                         | 108-83-8  | 25 ppm                 | 38 ppm                 | —       | —    |
| 1, 1-Dimethylhydrazine  | 57-14-7   | 0.5 ppm                | 1.5 ppm                | —       | X    |
| Dimethyl phthalate  | 131-11-3  | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS                               | TWA <sub>8</sub>      | STEL                  | Ceiling  | Skin |
|---|-----------------------------------|-----------------------|-----------------------|----------|------|
| Dimethyl sulfate  | 77-78-1                           | 0.1 ppm               | 0.3 ppm               | —        | X    |
| Dinitolmide<br>(3, 5-Dinitro-o-toluamide)                                 | 148-01-6                          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Dinitrobenzene (all isomers -<br>alpha, meta and para)                    | 528-29-0;<br>99-65-0;<br>100-25-4 | 0.15 ppm              | 0.45 ppm              | —        | X    |
| Dinitro-o-cresol  | 534-52-1                          | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —        | X    |
| 3, 5-Dinitro-o-toluamide (Dinitolmide)                                    | 148-01-6                          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Dinitrotoluene  | 25321-14-6                        | 1.5 mg/m <sup>3</sup> | 3 mg/m <sup>3</sup>   | —        | X    |
| Dioxane (Diethylene dioxide)  | 123-91-1                          | 25 ppm                | 38 ppm                | —        | X    |
| Dioxathion  | 78-34-2                           | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —        | X    |
| Diphenyl (Biphenyl)   | 92-52-4                           | 0.2 ppm               | 0.6 ppm               | —        | —    |
| Diphenylamine   | 122-39-4                          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Diphenylmethane diisocyanate<br>(Methylene bisphenyl isocyanate<br>(MDI)) | 101-68-8                          | —                     | —                     | 0.02 ppm | —    |
| Dipropylene glycol methyl ether   | 34590-94-8                        | 100 ppm               | 150 ppm               | —        | X    |
| Dipropyl ketone   | 123-19-3                          | 50 ppm                | 75 ppm                | —        | —    |
| Diquat  | 85-00-7                           | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —        | —    |
| Di-sec, Octyl phthalate<br>(Di-2-ethylhexylphthalate)                     | 117-81-7                          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Disulfam  | 97-77-8                           | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —        | —    |
| Disulfoton  | 298-04-4                          | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
| 2, 6-Di-tert-butyl-p-cresol   | 128-37-0                          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Diuron  | 330-54-1                          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Divinyl benzene   | 1321-74-0                         | 10 ppm                | 20 ppm                | —        | —    |
| Emery   | 12415-34-8                        | —                     | —                     | —        | —    |
| Total particulate   | —                                 | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Respirable fraction   | —                                 | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Endosulfan (Thiodan)  | 115-29-7                          | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
| Endrin  | 72-20-8                           | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
| Epichlorhydrin (1-Chloro-2,<br>3-epoxypropane)                            | 106-89-8                          | 2 ppm                 | 4 ppm                 | —        | X    |
| EPN   | 2104-64-5                         | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —        | X    |
| 1, 2-Epoxypropane<br>(Propylene oxide)                                    | 75-56-9                           | 20 ppm                | 30 ppm                | —        | —    |
| 2, 3-Epoxy-1-propanol (Glycidol)  | 556-52-5                          | 25 ppm                | 38 ppm                | —        | —    |
| Ethane  | —                                 | Simple asphyxiant     | —                     | —        | —    |
| Ethaneithiol (Ethyl mercaptan)  | 75-08-1                           | 0.5 ppm               | 1.5 ppm               | —        | —    |
| Ethanol (Ethyl alcohol)   | 64-17-5                           | 1,000 ppm             | 1,250 ppm             | —        | —    |
| Ethanolamine (2-Aminoethanol)   | 141-43-5                          | 3 ppm                 | 6 ppm                 | —        | —    |
| Ethion  | 563-12-2                          | 0.4 mg/m <sup>3</sup> | 1.2 mg/m <sup>3</sup> | —        | X    |
| 2-Ethoxyethanol (Glycol monoethyl<br>ether)                               | 110-80-5                          | 5 ppm                 | 10 ppm                | —        | X    |
| 2-Ethoxyethyl acetate<br>(Cellosolve acetate)                             | 111-15-9                          | 5 ppm                 | 10 ppm                | —        | X    |
| Ethyl acetate   | 141-78-6                          | 400 ppm               | 500 ppm               | —        | —    |
| Ethyl acrylate  | 140-88-5                          | 5 ppm                 | 25 ppm                | —        | X    |
| Ethyl alcohol (ethanol)   | 64-17-5                           | 1,000 ppm             | 1,250 ppm             | —        | —    |
| Ethylamine  | 75-04-07                          | 10 ppm                | 20 ppm                | —        | —    |
| Ethyl amyl ketone<br>(5-Methyl-3-hepatone)                                | 541-85-5                          | 25 ppm                | 38 ppm                | —        | —    |
| Ethyl benzene   | 100-41-4                          | 100 ppm               | 125 ppm               | —        | —    |
| Ethyl bromide   | 74-96-4                           | 200 ppm               | 250 ppm               | —        | —    |
| Ethyl butyl ketone (3-Heptanone)  | 106-35-4                          | 50 ppm                | 75 ppm                | —        | —    |
| Ethyl chloride  | 75-00-3                           | 1,000 ppm             | 1,250 ppm             | —        | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS                  | TWA <sub>8</sub>      | STEL                  | Ceiling   | Skin |
|--|----------------------|-----------------------|-----------------------|-----------|------|
| Ethylene   | 74-85-1              | Simple asphyxiant     | —                     | —         | —    |
| Ethylene chlorohydrin (2-Chloroethanol)                              | 107-07-3             | —                     | —                     | 1 ppm     | X    |
| Ethylenediamine (1,2-Diaminoethane)                                  | 107-15-3             | 10 ppm                | 20 ppm                | —         | X    |
| Ethylene dibromide   | 106-93-4             | 0.1 ppm               | 0.5 ppm               | —         | —    |
| Ethylene dichloride (1,2-Dichloroethane)                             | 107-06-2             | 1 ppm                 | 2 ppm                 | —         | —    |
| Ethylene glycol  | 107-21-1             | —                     | —                     | 50 ppm    | —    |
| Ethylene glycol dinitrate  | 628-96-6             | —                     | 0.1 mg/m <sup>3</sup> | —         | X    |
| Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate) | —                    | 5 ppm                 | 10 ppm                | —         | X    |
| Ethyleneimine<br>((see WAC 296-62-073))                              | 151-56-4             | —                     | —                     | —         | X    |
| Ethylene oxide<br>((see WAC 296-62-07359))                           | 75-21-8              | 1 ppm                 | 5 ppm                 | —         | —    |
| Ethyl ether (Diethyl ether)  | 60-29-7              | 400 ppm               | 500 ppm               | —         | —    |
| Ethyl formate  | 109-94-4             | 100 ppm               | 125 ppm               | —         | —    |
| Ethylidene chloride (1, 1-Dichloroethane)                            | 107-06-2             | 1 ppm                 | 2 ppm                 | —         | —    |
| Ethylidene norbornene  | 16219-75-3           | —                     | —                     | 5.0 ppm   | —    |
| Ethyl mercaptan (Ethanethiol)  | 75-08-1              | 0.5 ppm               | 1.5 ppm               | —         | —    |
| n-Ethylmorpholine  | 100-74-3             | 5 ppm                 | 10 ppm                | —         | X    |
| Ethyl sec-amyl ketone<br>(5-methyl-3-heptanone)                      | 541-85-5             | 25 ppm                | 38 ppm                | —         | —    |
| Ethyl silicate   | 78-10-4              | 10 ppm                | 20 ppm                | —         | —    |
| Fenamiphos   | 22224-92-6           | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | X    |
| Fensulfothion (Dasanit)  | 115-90-2             | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | —    |
| Fenthion   | 55-38-9              | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —         | X    |
| Ferbam   | —                    | —                     | —                     | —         | —    |
| Total particulate  | 14484-64-1           | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Ferrovandium dust  | 12604-58-9           | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —         | —    |
| Fluorides (as F)   | Varies with compound | 2.5 mg/m <sup>3</sup> | 5 mg/m <sup>3</sup>   | —         | —    |
| Fluorine   | 7782-41-4            | 0.1 ppm               | 0.3 ppm               | —         | —    |
| Fluorotrichloromethane<br>(see Trichlorofluoro methane)              | 75-69-4              | —                     | —                     | 1,000 ppm | —    |
| Fonofos  | 944-22-9             | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | X    |
| Formaldehyde<br>((see WAC 296-62-07540))                             | 50-00-0              | 0.75 ppm              | 2 ppm                 | —         | —    |
| Formamide  | 75-12-7              | 20 ppm                | 30 ppm                | —         | —    |
| Formic acid  | 64-18-6              | 5 ppm                 | 10 ppm                | —         | —    |
| Furadon (carbofuran)   | 1563-66-2            | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —         | —    |
| Furfural   | 98-01-1              | 2 ppm                 | 4 ppm                 | —         | X    |
| Furfuryl alcohol   | 98-00-0              | 10 ppm                | 15 ppm                | —         | X    |
| Gasoline   | 8006-61-9            | 300 ppm               | 500 ppm               | —         | —    |
| Germanium tetrahydride   | 7782-65-2            | 0.2 ppm               | 0.6 ppm               | —         | —    |
| Glass, fibrous or dust   | —                    | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Gluteraldehyde   | 111-30-8             | —                     | —                     | 0.2 ppm   | —    |
| Glycerin mist  | 56-81-5              | —                     | —                     | —         | —    |
| Total particulate  | —                    | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Respirable fraction  | —                    | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —         | —    |
| Glycidol (2, 3-Epoxy-1-propanol)                                     | 556-52-5             | 25 ppm                | 38 ppm                | —         | —    |
| Glycol monoethyl ether<br>(2-Ethoxyethanol)                          | 110-80-5             | 5 ppm                 | 10 ppm                | —         | X    |
| Grain dust (oat, wheat, barley)                                      | —                    | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —         | —    |
| Graphite, natural  | 7782-42-5            | —                     | —                     | —         | —    |
| Respirable particulate   | —                    | 2.5 mg/m <sup>3</sup> | 5 mg/m <sup>3</sup>   | —         | —    |
| Graphite, synthetic  | —                    | —                     | —                     | —         | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS                  | TWA <sub>8</sub>      | STEL                  | Ceiling | Skin |
|--|----------------------|-----------------------|-----------------------|---------|------|
| Total particulate                                  | —                    | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —       | —    |
| Respirable fraction                                | —                    | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —       | —    |
| Guthion (Azinphosmethyl)                           | 86-50-0              | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —       | X    |
| Gypsum   | 13397-24-5           | —                     | —                     | —       | —    |
| Total particulate                                  | —                    | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —       | —    |
| Respirable fraction                                | —                    | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —       | —    |
| Hafnium  | 7440-58-6            | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —       | —    |
| Helium   | —                    | Simple asphyxiant     | —                     | —       | —    |
| Heptachlor   | 76-44-8              | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —       | X    |
| Heptane (n-heptane)                                | 142-82-5             | 400 ppm               | 500 ppm               | —       | —    |
| 2-Heptanone (Methyl n-amyl ketone)                 | 110-43-0             | 50 ppm                | 75 ppm                | —       | —    |
| 3-Heptanone (Ethyl butyl ketone)                   | 106-35-4             | 50 ppm                | 75 ppm                | —       | —    |
| Hexachlorobutadiene                                | 87-68-3              | 0.02 ppm              | 0.06 ppm              | —       | X    |
| Hexachlorocyclopentadiene                          | 77-47-4              | 0.01 ppm              | 0.03 ppm              | —       | —    |
| Hexachloroethane                                   | 67-72-1              | 1 ppm                 | 3 ppm                 | —       | X    |
| Hexachloronaphthalene                              | 1335-87-1            | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —       | X    |
| Hexafluoroacetone                                  | 684-16-2             | 0.1 ppm               | 0.3 ppm               | —       | X    |
| Hexane   | —                    | —                     | —                     | —       | —    |
| n-hexane   | 110-54-3             | 50 ppm                | 75 ppm                | —       | —    |
| other isomers                                      | Varies with compound | 500 ppm               | 1,000 ppm             | —       | —    |
| 2-Hexanone (Methyl-n-butyl ketone)                 | 591-78-6             | 5 ppm                 | 10 ppm                | —       | —    |
| Hexone (Methyl isobutyl ketone)                    | 108-10-1             | 50 ppm                | 75 ppm                | —       | —    |
| sec-Hexyl acetate                                  | 108-84-9             | 50 ppm                | 75 ppm                | —       | —    |
| Hexylene glycol                                    | 107-41-5             | —                     | —                     | 25 ppm  | —    |
| Hydrazine  | 302-01-2             | 0.1 ppm               | 0.3 ppm               | —       | X    |
| Hydrogen   | —                    | Simple asphyxiant     | —                     | —       | —    |
| Hydrogenated terphenyls                            | 61788-32-7           | 0.5 ppm               | 1.5 ppm               | —       | —    |
| Hydrogen bromide                                   | 10035-10-6           | —                     | —                     | 3.0 ppm | —    |
| Hydrogen chloride                                  | 7647-01-0            | —                     | —                     | 5.0 ppm | —    |
| Hydrogen cyanide                                   | 74-90-8              | —                     | 4.7 ppm               | —       | X    |
| Hydrogen fluoride                                  | 7664-39-3            | —                     | —                     | 3 ppm   | —    |
| Hydrogen peroxide                                  | 7722-84-1            | 1 ppm                 | 3 ppm                 | —       | —    |
| Hydrogen selenide (as Se)                          | 7783-07-5            | 0.05 ppm              | 0.15 ppm              | —       | —    |
| Hydrogen sulfide                                   | 7783-06-4            | 10 ppm                | 15 ppm                | —       | —    |
| Hydroquinone (Dihydroxybenzene)                    | 123-31-9             | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —       | —    |
| 4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol) | 123-42-2             | 50 ppm                | 75 ppm                | —       | —    |
| 2-Hydroxypropyl acrylate                           | 99-61-1              | 0.5 ppm               | 1.5 ppm               | —       | X    |
| Indene   | 95-13-6              | 10 ppm                | 20 ppm                | —       | —    |
| Indium and compounds (as In)                       | 7440-74-6            | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —       | —    |
| Iodine   | 7553-56-2            | —                     | —                     | 0.1 ppm | —    |
| Iodoform   | 75-47-8              | 0.6 ppm               | 1.8 ppm               | —       | —    |
| Iron oxide dust and fume (as Fe)                   | 1309-37-1            | —                     | —                     | —       | —    |
| Total particulate                                  | —                    | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —       | —    |
| Iron pentacarbonyl (as Fe)                         | 13463-40-6           | 0.1 ppm               | 0.2 ppm               | —       | —    |
| Iron salts, soluble (as Fe)                        | Varies with compound | 1 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>   | —       | —    |
| Isoamyl acetate                                    | 123-92-2             | 100 ppm               | 150 ppm               | —       | —    |
| Isoamyl alcohol (primary and secondary)            | 123-51-3             | 100 ppm               | 125 ppm               | —       | —    |
| Isobutyl acetate                                   | 110-19-0             | 150 ppm               | 188 ppm               | —       | —    |
| Isobutyl alcohol                                   | 78-83-1              | 50 ppm                | 75 ppm                | —       | —    |
| Isooctyl alcohol                                   | 26952-21-6           | 50 ppm                | 75 ppm                | —       | X    |
| Isophorone   | 78-59-1              | 4 ppm                 | —                     | 5 ppm   | —    |
| Isophorone diisocyanate                            | 4098-71-9            | 0.005 ppm             | 0.02 ppm              | —       | X    |



Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>        | STEL                    | Ceiling             | Skin |
|--|------------|-------------------------|-------------------------|---------------------|------|
| Isopropoxyethanol  | 109-59-1   | 25 ppm                  | 38 ppm                  | —                   | —    |
| Isopropyl acetate  | 108-21-4   | 250 ppm                 | 310 ppm                 | —                   | —    |
| Isopropyl alcohol  | 67-63-0    | 400 ppm                 | 500 ppm                 | —                   | —    |
| Isopropylamine   | 75-31-0    | 5 ppm                   | 10 ppm                  | —                   | —    |
| N-Isopropylaniline   | 768-52-5   | 2 ppm                   | 4 ppm                   | —                   | X    |
| Isopropyl ether  | 108-20-3   | 250 ppm                 | 313 ppm                 | —                   | —    |
| Isopropyl glycidyl ether (IGE)   | 4016-14-2  | 50 ppm                  | 75 ppm                  | —                   | —    |
| Kaolin   | —          | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Ketene   | 463-51-4   | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>   | —                   | —    |
| Lannate (Methomyl)   | 16752-77-5 | 2.5 mg/m <sup>3</sup>   | 5 mg/m <sup>3</sup>     | —                   | —    |
| Lead, inorganic (as Pb)<br>(((see WAC 296-62-07521<br>and 296-155-176)))         | 7439-92-1  | 0.05 mg/m <sup>3</sup>  | —                       | —                   | —    |
| Lead arsenate (as Pb)<br>(((see WAC 296-62-07347)))                              | 3687-31-8  | 0.05 mg/m <sup>3</sup>  | —                       | —                   | —    |
| Lead chromate (as Pb)  | 7758-97-6  | 0.05 mg/m <sup>3</sup>  | —                       | —                   | —    |
| Limestone  | 1317-65-3  | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Lindane  | 58-89-9    | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>   | —                   | X    |
| Lithium hydride  | 7580-67-8  | 0.025 mg/m <sup>3</sup> | 0.075 mg/m <sup>3</sup> | —                   | —    |
| L.P.G. (liquified petroleum gas)   | 68476-85-7 | 1,000 ppm               | 1,250 ppm               | —                   | —    |
| Magnesite  | 546-93-0   | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Magnesium oxide fume   | 1309-48-4  | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Malathion  | 121-75-5   | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | X    |
| Maleic anhydride   | 108-31-6   | 0.25 ppm                | 0.75 ppm                | —                   | —    |
| Manganese and compounds (as Mn)  | 7439-96-5  | —                       | —                       | 5 mg/m <sup>3</sup> | —    |
| Manganese cyclopentadienyl<br>tricarbonyl (as Mn)                                | 12079-65-1 | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | X    |
| Manganese tetroxide and fume (as Mn)   | 7439-96-5  | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —                   | —    |
| Marble   | 1317-65-3  | —                       | —                       | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| MBOCA<br>(4, 4'-Methylene bis<br>(2-chloro-aniline))<br>(((see WAC 296-62-073))) | 101-14-4   | —                       | —                       | —                   | X    |
| MDA<br>(4, 4'-Methylene dianiline)<br>(((see WAC 296-62-076)))                   | 101-77-9   | 0.01 ppm                | 0.1 ppm                 | —                   | X    |
| MDI<br>(Methylene bisphenyl isocyanate)<br>(Diphenylmethane diisocyanate)        | 101-68-8   | —                       | —                       | 0.02 ppm            | —    |
| MEK<br>(Methyl ethyl ketone)<br>(2-Butanone)                                     | 78-93-3    | 200 ppm                 | 300 ppm                 | —                   | —    |
| MEKP<br>(Methyl ethyl ketone peroxide)   | 1338-23-4  | —                       | —                       | 0.2 ppm             | —    |
| Mercury (as Hg)  | 7439-97-6  | —                       | —                       | —                   | —    |
| Aryl and inorganic   | —          | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | X    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>       | STEL                   | Ceiling  | Skin |
|--|------------|------------------------|------------------------|----------|------|
| Organo-alkyl compounds   | —          | 0.01 mg/m <sup>3</sup> | 0.03 mg/m <sup>3</sup> | —        | X    |
| Vapor  | —          | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup> | —        | X    |
| Mesityl oxide  | 141-79-7   | 15 ppm                 | 25 ppm                 | —        | —    |
| Methacrylic acid   | 79-41-4    | 20 ppm                 | 30 ppm                 | —        | X    |
| Methane  | —          | Simple asphyxiant      | —                      | —        | —    |
| Methanethiol (Methyl mercaptan)  | 74-93-1    | 0.5 ppm                | 1.5 ppm                | —        | —    |
| Methanol (Methyl alcohol)  | 67-56-1    | 200 ppm                | 250 ppm                | —        | X    |
| Methomyl (lannate)   | 16752-77-5 | 2.5 mg/m <sup>3</sup>  | 5 mg/m <sup>3</sup>    | —        | —    |
| Methoxychlor   | 72-43-5    | —                      | —                      | —        | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —        | —    |
| 2-Methoxyethanol (Methyl cellosolve)   | 109-86-4   | 5 ppm                  | 10 ppm                 | —        | X    |
| 2-Methoxyethyl acetate<br>(Methyl cellosolve acetate)                                | 110-49-6   | 5 ppm                  | 10 ppm                 | —        | X    |
| 4-Methoxyphenol  | 150-76-5   | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —        | —    |
| Methyl acetate   | 79-20-9    | 200 ppm                | 250 ppm                | —        | —    |
| Methyl acetylene (propyne)   | 74-99-7    | 1,000 ppm              | 1,250 ppm              | —        | —    |
| Methyl acetylene-propadiene mixture<br>(MAPP)  | —          | 1,000 ppm              | 1,250 ppm              | —        | —    |
| Methyl acrylate  | 96-33-3    | 10 ppm                 | 20 ppm                 | —        | X    |
| Methylacrylonitrile  | 126-98-7   | 1 ppm                  | 3 ppm                  | —        | X    |
| Methylal (Dimethoxy-methane)   | 109-87-5   | 1,000 ppm              | 1,250 ppm              | —        | —    |
| Methyl alcohol (methanol)  | 67-56-1    | 200 ppm                | 250 ppm                | —        | X    |
| Methylamine  | 74-89-5    | 10 ppm                 | 20 ppm                 | —        | —    |
| Methyl amyl alcohol<br>(Methyl isobutyl carbinol)                                    | 108-11-2   | 25 ppm                 | 40 ppm                 | —        | X    |
| Methyl n-amyl ketone<br>(2-Heptanone)  | 110-43-0   | 50 ppm                 | 75 ppm                 | —        | —    |
| N-Methyl aniline (Monomethyl aniline)  | 100-61-8   | 0.5 ppm                | 1.5 ppm                | —        | X    |
| Methyl bromide   | 74-83-9    | 5 ppm                  | 10 ppm                 | —        | X    |
| Methyl-n-butyl ketone (2-Hexanone)   | 591-78-6   | 5 ppm                  | 10 ppm                 | —        | —    |
| Methyl cellosolve<br>(2-Methoxyethanol)  | 109-86-4   | 5 ppm                  | 10 ppm                 | —        | X    |
| Methyl cellosolve acetate<br>(2-Methoxyethyl acetate)                                | 110-49-6   | 5 ppm                  | 10 ppm                 | —        | X    |
| Methyl chloride  | 74-87-3    | 50 ppm                 | 100 ppm                | —        | —    |
| Methyl chloroform<br>(1, 1, 1-trichlorethane)  | 71-55-6    | 350 ppm                | 450 ppm                | —        | —    |
| Methyl chloromethyl ether<br>(chloromethyl methyl ether)<br>(((see WAC 296-62-073))) | 107-30-2   | —                      | —                      | —        | —    |
| Methyl 2-cyanoacrylate   | 137-05-3   | 2 ppm                  | 4 ppm                  | —        | —    |
| Methylcyclohexane  | 108-87-2   | 400 ppm                | 500 ppm                | —        | —    |
| Methylcyclohexanol   | 25639-42-3 | 50 ppm                 | 75 ppm                 | —        | —    |
| Methylcyclohexanone  | 583-60-8   | 50 ppm                 | 75 ppm                 | —        | X    |
| Methylcyclopentadienyl<br>manganese tricarbonyl (as Mn)                              | 12108-13-3 | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —        | X    |
| Methyl demeton   | 8022-00-2  | 0.5 mg/m <sup>3</sup>  | 1.5 mg/m <sup>3</sup>  | —        | X    |
| Methylene bisphenyl isocyanate<br>(MDI) (Diphenylmethane<br>diisocyanate)            | 101-68-8   | —                      | —                      | 0.02 ppm | —    |
| 4, 4'-Methylene bis (2-chloro-aniline)<br>(MBOCA)<br>(((see WAC 296-62-073)))        | 101-14-4   | —                      | —                      | —        | X    |
| Methylene bis (4-cyclohexylisocyanate)   | 5124-30-1  | —                      | —                      | 0.01 ppm | —    |
| Methylene chloride<br>(Dichloromethane)<br>(((see WAC 296-62-07470)))                | 75-09-2    | 25 ppm                 | 125 ppm                | —        | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>       | STEL                   | Ceiling | Skin |
|--|------------|------------------------|------------------------|---------|------|
| 4, 4-Methylene dianiline (MDA)<br>(((see WAC 296-62-076))) | 101-77-9   | 0.01 ppm               | 0.1 ppm                | —       | X    |
| Methyl ethyl ketone (MEK)<br>(2-Butanone)                  | 78-93-3    | 200 ppm                | 300 ppm                | —       | —    |
| Methyl ethyl ketone peroxide (MEKP)                        | 1338-23-4  | —                      | —                      | 0.2 ppm | —    |
| Methyl formate   | 107-31-3   | 100 ppm                | 150 ppm                | —       | —    |
| 5-Methyl-3-heptanone<br>(Ethyl amyl ketone)                | 541-85-5   | 25 ppm                 | 38 ppm                 | —       | —    |
| Methyl hydrazine<br>(Monomethyl hydrazine)                 | 60-34-4    | —                      | —                      | 0.2 ppm | X    |
| Methyl iodide  | 74-88-4    | 2 ppm                  | 4 ppm                  | —       | X    |
| Methyl isoamyl ketone                                      | 110-12-3   | 50 ppm                 | 75 ppm                 | —       | —    |
| Methyl isobutyl carbinol<br>(Methyl amyl alcohol)          | 108-11-2   | 25 ppm                 | 40 ppm                 | —       | X    |
| Methyl isobutyl ketone<br>(Hexone)                         | 108-10-1   | 50 ppm                 | 75 ppm                 | —       | —    |
| Methyl isocyanate  | 624-83-9   | 0.02 ppm               | 0.06 ppm               | —       | X    |
| Methyl isopropyl ketone                                    | 563-80-4   | 200 ppm                | 250 ppm                | —       | —    |
| Methyl mercaptan (Methanethiol)                            | 74-93-1    | 0.5 ppm                | 1.5 ppm                | —       | —    |
| Methyl methacrylate  | 80-62-6    | 100 ppm                | 150 ppm                | —       | —    |
| Methyl parathion   | 298-00-0   | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —       | X    |
| Methyl propyl ketone (2-Pentanone)                         | 107-87-9   | 200 ppm                | 250 ppm                | —       | —    |
| Methyl silicate  | 684-84-5   | 1 ppm                  | 3 ppm                  | —       | —    |
| alpha-Methyl styrene                                       | 98-83-9    | 50 ppm                 | 100 ppm                | —       | —    |
| Mevinphos (Phosdrin)                                       | 7786-34-7  | 0.01 ppm               | 0.03 ppm               | —       | X    |
| Metribuzin   | 21087-64-9 | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Mica (Silicates) Respirable fraction                       | 12001-26-2 | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>    | —       | —    |
| Molybdenum (as Mo)   | 7439-98-7  | —                      | —                      | —       | —    |
| Soluble compounds  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Insoluble compounds  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Monochlorobenzene (Chlorobenzene)                          | 108-90-7   | 75 ppm                 | 113 ppm                | —       | —    |
| Monocrotophos (Azodrin)                                    | 6923-22-4  | 0.25 mg/m <sup>3</sup> | 0.75 mg/m <sup>3</sup> | —       | —    |
| Monomethyl aniline (N-Methyl aniline)                      | 100-61-8   | 0.5 ppm                | 1.5 ppm                | —       | X    |
| Monomethyl hydrazine                                       | —          | —                      | —                      | 0.2 ppm | —    |
| Morpholine   | 110-91-8   | 20 ppm                 | 30 ppm                 | —       | X    |
| Naled (Dibrom)   | 300-76-5   | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>    | —       | X    |
| Naphtha  | 8030-30-6  | 100 ppm                | 150 ppm                | —       | X    |
| Naphthalene  | 91-20-3    | 10 ppm                 | 15 ppm                 | —       | —    |
| alpha-Naphthylamine<br>(((see WAC 296-62-073)))            | 134-32-7   | —                      | —                      | —       | —    |
| beta-Naphthylamine<br>(((see WAC 296-62-073)))             | 91-59-8    | —                      | —                      | —       | —    |
| Neon   | 7440-01-9  | Simple asphyxiant      | —                      | —       | —    |
| Nickel carbonyl (as Ni)                                    | 13463-39-3 | 0.001 ppm              | 0.003 ppm              | —       | —    |
| Nickel (as Ni)   | 7440-02-0  | —                      | —                      | —       | —    |
| Metal and insoluble compounds                              | —          | 1 mg/m <sup>3</sup>    | 3 mg/m <sup>3</sup>    | —       | —    |
| Soluble compounds  | —          | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —       | —    |
| Nicotine   | 54-11-5    | 0.5 mg/m <sup>3</sup>  | 1.5 mg/m <sup>3</sup>  | —       | X    |
| Nitrapyrin<br>(2-Chloro-6 trichloromethyl<br>pyridine)     | 1929-82-4  | —                      | —                      | —       | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —       | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —       | —    |
| Nitric acid  | 7697-37-2  | 2 ppm                  | 4 ppm                  | —       | —    |
| Nitric oxide   | 10102-43-9 | 25 ppm                 | 38 ppm                 | —       | —    |
| p-Nitroaniline   | 100-01-6   | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>    | —       | X    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS        | TWA <sub>8</sub>      | STEL                  | Ceiling  | Skin |
|---|------------|-----------------------|-----------------------|----------|------|
| Nitrobenzene  | 98-95-3    | 1 ppm                 | 3 ppm                 | —        | X    |
| 4-Nitrobiphenyl<br>((see WAC 296-62-073))   | 92-93-3    | —                     | —                     | —        | —    |
| p-Nitrochlorobenzene  | 100-00-5   | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —        | X    |
| 4-Nitrodiphenyl<br>((see WAC 296-62-073))   | —          | —                     | —                     | —        | —    |
| Nitroethane   | 79-24-3    | 100 ppm               | 150 ppm               | —        | —    |
| Nitrogen  | 7727-37-9  | Simple asphyxiant     | —                     | —        | —    |
| Nitrogen dioxide  | 10102-44-0 | —                     | 1 ppm                 | —        | —    |
| Nitrogen oxide (Nitrous oxide)  | 10024-97-2 | 50 ppm                | 75 ppm                | —        | —    |
| Nitrogen trifluoride  | 7783-54-2  | 10 ppm                | 20 ppm                | —        | —    |
| Nitroglycerin   | 55-63-0    | —                     | 0.1 mg/m <sup>3</sup> | —        | X    |
| Nitromethane  | 75-52-5    | 100 ppm               | 150 ppm               | —        | —    |
| 1-Nitropropane  | 108-03-2   | 25 ppm                | 38 ppm                | —        | —    |
| 2-Nitropropane  | 79-46-9    | 10 ppm                | 20 ppm                | —        | —    |
| N-Nitrosodimethylamine<br>((see WAC 296-62-073))  | 62-75-9    | —                     | —                     | —        | —    |
| Nitrotoluene  | —          | —                     | —                     | —        | —    |
| o-isomer  | 88-72-2    | 2 ppm                 | 4 ppm                 | —        | X    |
| m-isomer  | 98-08-2    | 2 ppm                 | 4 ppm                 | —        | X    |
| p-isomer  | 99-99-0    | 2 ppm                 | 4 ppm                 | —        | X    |
| Nitrotrichloromethane (Chloropicrin)  | 76-06-2    | 0.1 ppm               | 0.3 ppm               | —        | —    |
| Nitrous oxide (Nitrogen oxide)  | 10024-97-2 | 50 ppm                | 75 ppm                | —        | —    |
| Nonane  | 111-84-2   | 200 ppm               | 250 ppm               | —        | —    |
| Octachloronaphthalene   | 2234-13-1  | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
| Octane  | 111-65-9   | 300 ppm               | 375 ppm               | —        | —    |
| Oil mist mineral (particulate)  | 8012-95-1  | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Osmium tetroxide (as Os)  | 20816-12-0 | 0.0002 ppm            | 0.0006 ppm            | —        | —    |
| Oxalic acid   | 144-62-7   | 1 mg/m <sup>3</sup>   | 2 mg/m <sup>3</sup>   | —        | —    |
| Oxygen difluoride   | 7783-41-7  | —                     | —                     | 0.05 ppm | —    |
| Ozone   | 10028-15-6 | 0.1 ppm               | 0.3 ppm               | —        | —    |
| Paper fiber (Cellulose)   | 9004-34-6  | —                     | —                     | —        | —    |
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Paraffin wax fume   | 8002-74-2  | 2 mg/m <sup>3</sup>   | 4 mg/m <sup>3</sup>   | —        | —    |
| Paraquat  | —          | —                     | —                     | —        | —    |
| Respirable fraction   | 4685-14-7  | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
|   | 1910-42-5  | —                     | —                     | —        | —    |
|   | 2074-50-2  | —                     | —                     | —        | —    |
| Parathion   | 56-38-2    | 0.1 mg/m <sup>3</sup> | 0.3 mg/m <sup>3</sup> | —        | X    |
| Particulate polycyclic<br>aromatic hydrocarbons<br>(benzene soluble fraction)<br>(coal tar pitch volatiles) | 65996-93-2 | 0.2 mg/m <sup>3</sup> | 0.6 mg/m <sup>3</sup> | —        | —    |
| Particulates not otherwise regulated  | —          | —                     | —                     | —        | —    |
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Pentaborane   | 19624-22-7 | 0.005 ppm             | 0.015 ppm             | —        | —    |
| Pentachloronaphthalene  | 1321-64-8  | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —        | X    |
| Pentachlorophenol   | 87-86-5    | 0.5 mg/m <sup>3</sup> | 1.5 mg/m <sup>3</sup> | —        | X    |
| Pentaerythritol   | 115-77-5   | —                     | —                     | —        | —    |
| Total particulate   | —          | 10 mg/m <sup>3</sup>  | 20 mg/m <sup>3</sup>  | —        | —    |
| Respirable fraction   | —          | 5 mg/m <sup>3</sup>   | 10 mg/m <sup>3</sup>  | —        | —    |
| Pentane   | 109-66-0   | 600 ppm               | 750 ppm               | —        | —    |
| 2-Pentanone (methyl propyl ketone)  | 107-87-9   | 200 ppm               | 250 ppm               | —        | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS        | TWA <sub>8</sub>        | STEL                    | Ceiling             | Skin |
|---|------------|-------------------------|-------------------------|---------------------|------|
| Perchloroethylene (tetrachloroethylene)           | 127-18-4   | 25 ppm                  | 38 ppm                  | —                   | —    |
| Perchloromethyl mercaptan                         | 594-42-3   | 0.1 ppm                 | 0.3 ppm                 | —                   | —    |
| Perchloryl fluoride                               | 7616-94-6  | 3 ppm                   | 6 ppm                   | —                   | —    |
| Perlite   | —          | —                       | —                       | —                   | —    |
| Total particulate                                 | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction                               | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Petroleum distillates<br>(Naptha, rubber solvent) | —          | 100 ppm                 | 150 ppm                 | —                   | —    |
| Phenacyl chloride<br>(a-Chloroacetophenone)       | 532-21-4   | 0.05 ppm                | 0.15 ppm                | —                   | —    |
| Phenol  | 108-95-2   | 5 ppm                   | 10 ppm                  | —                   | X    |
| Phenothiazine                                     | 92-84-2    | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | X    |
| p-Phenylene diamine                               | 106-50-3   | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | X    |
| Phenyl ether (vapor)                              | 101-84-8   | 1 ppm                   | 3 ppm                   | —                   | —    |
| Phenyl ether-diphenyl mixture (vapor)             | —          | 1 ppm                   | 3 ppm                   | —                   | —    |
| Phenylethylene (Styrene)                          | 100-42-5   | 50 ppm                  | 100 ppm                 | —                   | —    |
| Phenyl glycidyl ether (PGE)                       | 122-60-1   | 1 ppm                   | 3 ppm                   | —                   | —    |
| Phenyldiazine                                     | 100-63-0   | 5 ppm                   | 10 ppm                  | —                   | X    |
| Phenyl mercaptan                                  | 108-98-5   | 0.5 ppm                 | 1.5 ppm                 | —                   | —    |
| Phenylphosphine                                   | 638-21-1   | —                       | —                       | 0.05 ppm            | —    |
| Phorate   | 298-02-2   | 0.05 mg/m <sup>3</sup>  | 0.2 mg/m <sup>3</sup>   | —                   | X    |
| Phosdrin (Mevinphos)                              | 7786-34-7  | 0.01 ppm                | 0.03 ppm                | —                   | X    |
| Phosgene (carbonyl chloride)                      | 75-44-5    | 0.1 ppm                 | 0.3 ppm                 | —                   | —    |
| Phosphine   | 7803-51-2  | 0.3 ppm                 | 1 ppm                   | —                   | —    |
| Phosphoric acid                                   | 7664-38-2  | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —                   | —    |
| Phosphorus (yellow)                               | 7723-14-0  | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | —    |
| Phosphorous oxychloride                           | 10025-87-3 | 0.1 ppm                 | 0.3 ppm                 | —                   | —    |
| Phosphorus pentachloride                          | 10026-13-8 | 0.1 ppm                 | 0.3 ppm                 | —                   | —    |
| Phosphorus pentasulfide                           | 1314-80-3  | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —                   | —    |
| Phosphorus trichloride                            | 12-2-19    | 0.2 ppm                 | 0.5 ppm                 | —                   | —    |
| Phthalic anhydride                                | 85-44-9    | 1 ppm                   | 3 ppm                   | —                   | —    |
| m-Phthalodinitrile                                | 626-17-5   | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Picloram  | 1918-02-1  | —                       | —                       | —                   | —    |
| Total particulate                                 | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction                               | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Picric acid (2, 4, 6-Trinitrophenol)              | 88-89-1    | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | X    |
| Pindone<br>(2-Pivalyl-1, 3-indandione, Pival)     | 83-26-1    | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | —    |
| Piperazine dihydrochloride                        | 142-64-3   | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Pival (Pindone)                                   | 83-26-1    | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —                   | —    |
| Plaster of Paris                                  | 26499-65-0 | —                       | —                       | —                   | —    |
| Total particulate                                 | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction                               | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Platinum (as Pt)                                  | 7440-06-4  | —                       | —                       | —                   | —    |
| Metal   | —          | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —                   | —    |
| Soluble salts                                     | —          | 0.002 mg/m <sup>3</sup> | 0.006 mg/m <sup>3</sup> | —                   | —    |
| Polychlorobiphenyls<br>(Chlorodiphenyls)          | —          | —                       | —                       | —                   | —    |
| 42% Chlorine (PCB)                                | 53469-21-9 | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —                   | X    |
| 54% Chlorine (PCB)                                | 11097-69-1 | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>   | —                   | X    |
| Portland cement                                   | 65997-15-1 | —                       | —                       | —                   | —    |
| Total particulate                                 | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —                   | —    |
| Respirable fraction                               | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —                   | —    |
| Potassium hydroxide                               | 1310-58-3  | —                       | —                       | 2 mg/m <sup>3</sup> | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance   | CAS         | TWA <sub>8</sub>        | STEL                    | Ceiling | Skin |
|---|-------------|-------------------------|-------------------------|---------|------|
| Propane   | 74-98-6     | 1,000 ppm               | 1,250 ppm               | —       | —    |
| Propargyl alcohol   | 107-19-7    | 1 ppm                   | 3 ppm                   | —       | X    |
| beta-Propiolactone<br>((see WAC 296-62-073))  | 57-57-8     | —                       | —                       | —       | —    |
| Propionic acid  | 79-09-4     | 10 ppm                  | 20 ppm                  | —       | —    |
| Propoxur (Baygon)   | 114-26-1    | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>   | —       | —    |
| n-Propyl acetate  | 109-60-4    | 200 ppm                 | 250 ppm                 | —       | —    |
| n-Propyl alcohol  | 71-23-8     | 200 ppm                 | 250 ppm                 | —       | X    |
| n-Propyl nitrate  | 627-13-4    | 25 ppm                  | 40 ppm                  | —       | —    |
| Propylene   | —           | Simple asphyxiant       | —                       | —       | —    |
| Propylene dichloride<br>(1, 2-Dichloropropane)  | 78-87-5     | 75 ppm                  | 110 ppm                 | —       | —    |
| Propylene glycol dinitrate  | 6423-43-4   | 0.05 ppm                | 0.15 ppm                | —       | X    |
| Propylene glycol monomethyl ether   | 107-98-2    | 100 ppm                 | 150 ppm                 | —       | —    |
| Propylene imine   | 75-55-8     | 2 ppm                   | 4 ppm                   | —       | X    |
| Propylene oxide (1,2-Epoxypropane)  | 75-56-9     | 20 ppm                  | 30 ppm                  | —       | —    |
| Propyne (Methyl acetylene)  | 74-99-7     | 1,000 ppm               | 1,250 ppm               | —       | —    |
| Pyrethrum   | 8003-34-7   | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —       | —    |
| Pyridine  | 110-86-1    | 5 ppm                   | 10 ppm                  | —       | —    |
| Pyrocatechol (Catechol)   | 120-80-9    | 5 ppm                   | 10 ppm                  | —       | X    |
| Quinone (p-Benzoquinone)  | 106-51-4    | 0.1 ppm                 | 0.3 ppm                 | —       | —    |
| RDX (Cyclonite)   | —           | 1.5 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>     | —       | X    |
| Resorcinol  | 108-46-3    | 10 ppm                  | 20 ppm                  | —       | —    |
| Rhodium (as Rh)   | 7440-16-6   | —                       | —                       | —       | —    |
| Insoluble compounds,<br>metal fumes and dusts   | —           | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —       | —    |
| Soluble compounds, salts  | —           | 0.001 mg/m <sup>3</sup> | 0.003 mg/m <sup>3</sup> | —       | —    |
| Ronnel  | 299-84-3    | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —       | —    |
| Rosin core solder, pyrolysis products<br>(as formaldehyde)                              | 8050-09-7   | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —       | —    |
| Rotenone  | 83-79-4     | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —       | —    |
| Rouge   | —           | —                       | —                       | —       | —    |
| Total particulate   | —           | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —       | —    |
| Respirable fraction   | —           | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —       | —    |
| Rubber solvent (naphtha)  | 8030-30-6   | 100 ppm                 | 150 ppm                 | —       | —    |
| Selenium compounds (as Se)  | 7782-49-2   | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>   | —       | —    |
| Selenium hexafluoride (as Se)   | 7783-79-1   | 0.05 ppm                | 0.15 ppm                | —       | —    |
| Sesone (Crag herbicide)   | 136-78-7    | —                       | —                       | —       | —    |
| Total particulate   | —           | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —       | —    |
| Respirable fraction   | —           | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —       | —    |
| Sevin<br>(Carbaryl)   | 63-25-2     | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —       | —    |
| Silane (see Silicon tetrahydride)   | 7803-62-5   | 5 ppm                   | 10 ppm                  | —       | —    |
| Silica, amorphous, precipitated and gel   | 112926-00-8 | 6 mg/m <sup>3</sup>     | 12 mg/m <sup>3</sup>    | —       | —    |
| Silica, amorphous, diatomaceous earth,<br>containing less than 1% crystalline<br>silica | 61790-53-2  | —                       | —                       | —       | —    |
| Total particulate   | —           | 6 mg/m <sup>3</sup>     | 12 mg/m <sup>3</sup>    | —       | —    |
| Respirable fraction   | —           | 3 mg/m <sup>3</sup>     | 6 mg/m <sup>3</sup>     | —       | —    |
| Silica, crystalline cristobalite  | —           | —                       | —                       | —       | —    |
| Respirable fraction   | 14464-46-1  | 0.05 mg/m <sup>3</sup>  | 0.15 mg/m <sup>3</sup>  | —       | —    |
| Silica, crystalline quartz  | —           | —                       | —                       | —       | —    |
| Respirable fraction   | 14808-60-7  | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —       | —    |
| Silica, crystalline tripoli (as quartz)   | —           | —                       | —                       | —       | —    |
| Respirable fraction   | 1317-95-9   | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —       | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>       | STEL                                   | Ceiling             | Skin |
|--|------------|------------------------|--|---------------------|------|
| Silica, crystalline tridymite                                | —          | —                      | —                                      | —                   | —    |
| Respirable fraction  | 15468-32-3 | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup>                 | —                   | —    |
| Silica, fused  | —          | —                      | —                                      | —                   | —    |
| Respirable fraction  | 60676-86-0 | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>                  | —                   | —    |
| Silicates (less than 1% crystalline silica )                 | —          | —                      | —                                      | —                   | —    |
| Mica   | —          | —                      | —                                      | —                   | —    |
| Respirable fraction  | 12001-26-2 | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>                    | —                   | —    |
| Soapstone  | —          | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 6 mg/m <sup>3</sup>    | 12 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>                    | —                   | —    |
| Talc (containing asbestos)<br>(((see WAC 296-62-07705)))     | —          | —                      | —                                      | —                   | —    |
| Talc (containing no asbestos)                                | —          | —                      | —                                      | —                   | —    |
| Respirable fraction  | 14807-96-6 | 2 mg/m <sup>3</sup>    | 4 mg/m <sup>3</sup>                    | —                   | —    |
| Tremolite<br>(((see WAC 296-62-07705)))                      | —          | —                      | —                                      | —                   | —    |
| Silicon  | 7440-21-3  | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Silicon carbide  | 409-21-2   | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Silicon tetrahydride (Silane)                                | 7803-62-5  | 5 ppm                  | 10 ppm                                 | —                   | —    |
| Silver, metal dust and soluble compounds<br>(as Ag)          | 7440-22-4  | 0.01 mg/m <sup>3</sup> | 0.03 mg/m <sup>3</sup>                 | —                   | —    |
| Soapstone  | —          | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 6 mg/m <sup>3</sup>    | 12 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>                    | —                   | —    |
| Sodium azide (as HN <sub>3</sub> or NaN <sub>3</sub> )       | 26628-22-8 | —                      | —                                      | 0.1 ppm             | X    |
| Sodium bisulfite   | 7631-90-5  | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Sodium-2,4-dichloro-phenoxyethyl<br>sulfate (Crag herbicide) | 136-78-7   | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Sodium fluoroacetate   | 62-74-8    | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup>                 | —                   | X    |
| Sodium hydroxide   | 1310-73-2  | —                      | —                                      | 2 mg/m <sup>3</sup> | —    |
| Sodium metabisulfite   | 7681-57-4  | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Starch   | 9005-25-8  | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Stibine  | 7803-52-3  | 0.1 ppm                | 0.3 ppm                                | —                   | —    |
| Stoddard solvent   | 8052-41-3  | 100 ppm                | 150 ppm                                | —                   | —    |
| Strychnine   | 57-24-9    | 0.15 mg/m <sup>3</sup> | 0.45 mg/m <sup>3</sup>                 | —                   | —    |
| Styrene (Phenylethylene, Vinyl benzene)                      | 100-42-5   | 50 ppm                 | 100 ppm                                | —                   | —    |
| Subtilisins  | 9014-01-1  | —                      | 0.00006 mg/m <sup>3</sup><br>(60 min.) | —                   | —    |
| Sucrose  | 57-50-1    | —                      | —                                      | —                   | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>                   | —                   | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>                   | —                   | —    |
| Sulfotep (TEDP)  | 3689-24-5  | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>                  | —                   | X    |
| Sulfur dioxide   | 7446-09-5  | 2 ppm                  | 5 ppm                                  | —                   | —    |
| Sulfur hexafluoride  | 2551-62-4  | 1,000 ppm              | 1,250 ppm                              | —                   | —    |
| Sulfuric acid  | 7664-93-9  | 1 mg/m <sup>3</sup>    | 3 mg/m <sup>3</sup>                    | —                   | —    |
| Sulfur monochloride  | 10025-67-9 | —                      | —                                      | 1 ppm               | —    |

Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>        | STEL                    | Ceiling  | Skin |
|--|------------|-------------------------|-------------------------|----------|------|
| Sulfur pentafluoride                                     | 5714-22-1  | —                       | —                       | 0.01 ppm | —    |
| Sulfur tetrafluoride                                     | 7783-60-0  | —                       | —                       | 0.1 ppm  | —    |
| Sulfuryl fluoride  | 2699-79-8  | 5 ppm                   | 10 ppm                  | —        | —    |
| Sulprofos  | 35400-43-2 | 1 mg/m <sup>3</sup>     | 3 mg/m <sup>3</sup>     | —        | —    |
| Systox (Demeton)   | 8065-48-3  | 0.01 ppm                | 0.03 ppm                | —        | X    |
| 2, 4, 5-T  | 93-76-5    | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —        | —    |
| Talc (containing asbestos)<br>(((see WAC 296-62-07705))) | —          | —                       | —                       | —        | —    |
| Talc (containing no asbestos)                            | —          | —                       | —                       | —        | —    |
| Respirable fraction                                      | 14807-96-6 | 2 mg/m <sup>3</sup>     | 4 mg/m <sup>3</sup>     | —        | —    |
| Tantalum   | —          | —                       | —                       | —        | —    |
| Metal and oxide dusts                                    | 7440-25-7  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —        | —    |
| TDI (Toluene-2, 4-diisocyanate)                          | 584-84-9   | 0.005 ppm               | 0.02 ppm                | —        | —    |
| TEDP (Sulfotep)  | 3689-24-5  | 0.2 mg/m <sup>3</sup>   | 0.6 mg/m <sup>3</sup>   | —        | X    |
| Tellurium and compounds (as Te)                          | 13494-80-9 | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —        | —    |
| Tellurium hexafluoride (as Te)                           | 7783-80-4  | 0.02 ppm                | 0.06 ppm                | —        | —    |
| Temephos (Abate)   | 3383-96-8  | —                       | —                       | —        | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —        | —    |
| Respirable fraction                                      | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —        | —    |
| TEPP   | 107-49-3   | 0.004 ppm               | 0.012 ppm               | —        | X    |
| Terphenyls   | 26140-60-3 | —                       | —                       | 0.5 ppm  | —    |
| 1, 1, 1, 2-Tetrachloro-2,2-difluoroethane                | 76-11-0    | 500 ppm                 | 625 ppm                 | —        | —    |
| 1, 1, 2, 2-Tetrachloro-1,2-difluoroethane                | 76-12-0    | 500 ppm                 | 625 ppm                 | —        | —    |
| 1, 1, 2, 2-Tetrachloroethane                             | 79-34-5    | 1 ppm                   | 3 ppm                   | —        | X    |
| Tetrachloroethylene<br>(Perchloroethylene)               | 127-18-4   | 25 ppm                  | 38 ppm                  | —        | —    |
| Tetrachloromethane<br>(Carbon tetrachloride)             | 56-23-5    | 2 ppm                   | 4 ppm                   | —        | X    |
| Tetrachloronaphthalene                                   | 1335-88-2  | 2 mg/m <sup>3</sup>     | 4 mg/m <sup>3</sup>     | —        | X    |
| Tetraethyl lead (as Pb)                                  | 78-00-2    | 0.075 mg/m <sup>3</sup> | 0.225 mg/m <sup>3</sup> | —        | X    |
| Tetrahydrofuran  | 109-99-9   | 200 ppm                 | 250 ppm                 | —        | —    |
| Tetramethyl lead (as Pb)                                 | 75-74-1    | 0.075 mg/m <sup>3</sup> | 0.225 mg/m <sup>3</sup> | —        | X    |
| Tetramethyl succinonitrile                               | 3333-52-6  | 0.5 ppm                 | 1.5 ppm                 | —        | X    |
| Tetranitromethane  | 509-14-8   | 1 ppm                   | 3 ppm                   | —        | —    |
| Tetrasodium pyrophosphate                                | 7722-88-5  | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —        | —    |
| Tetryl (2, 4, 6-trinitrophenyl-methyl<br>nitramine)      | 479-45-8   | 1.5 mg/m <sup>3</sup>   | 3 mg/m <sup>3</sup>     | —        | X    |
| Thallium (soluble compounds) (as Tl)                     | 7440-28-0  | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —        | X    |
| 4, 4-Thiobis (6-tert-butyl-m-cresol)                     | 96-69-5    | —                       | —                       | —        | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —        | —    |
| Respirable fraction                                      | —          | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —        | —    |
| Thiodan (Endosulfan)                                     | 115-29-7   | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —        | X    |
| Thioglycolic acid  | 68-11-1    | 1 ppm                   | 3 ppm                   | —        | X    |
| Thionyl chloride   | 7719-09-7  | —                       | —                       | 1 ppm    | —    |
| Thiram<br>(((see WAC 296-62-07519)))                     | 137-26-8   | 5 mg/m <sup>3</sup>     | 10 mg/m <sup>3</sup>    | —        | —    |
| Tin (as Sn)  | —          | —                       | —                       | —        | —    |
| Inorganic compounds                                      | 7440-31-5  | 2 mg/m <sup>3</sup>     | 4 mg/m <sup>3</sup>     | —        | —    |
| Organic compounds  | 7440-31-5  | 0.1 mg/m <sup>3</sup>   | 0.3 mg/m <sup>3</sup>   | —        | X    |
| Tin oxide (as Sn)  | 21651-19-4 | 2 mg/m <sup>3</sup>     | 4 mg/m <sup>3</sup>     | —        | —    |
| Titanium dioxide   | 13463-67-7 | —                       | —                       | —        | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>    | 20 mg/m <sup>3</sup>    | —        | —    |
| TNT (2, 4, 6-Trinitrotoluene)                            | 118-96-7   | 0.5 mg/m <sup>3</sup>   | 1.5 mg/m <sup>3</sup>   | —        | X    |
| Toluene  | 108-88-3   | 100 ppm                 | 150 ppm                 | —        | —    |



Table 3 "Permissible Exposure Limits for Air Contaminants"

| Substance  | CAS        | TWA <sub>8</sub>       | STEL                   | Ceiling   | Skin |
|--|------------|------------------------|------------------------|-----------|------|
| Toluene-2, 4-diisocyanate (TDI)                              | 584-84-9   | 0.005 ppm              | 0.02 ppm               | —         | —    |
| m-Toluidine  | 108-44-1   | 2 ppm                  | 4 ppm                  | —         | X    |
| o-Toluidine  | 95-53-4    | 2 ppm                  | 4 ppm                  | —         | X    |
| p-Toluidine  | 106-49-0   | 2.0 ppm                | 4 ppm                  | —         | X    |
| Toxaphene (Chlorinated camphene)                             | 8001-35-2  | 0.5 mg/m <sup>3</sup>  | 1 mg/m <sup>3</sup>    | —         | X    |
| Tremolite<br>((see WAC 296-62-07705)))                       | —          | —                      | —                      | —         | —    |
| Tributyl phosphate   | 126-73-8   | 0.2 ppm                | 0.6 ppm                | —         | —    |
| Trichloroacetic acid   | 76-03-9    | 1 ppm                  | 3 ppm                  | —         | —    |
| 1, 2, 4-Trichlorobenzene                                     | 120-82-1   | —                      | —                      | 5 ppm     | —    |
| 1, 1, 1-Trichloroethane<br>(Methyl chloroform)               | 71-55-6    | 350 ppm                | 450 ppm                | —         | —    |
| 1, 1, 2-Trichloroethane                                      | 79-00-5    | 10 ppm                 | 20 ppm                 | —         | —    |
| Trichloroethylene  | 79-01-6    | 50 ppm                 | 200 ppm                | —         | —    |
| Trichlorofluoromethane<br>(Fluorotrichloromethane)           | 75-69-4    | —                      | —                      | 1,000 ppm | —    |
| Trichloromethane<br>(Chloroform)                             | 67-66-3    | 2 ppm                  | 4 ppm                  | —         | —    |
| Trichloronaphthalene   | 1321-65-9  | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —         | X    |
| 1, 2, 3-Trichloropropane                                     | 96-18-4    | 10 ppm                 | 20 ppm                 | —         | X    |
| 1, 1, 2-Trichloro-1, 2,2-trifluoroethane                     | 76-13-1    | 1,000 ppm              | 1,250 ppm              | —         | —    |
| Tricyclohexyltin hydroxide (Cyhexatin)                       | 13121-70-5 | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —         | —    |
| Triethylamine  | 121-44-8   | 10 ppm                 | 15 ppm                 | —         | —    |
| Trifluorobromomethane  | 75-63-8    | 1,000 ppm              | 1,250 ppm              | —         | —    |
| Trimellitic anhydride  | 552-30-7   | 0.005 ppm              | 0.015 ppm              | —         | —    |
| Trimethylamine   | 75-50-3    | 10 ppm                 | 15 ppm                 | —         | —    |
| Trimethyl benzene  | 25551-13-7 | 25 ppm                 | 38 ppm                 | —         | —    |
| Trimethyl phosphite  | 121-45-9   | 2 ppm                  | 4 ppm                  | —         | —    |
| 2, 4, 6-Trinitrophenol (Picric acid)                         | 88-89-1    | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —         | X    |
| 2, 4, 6-Trinitrophenyl-methylnitramine<br>(Tetryl)           | 479-45-8   | 1.5 mg/m <sup>3</sup>  | 3 mg/m <sup>3</sup>    | —         | X    |
| 2, 4, 6-Trinitrotoluene (TNT)                                | 118-96-7   | 0.5 mg/m <sup>3</sup>  | 1.5 mg/m <sup>3</sup>  | —         | X    |
| Triorthocresyl phosphate                                     | 78-30-8    | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup>  | —         | X    |
| Triphenyl amine  | 603-34-9   | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —         | —    |
| Triphenyl phosphate  | 115-86-6   | 3 mg/m <sup>3</sup>    | 6 mg/m <sup>3</sup>    | —         | —    |
| Tungsten (as W)  | 7440-33-7  | —                      | —                      | —         | —    |
| Soluble compounds  | —          | 1 mg/m <sup>3</sup>    | 3 mg/m <sup>3</sup>    | —         | —    |
| Insoluble compounds  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —         | —    |
| Turpentine   | 8006-64-2  | 100 ppm                | 150 ppm                | —         | —    |
| Uranium (as U)   | 7440-61-1  | —                      | —                      | —         | —    |
| Soluble compounds  | —          | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup> | —         | —    |
| Insoluble compounds  | —          | 0.2 mg/m <sup>3</sup>  | 0.6 mg/m <sup>3</sup>  | —         | —    |
| n-Valeraldehyde  | 110-62-3   | 50 ppm                 | 75 ppm                 | —         | —    |
| Vanadium (as V2O5)   | —          | —                      | —                      | —         | —    |
| Respirable fraction  | 1314-62-1  | 0.05 mg/m <sup>3</sup> | 0.15 mg/m <sup>3</sup> | —         | —    |
| Vegetable oil mist   | —          | —                      | —                      | —         | —    |
| Total particulate  | —          | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>   | —         | —    |
| Respirable fraction  | —          | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>   | —         | —    |
| Vinyl acetate  | 108-05-1   | 10 ppm                 | 20 ppm                 | —         | —    |
| Vinyl benzene (Styrene)                                      | 100-42-5   | 50 ppm                 | 100 ppm                | —         | —    |
| Vinyl bromide  | 593-60-2   | 5 ppm                  | 10 ppm                 | —         | —    |
| Vinyl chloride (Chloroethylene)<br>((see WAC 296-62-07329))) | 75-01-4    | 1 ppm                  | 5 ppm                  | —         | —    |
| Vinyl cyanide (Acrylonitrile)<br>((see WAC 296-62-07336)))   | 107-13-1   | 2 ppm                  | 10 ppm                 | —         | —    |

**Table 3 "Permissible Exposure Limits for Air Contaminants"**

| Substance  | CAS                       | TWA <sub>8</sub>       | STEL                  | Ceiling               | Skin |
|--|---------------------------|------------------------|-----------------------|-----------------------|------|
| Vinyl cyclohexene dioxide                                    | 106-87-6                  | 10 ppm                 | 20 ppm                | —                     | X    |
| Vinyl toluene  | 25013-15-4                | 50 ppm                 | 75 ppm                | —                     | —    |
| Vinylidene chloride<br>(1, 1-Dichloroethylene)               | 75-35-4                   | 1 ppm                  | 3 ppm                 | —                     | —    |
| VM & P Naphtha   | 8032-32-4                 | 300 ppm                | 400 ppm               | —                     | —    |
| Warfarin   | 81-81-2                   | 0.1 mg/m <sup>3</sup>  | 0.3 mg/m <sup>3</sup> | —                     | —    |
| Welding fumes (total particulate)                            | —                         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |
| Wood dust  | —                         | —                      | —                     | —                     | —    |
| Nonallergenic;<br>(All woods except allergenics)             | —                         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |
| Allergenics (e.g. cedar, mahogany<br>and teak)               | —                         | 2.5 mg/m <sup>3</sup>  | 5 mg/m <sup>3</sup>   | —                     | —    |
| Xylenes (ortho, meta, and para isomers)<br>(Dimethylbenzene) | 1330-20-7                 | 100 ppm                | 150 ppm               | —                     | —    |
| m-Xylene alpha, alpha-diamine                                | 1477-55-0                 | —                      | —                     | 0.1 mg/m <sup>3</sup> | X    |
| Xylidine<br>(Dimethylaminobenzene)                           | 1300-73-8                 | 2 ppm                  | 4 ppm                 | —                     | X    |
| Yttrium  | 7440-65-5                 | 1 mg/m <sup>3</sup>    | 3 mg/m <sup>3</sup>   | —                     | —    |
| Zinc chloride fume   | 7646-85-7                 | 1 mg/m <sup>3</sup>    | 2 mg/m <sup>3</sup>   | —                     | —    |
| Zinc chromate (as CrO <sub>3</sub> )                         | Varies with com-<br>pound | 0.05 mg/m <sup>3</sup> | —                     | 0.1 mg/m <sup>3</sup> | —    |
| Zinc oxide   | 1314-13-2                 | —                      | —                     | —                     | —    |
| Total particulate  | —                         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>  | —                     | —    |
| Respirable fraction  | —                         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |
| Zinc oxide fume  | 1314-13-2                 | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |
| Zinc stearate  | 557-05-1                  | —                      | —                     | —                     | —    |
| Total particulate  | —                         | 10 mg/m <sup>3</sup>   | 20 mg/m <sup>3</sup>  | —                     | —    |
| Respirable fraction  | —                         | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |
| Zirconium compounds (as Zr)                                  | 7440-67-2                 | 5 mg/m <sup>3</sup>    | 10 mg/m <sup>3</sup>  | —                     | —    |

AMENDATORY SECTION (Amending WSR 03-01-096, filed 12/17/02, effective 6/1/03)

**WAC 296-839-40005 Label containers of hazardous chemicals.**

**Exemption:**

Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

**You must:**

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:

- The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS
- An appropriate hazard warning
- The name and address of the chemical manufacturer, importer, or other responsible party
- Make sure labeling does not conflict with the requirements of:

- The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

**AND**

- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>

- Revise labels within three months of becoming aware of new and significant information about chemical hazards

- Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers

- Revise the label when a chemical is not currently used, produced or imported, before:

- You resume shipping (or transferring) the chemical

**OR**

- The chemical is reintroduced in the workplace

- Label information

- Clearly written in English

**AND**

- Prominently displayed on the container

((Reference:

~~Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, I and I-1 of that chapter).))~~

**Note:** When the conditions specified in Table 10 are met for the solid material products listed you are not required to provide labels for every shipment.

| <b>Table 10<br/>Labeling for Solid Materials</b>                            |  |
|---|--|
| <b>You need only send labels with the first shipment, IF the product is</b> | <b>And</b>   |
| <b>Whole grain</b>  | <ul style="list-style-type: none"> <li>• It is shipped to the same customer</li> <li><b>AND</b></li> <li>• No hazardous chemicals are part of or known to be present with the product which could expose employees during handling                             <ul style="list-style-type: none"> <li>– For example, cutting fluids on solid metal, and pesticides with grain</li> </ul> </li> </ul> |
| <b>Solid untreated wood</b>   |  |
| <b>Solid metal</b><br>For example: Steel beams, metal castings              |  |
| <b>Plastic items</b>  |  |

**Exemptions:**

The chemicals (and items) listed in Table 11 are **EXEMPT** from **THIS SECTION** under the conditions specified. Requirements in other sections still apply.

| <b>Table 11<br/>Conditional Label Exemptions</b>   |  |
|--|--|
| <b>This section does not apply to</b>  | <b>When the product is</b>   |
| <ul style="list-style-type: none"> <li>• Pesticides                             <ul style="list-style-type: none"> <li>– Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136<sup>1</sup>)</li> </ul> </li> </ul>                    | <ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of FIFRA<sup>1</sup></li> </ul> </li> <li><b>AND</b></li> <li>– Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul> |
| <ul style="list-style-type: none"> <li>• A chemical substance or mixture                             <ul style="list-style-type: none"> <li>– Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602<sup>1</sup>)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of TSCA<sup>1</sup></li> </ul> </li> <li><b>AND</b></li> <li>– Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul>  |

| <b>Table 11<br/>Conditional Label Exemptions</b>   |   |
|--|---|
| <b>This section does not apply to</b>  | <b>When the product is</b>  |
| <ul style="list-style-type: none"> <li>• Each of the following:                             <ul style="list-style-type: none"> <li>– Food</li> <li>– Food additives</li> <li>– Color additives</li> <li>– Drugs</li> <li>– Cosmetics</li> <li>– Medical devices or products</li> <li>– Veterinary devices or products</li> <li>– Materials intended for use in these products (for example: Flavors, and fragrances)</li> </ul> </li> <li>• As defined in                             <ul style="list-style-type: none"> <li>– The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321<sup>1</sup>)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States                                     <ul style="list-style-type: none"> <li>■ Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> </li> </ul> </li> <li><b>OR</b></li> <li>■ Department of Agriculture (see Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul> |
| <b>OR</b>  |   |
| <ul style="list-style-type: none"> <li>– Or the Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.<sup>1</sup>)</li> </ul>  |   |
| <ul style="list-style-type: none"> <li><b>OR</b></li> <li>– Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>• Each of the following:                             <ul style="list-style-type: none"> <li>– Distilled spirits (beverage alcohols)</li> </ul> </li> <li><b>AND</b></li> <li>– Wine</li> <li><b>AND</b></li> <li>– Malt beverage</li> <li>• As defined in                             <ul style="list-style-type: none"> <li>– The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201<sup>1</sup>)</li> </ul> </li> <li><b>AND</b></li> <li>– Regulations issued under this act (see Title 27 in the Code of Federal Regulations)<sup>3</sup></li> </ul>   | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements of Federal Alcohol Administration Act<sup>1</sup></li> </ul> </li> <li><b>AND</b></li> <li>– Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations<sup>3</sup>)</li> </ul>  |

| <b>Table 11<br/>Conditional Label Exemptions</b>  |  |
|---|--|
| <b>This section does not apply to</b>   | <b>When the product is</b>   |
| <ul style="list-style-type: none"> <li>• Consumer products</li> <li>AND</li> <li>• Hazardous substances                             <ul style="list-style-type: none"> <li>– As defined in                                     <ul style="list-style-type: none"> <li>■ The Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.<sup>1</sup>)</li> </ul> </li> </ul> </li> <li>AND</li> <li>■ The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.<sup>1</sup>)</li> </ul> | <ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act<sup>1</sup></li> </ul> </li> <li>OR</li> <li>– Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Agricultural seed</li> <li>AND</li> <li>• Vegetable seed treated with pesticides</li> </ul>  | <ul style="list-style-type: none"> <li>• Labeled as required by                             <ul style="list-style-type: none"> <li>– The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.<sup>1</sup>)</li> </ul> </li> <li>AND</li> <li>– Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture<sup>1</sup></li> </ul>   |

<sup>1</sup>This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/usmain.html>

<sup>2</sup>See <http://www.epa.gov>

<sup>3</sup>See <http://www.access.gpo.gov/nara/cfr/index.html>

**AMENDATORY SECTION** (Amending WSR 05-17-168, filed 8/23/05, effective 1/1/06)

**WAC 296-841-100 Scope.** This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard
- OR
- Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed
- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely remove the hazard.

**Definition:**

**Exposed or exposure:**

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition,

whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

- Note:**
- Examples of substances that may be respiratory hazards when airborne include:
    - Chemicals listed in Table 3
    - Any substance
  - Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
  - For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
  - That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
    - Atmospheres considered oxygen deficient
    - Biological agents such as harmful bacteria, viruses or fungi
    - Examples include airborne TB aerosols and anthrax
  - Pesticides with a label requirement for respirator use
  - Chemicals used as crowd control agents such as pepper spray
  - Chemicals present at clandestine drug labs.
  - These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.

- Reference:**
- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-800-160, Personal protective equipment, for additional information and requirements.
  - If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

| <b>Hazard</b>                | <b>((Rule that applies))</b>                           |
|------------------------------|--|
| Acrylonitrile                | ((WAC 296-62-07336))                                   |
| Arsenic (inorganic)          | ((WAC 296-62-07347))                                   |
| Asbestos                     | ((WAC 296-62-077))                                     |
| Benzene                      | ((Chapter 296-849 WAC))                                |
| Butadiene                    | ((WAC 296-62-07460))                                   |
| Cadmium                      | ((WAC 296-62-074 through 296-62-07449 or 296-155-174)) |
| Carcinogens                  | ((Chapter 296-62 WAC, Part F))                         |
| Coke ovens                   | ((Chapter 296-62 WAC, Part O))                         |
| Cotton dust                  | ((Chapter 296-62 WAC, Part N))                         |
| 1, 2-Dibromo-3-chloropropane | ((WAC 296-62-07342))                                   |
| Ethylene oxide               | ((Chapter 296-855 WAC))                                |
| Formaldehyde                 | ((WAC 296-62-07540))                                   |
| Lead                         | ((WAC 296-62-07521 or 296-155-176))                    |
| Methylene chloride           | ((WAC 296-62-07470))                                   |
| Methylenedianiline           | ((WAC 296-62-076 or 296-155-173))                      |
| Thiram                       | ((WAC 296-62-07519))                                   |
| Vinyl chloride               | ((WAC 296-62-07329))                                   |

**Chapter 296-856 WAC**

**FORMALDEHYDE**

NEW SECTION

**WAC 296-856-100 Scope.** This chapter applies to all occupational exposure to formaldehyde. Formaldehyde includes formaldehyde gas, its solutions, and materials that release formaldehyde.

**Definitions:**

**Formaldehyde** is an organic chemical with the formula of HCHO, represented by the chemical abstract service (CAS) registry number 50-00-0. Examples of primary uses of formaldehyde and its solutions are as follows:

- An intermediate in the production of:
  - Resins.
  - Industrial chemicals.
- A bactericide or fungicide.
- A preservative.
- A component in the production of end-use consumer items such as cosmetics, shampoos, and glues.

**Exposure** is the contact an employee has with formaldehyde, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Some of the requirements in this chapter may not apply to every workplace with an occupational exposure to formaldehyde. At a minimum, you need to:

- Follow requirements in the basic rules sections, WAC 296-856-20010 through 296-856-20070.
- Use employee exposure monitoring results required by Exposure evaluation, WAC 296-856-20060.
- Follow Table 1 to find out which additional sections of this chapter apply to your workplace.

**Table 1**

**Sections That Apply To Your Workplace**

| <b>If</b>   | <b>Then continue to follow the basic rules, and the additional requirements in</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>• Employee exposure monitoring results are above the 8-hour time weighted average (TWA<sub>8</sub>) or short-term exposure limit (STEL)</li> </ul>   | <ul style="list-style-type: none"> <li>• Exposure and medical monitoring, WAC 296-856-30010 through 296-856-30050;</li> <li><b>AND</b></li> <li>• Exposure control areas, WAC 296-856-40010 through 296-856-40030.</li> </ul> |
| <ul style="list-style-type: none"> <li>• Employee exposure monitoring results are:                             <ul style="list-style-type: none"> <li>– Below the TWA<sub>8</sub> and STEL;</li> <li><b>AND</b></li> <li>– Above the action level (AL)</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Exposure and medical monitoring, WAC 296-856-30010 through 296-856-30050</li> </ul>  |

| <b>If</b>  | <b>Then continue to follow the basic rules, and the additional requirements in</b>   |
|--|--|
| <ul style="list-style-type: none"> <li>• Employee exposure monitoring results are below the AL and STEL</li> </ul> | <ul style="list-style-type: none"> <li>• Exposure and medical monitoring, WAC 296-856-30020 through 296-856-30050</li> </ul> |

NEW SECTION

**WAC 296-856-200 Basic rules.**

**Your responsibility:**

To measure and minimize employee exposure to formaldehyde.

**IMPORTANT:**

- The requirements in basic rules apply to all employers covered by the scope of this chapter. Additional sections may apply to you. Turn to the scope and follow Table 1 in that section to determine the additional sections of this chapter that apply to you.

**Section contents:**

- Preventive practices  
WAC 296-856-20010.
- Training  
WAC 296-856-20020.
- Personal protective equipment (PPE)  
WAC 296-856-20030.
- Employee protective measures  
WAC 296-856-20040.
- Exposure evaluations  
WAC 296-856-20050.
- Notification  
WAC 296-856-20060.
- Exposure records  
WAC 296-856-20070.

NEW SECTION

**WAC 296-856-20010 Preventive practices.**

**You must:**

- Make sure containers of gasses, solutions, or materials composed of greater than 0.1 percent formaldehyde, **and** capable of releasing formaldehyde at concentrations greater than 0.1 ppm to 0.5 ppm, are properly labeled, tagged, or marked with all of the following:
  - That the product contains formaldehyde.
  - The name and address of the responsible party (for example manufacturer, importer, or employer).
  - A statement that the physical and health hazard information can be obtained from you, and from the material safety data sheet (MSDS).
- Label, tag, or mark containers and materials capable of releasing formaldehyde at levels above 0.5 ppm as follows:
  - Include the words on the label "Potential Cancer Hazard."
  - Follow the requirements for labels found in the following separate chapters:
    - The safety and health core rules, employer chemical hazard communications, WAC 296-800-170.

■ Material safety data sheet and label preparation, chapter 296-839 WAC.

**You must:**

• Make sure you have a housekeeping and maintenance program to detect leaks and spills by doing at least the following:

- Regular visual inspections.
- Preventive maintenance of equipment, that includes surveys for leaks, at regular intervals.
- In areas where spills could occur, make resources available to contain the spills, decontaminate the area affected, and dispose of waste.
- Promptly repair leaks and clean up spills.
- Train employees who will clean spills and repair leaks, about the methods for cleanup and decontamination.
- Make sure employees who will clean up spills and repair leaks, have the appropriate personal protective equipment and respirators.
- Dispose of waste from spills or leaks in sealed containers marked with information that states the contents contain formaldehyde and the hazards associated with formaldehyde exposure.

– Develop and implement appropriate procedures to minimize injury and loss of life if there is a possibility of an emergency, such as an uncontrolled release of formaldehyde.

**Note:** Following the requirements of a separate chapter, Emergency response, chapter 296-824 WAC, will meet the requirements for emergency procedures.

• Provide emergency washing facilities, for formaldehyde exposures, as required by a separate chapter, the safety and health core rules, First aid, WAC 296-800-150, as follows:

- Emergency showers in the immediate work areas where skin contact to solutions of 1 percent or greater of formaldehyde could occur.
- Emergency eye wash in the immediate work area where an eye contact to solutions of 0.1 percent or greater of formaldehyde could occur.

NEW SECTION

**WAC 296-856-20020 Training.**

**Exemption:** Training is not required for employees when you have conclusive documentation that they cannot be exposed to formaldehyde at airborne concentrations above 0.1 parts per million (ppm).

**You must:**

- Provide training and information to employees exposed to formaldehyde at all of the following times:
  - At the time of initial assignment to a work area where there is formaldehyde exposure.
  - Whenever there is a new exposure to formaldehyde in their work area.
  - At least every twelve months after initial training.
- Make sure training includes at least the following:
  - The contents of this chapter and MSDS for formaldehyde.
  - The purpose of medical evaluations and a description of how you are fulfilling the medical evaluation requirements of this chapter.

– The health hazards and signs and symptoms associated with formaldehyde exposure, including:

- Cancer hazard.
  - Skin and respiratory system irritant and sensitizer.
  - Eye and throat irritation.
  - Acute toxicity.
- How employees will immediately report any signs or symptoms suspected to be from formaldehyde exposure.
- Descriptions of operations where formaldehyde is present.
- Explanations of safe work practices to limit employee exposure to formaldehyde for each job.
- The purpose, proper use, and limitations of personal protective clothing.
- Instructions for the handling of spills, emergencies, and clean-up procedures.
- An explanation of the importance of exposure controls, and instructions in the use of them.
- A review of emergency procedures, including the specific duties or assignments of each employee in the event of an emergency.
- The purpose, proper use, limitations, and other training requirements for respiratory protection, as required by a separate chapter, Respirators, chapter 296-842 WAC.
- Make sure any written training materials are readily available to your employees at no cost.

NEW SECTION

**WAC 296-856-20030 Personal protective equipment (PPE).**

**You must:**

- Provide PPE at no cost to employees and make sure employees wear the equipment.
  - Make sure that employees do not take contaminated clothing or other PPE from the workplace.
- Select PPE that is appropriate for your workplace based on at least the following:
- The form of formaldehyde, such as gas, solution, or material.
  - The conditions of use.
  - The hazard to be prevented.
- Provide full body protection for entry into areas where formaldehyde exposure could exceed 100 parts per million (ppm) or when airborne concentrations are unknown.
  - Protect employees from all contact with liquids containing one percent or more of formaldehyde by providing chemical protective clothing that is impervious to formaldehyde and other personal protective equipment, such as goggles and face shields, as appropriate for the operation.
    - Make sure when face shields are worn, employees also wear chemical safety goggles if there could be eye contact with formaldehyde.
    - Make sure contaminated clothing and other PPE is cleaned or laundered before it is used again.
    - Repair or replace clothing and other PPE as needed to maintain effectiveness.
    - Make sure storage areas for ventilating contaminated clothing and PPE are established to minimize employee exposure to formaldehyde.

– Make sure storage areas and containers for contaminated clothing and PPE have labels or signs with the following warning:

**DANGER**  
**Formaldehyde-contaminated (clothing) or equipment**  
**Avoid inhalation and skin contact**

**You must:**

- Make sure that only employees trained to recognize the hazards of formaldehyde remove personal protective equipment (PPE) and clothing from storage areas for the purposes of disposal, cleaning, or laundering.
- Inform any person who launders, cleans, or repairs contaminated clothing or other PPE, of the hazards of formaldehyde and procedures to safely handle the clothing and equipment.
- Provide change rooms for employees who are required to change from work clothes into protective clothing to protect them from skin contact with formaldehyde.
  - Make sure change rooms have separate storage facilities for street clothes and protective clothing.

NEW SECTION

**WAC 296-856-20040 Employee protective measures.**

**You must:**

- Implement appropriate protective measures while you conduct your exposure evaluation.
  - Employees performing activities with exposure to airborne formaldehyde that could exceed the 0.75 ppm, 8-hour time weighted average (TWA<sub>8</sub>), or the 2 ppm 15-minute short-term exposure limit (STEL), need to follow the requirements in WAC 296-856-30010 through 296-856-40030 of this chapter.

**Reference:** For respirator requirements, turn to Respirators, WAC 296-856-40060.

NEW SECTION

**WAC 296-856-20050 Exposure evaluations.**

**IMPORTANT:**

- This section applies when there is a potential for an employee to be exposed to airborne formaldehyde in your workplace.
  - When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.
  - Following this section will fulfill the requirements to identify and evaluate respiratory hazards found in a separate chapter, Respiratory hazards, chapter 296-841 WAC.

**You must:**

- Conduct an employee exposure evaluation to accurately determine airborne concentrations of formaldehyde by completing Steps 1 through 7 of the exposure evaluation process, each time any of the following apply:
  - No evaluation has been conducted.
  - Changes have occurred in any of the following areas that may result in new or increased employee exposures:
    - Production.
    - Processes.

- Exposure controls, such as ventilation systems or work practices.

- Personnel.

- Equipment.

- You have any reason to suspect new or increased employee exposure may occur.

- You receive a report of employee developing signs and symptoms associated with formaldehyde exposure.

**You must:**

- Provide affected employees or their designated representatives an opportunity to observe exposure monitoring required by this chapter.

- Make sure observers entering areas with formaldehyde exposure:
  - Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

**AND**

- Follow any safety and health requirements that apply.

**Exposure evaluation process:**

- Exemption:**
- Exposure monitoring is not necessary if you have documentation conclusively demonstrating that employee exposure for a particular material and the operation where it is used, cannot exceed the action level (AL) or short-term exposure limit (STEL) during any conditions reasonably anticipated.
  - Such documentation can be based on observations, data, calculations, and previous air monitoring results. Previous air monitoring results:
    - Must meet the accuracy required by Step 5.
    - Must be based on data that represents conditions being evaluated in your workplace.
    - May be from outside sources, such as industry or labor studies.

**Step 1:** Identify all employees who have potential exposure to airborne formaldehyde in your workplace.

**Step 2:** Identify operations where employee exposures could exceed the 15-minute short-term exposure limit (STEL) for formaldehyde of 2 parts per million (ppm).

**Note:** You may use monitoring devices such as colorimetric indicator tubes or real-time monitors to screen for activities where employee exposures could exceed the STEL.

**Step 3:** Select employees from those working in the operations you identified in Step 2 who will have their 15-minute exposures monitored.

**Step 4:** Select employees from those identified in Step 1 who will have their 8-hour exposures monitored.

- Make sure the exposures of the employees selected represent 8-hour exposures for all employees identified in Step 1, including each job activity, work area, and shift.

- If you expect exposures to be **below** the action level (AL), you may limit your selection to those employees reasonably believed to have the highest exposures.

- If you find any of those employees' exposure to be **above** the AL, then you need to repeat monitoring to include each job activity, work area, and shift.

**Reference:** A written description of the procedure used for obtaining representative employee exposure monitoring results needs to be kept as part of your exposure records, as required by Exposure records, WAC 296-856-20070.

- This description can be created while completing Steps 3 through 6 of this exposure evaluation process.

**Step 5:** Determine how you will obtain accurate employee exposure monitoring results. Select and use an air monitoring method with a confidence level of 95 percent, that is accurate to:

- ±25 percent when concentrations are potentially above the TWA of 0.75 parts per million (ppm).
- ±25 percent when concentrations are potentially above the STEL of 2 ppm.
- ±35 percent when concentrations are potentially above the AL.

**Note:**

- Here are examples of air monitoring methods that meet this accuracy requirement:
  - OSHA Method 52 found at <http://www.osha.gov/dts/sltc/methods/toc.html>.
  - NIOSH methods: 2016, 2514, 3500, 2539, and 5700, found at <http://www.cdc.gov/niosh/homepage.html> and linking to the NIOSH Manual of Analytical Methods.
  - Direct reading methods found at <http://www.osha.gov/SLTC/formaldehyde/index.html>

**Step 6:** Obtain employee exposure monitoring results by collecting air samples to accurately determine the formaldehyde exposure of employees identified in Steps 3 and 4.

- Make sure samples are collected from each selected employee's breathing zone.

**Note:**

- You may use any sampling method that meets the accuracy specified in Step 5. Examples of these methods include:
  - Real-time monitors that provide immediate exposure monitoring results.
  - Equipment that collects samples that are sent to a laboratory for analysis.
- The following are examples of methods for collecting samples representative of 8-hour exposures.
  - Collect one or more continuous samples, such as a single 8-hour sample or four 2-hour samples.
  - Take a minimum of 5 brief samples, such as five 15-minute samples, during the work shift at randomly selected times.
  - For work shifts longer than 8 hours, monitor the continuous 8-hour portion of the shift expected to have the highest average exposure concentration.

**Step 7:** Have the samples you collected analyzed to obtain employee exposure monitoring results for 8-hour and short-term exposure limits (STEL) exposures.

- Determine if employee exposure monitoring results are above or below the following values:

- 8-hour action level (AL) of 0.5 ppm.
- 8-hour time-weighted average (TWA<sub>8</sub>) of 0.75 ppm.
- 15-minute short-term exposure limit (STEL) of 2 ppm.

**Reference:** To use the monitoring results to determine which additional chapter sections apply to employee exposure in your workplace, turn to the Scope, WAC 296-856-100, and follow Table 1 in that section.

**Note:**

- You may contact your local WISHA consultant for help with:
  - Interpreting data or other information.
  - Determining 8-hour employee exposure monitoring results.
- To contact a WISHA consultant:
  - Go to the safety and health core rules, chapter 296-800 WAC;

**AND**

- Find the resources section, and under "other resources," find service locations for labor and industries.

## NEW SECTION

### **WAC 296-856-20060 Notification.**

#### **You must:**

- Provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after the results become known to you.

- In addition, when employee exposure monitoring results are above the permissible exposure limits (PEL), of either the 8-hour time weighted average (TWA<sub>8</sub>) or the 15-minute short-term exposure limit (STEL), provide written notification of both of the following within fifteen business days after the results become known to you:
  - Corrective actions being taken and a schedule for completion.
  - Any reason why exposures cannot be lowered to below the PEL.

**Note:**

- You can notify employees either individually or post the notifications in areas readily accessible to affected employees.
- Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them.
- Notification may be:
  - In any written form, such as handwritten or e-mail.
  - Limited to the required information, such as exposure monitoring results.
- When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

## NEW SECTION

### **WAC 296-856-20070 Exposure records.**

#### **You must:**

- Establish and keep complete and accurate records for all exposure monitoring conducted under this chapter. Make sure the record includes at least the following:

- The name, unique identifier, and job classification of both:
  - The employee sampled;

**AND**

- All other employees represented by the sampled employee.
  - An estimate of the exposure for each employee "represented" by this monitoring.
  - A description of the methods used to obtain exposure monitoring results and evidence of the method's accuracy.
  - Any environmental conditions that could affect exposure concentration measurements.
  - A description of the procedure used to obtain representative employee exposure monitoring results.
  - The operation being monitored.
  - The date, number, duration, location, and the result of each sample taken.
  - The type of protective devices worn.

- An estimate of the exposure for each employee "represented" by this monitoring.

- A description of the methods used to obtain exposure monitoring results and evidence of the method's accuracy.

- Any environmental conditions that could affect exposure concentration measurements.

- A description of the procedure used to obtain representative employee exposure monitoring results.

- The operation being monitored.

- The date, number, duration, location, and the result of each sample taken.

- The type of protective devices worn.

- Maintain documentation that conclusively demonstrates that employee exposure for formaldehyde and the operation where it is used cannot exceed the action level or the 15-minute short-term exposure limit, during any reasonable anticipated conditions.



- Such documentation can be based on observations, data, calculation, and previous air monitoring results.
- Keep exposure monitoring records for at least thirty years.

**NEW SECTION**

**WAC 296-856-300 Exposure and medical monitoring.**

**Your responsibility:**

To monitor employee health and workplace exposures to formaldehyde.

**Section contents:**

- Periodic exposure evaluations  
WAC 296-856-30010.
- Medical and emergency evaluations  
WAC 296-856-30020.
- Medical removal  
WAC 296-856-30030.
- Multiple LHCP review  
WAC 296-856-30040.
- Medical records  
WAC 296-856-30050.

**NEW SECTION**

**WAC 296-856-30010 Periodic exposure evaluations.**

**Exemption:** Periodic employee exposure monitoring is not required if exposure monitoring results conducted to fulfill requirements in this chapter, Exposure evaluations, WAC 296-856-20050, are below both the action level (AL) and 15-minute short-term exposure limit (STEL).

**You must:**

- Obtain employee exposure monitoring results as specified in Table 2 by repeating Steps 1 and 7 of the exposure evaluation process found within this chapter, in Exposure evaluations, WAC 296-856-20050.

**Note:** If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you may limit sample collection to the work shift with higher exposures and use those results to represent all employees performing the operation on other shifts.

**Table 2  
Periodic Exposure Evaluation Frequencies**

| <b>If employee exposure monitoring results</b>          | <b>Then</b>  |
|---|--|
| Are above the action level (AL) of 0.5 ppm              | Conduct additional exposure monitoring at least every six months for the employees represented by the monitoring results |
| Are above the short-term exposure limit (STEL) of 2 ppm | Repeat exposure monitoring at least once a year, or more often as necessary to evaluate employee exposure                |

| <b>If employee exposure monitoring results</b>  | <b>Then</b>  |
|---|--|
| Have decreased to below the AL <b>and</b> the STEL  | You may <b>stop</b> periodic employee exposure monitoring for employees represented by the monitoring results.<br><br>Note: You need to monitor again if there is a change in any of the following that may result in new or increased employee exposures: |
| <b>AND</b>  |  |
| The decrease is demonstrated by two consecutive exposure evaluations made at least seven days apart | <ul style="list-style-type: none"> <li>• Production</li> <li>• Processes</li> <li>• Exposure controls, such as ventilation systems or work practices</li> <li>• Personnel</li> <li>• Equipment</li> </ul>  |

**NEW SECTION**

**WAC 296-856-30020 Medical and emergency evaluations.**

**IMPORTANT:**

• Medical evaluations completed to meet the respirator use requirements of this section also need to meet the requirements found in a separate chapter, Respirators, medical evaluations, WAC 296-842-140.

**You must:**

- Make medical evaluations available to current employees who:
  - Are exposed to formaldehyde concentrations above the action level (AL) or short-term exposure limit (STEL).
  - Are exposed to formaldehyde during an emergency situation.
  - Develops signs and symptoms commonly associated with formaldehyde exposure.
- Make medical examinations available to current employees as deemed necessary by the LHCP after reviewing the medical disease questionnaire for employees that are presently not required to wear a respirator.
- Complete Steps 1 through 4 of the medical evaluation process at the following times:
  - Initially, when employees are assigned to work in an area where exposure monitoring results are above the action level (AL) or above the STEL.
  - At least every twelve months from the initial medical evaluation for employees exposed to formaldehyde above the action level (AL) or the STEL.
  - Whenever the employee develops signs and symptoms commonly associated with formaldehyde.

**Note:** Signs and symptoms are rarely associated with formaldehyde concentrations in air less than 0.1 parts per million (ppm), and in materials at concentration levels less than 0.1 percent.

**You must:**

- Make medical evaluations available:
  - At no cost to employees, including travel costs and wages associated with any time spent obtaining the medical evaluation.
  - At reasonable times and places.

**Note:**

- Employees who decline to receive a medical evaluation to monitor for health effects caused by formaldehyde are not excluded from receiving a separate medical evaluation for respirator use.
- If employers discourage participation in medical monitoring for health effects caused by formaldehyde, or in any way interferes with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing complaint, instituting proceedings, or testifying prohibited—Procedure—Remedy.

**Medical evaluation process:**

**Step 1:** Select a licensed healthcare professional (LHCP) who will conduct or supervise examinations and procedures.

- If the LHCP is not a licensed physician, make sure individuals who conduct pulmonary function tests, have completed a training course in spirometry, sponsored by an appropriate governmental, academic, or professional institution.

**Note:** The LHCP must be a licensed physician or supervised by a physician.

**Step 2:** Make sure the LHCP receives all of the following information before the medical evaluation is performed:

- A copy of this chapter.
- The helpful tools: *Substance Technical Guideline for Formalin, Medical Surveillance, and Medical Disease Questionnaire*.
- A description of the duties of the employee being evaluated and how these duties relate to formaldehyde exposure.
- The anticipated or representative exposure monitoring results for the employee being evaluated.
- A description of the personal protective equipment (PPE) and respiratory protection each employee being evaluated uses or will use.
- Information in your possession from previous employment-related examinations when this information is not available to the examining LHCP.
- A description of the emergency and the exposure, when an examination is provided due to an exposure received during an emergency.
- Instructions that the written opinions the LHCP provides to you, does **not** include any diagnosis or other personal medical information, **and** is limited to the following information:

- The LHCP's opinion about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to formaldehyde.

- Any recommended limitations for formaldehyde exposure and use of respirators or other PPE.

- A statement that the employee has been informed of medical results and medical conditions caused by formaldehyde exposure requiring further examination or treatment.

**Step 3:** Make a medical evaluation available to the employee. Make sure it includes the content listed in Table 3, Content of Medical Evaluations.

**Step 4:** Obtain the LHCP's written opinion for the employee's medical evaluation and make sure the employee receives a copy within five business days after you receive the written opinion.

- Make sure the written opinion is limited to the information specified for written opinions in Step 2.

**Note:** If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

**Table 3**  
**Content of Medical Evaluations**

| When conducting an                                | Include  |
|---|--|
| Initial<br><br><b>OR</b><br><br>Annual evaluation | <ul style="list-style-type: none"> <li>• A medical disease questionnaire that provides a work and medical history with emphasis on:                             <ul style="list-style-type: none"> <li>– Upper or lower respiratory problems</li> <li>– Allergic skin conditions or dermatitis</li> <li>– Hyper reactive airway diseases</li> <li>– Eyes, nose, and throat irritation</li> </ul> </li> <li>• Physical examinations deemed necessary by the LHCP, that include at a minimum:                             <ul style="list-style-type: none"> <li>– Examinations with emphasis on evidence of irritation or sensitization of skin, eyes, and respiratory systems, and shortness of breath</li> <li>– Counseling, provided by the LHCP to the employee as part of the medical examination if the LHCP determines that the employee has a medical condition that may be aggravated by formaldehyde exposure</li> </ul> </li> <li>• Pulmonary function tests for respirator users, that include at a minimum:                             <ul style="list-style-type: none"> <li>– Forced vital capacity (FVC)</li> <li>– Forced expiratory volume in one second (FEV1)</li> <li>– Forced expiratory flow (FEF)</li> </ul> </li> </ul> |
| Emergency exposure evaluation                     | <ul style="list-style-type: none"> <li>• A medical examination that includes a work history with emphasis on evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation</li> </ul>   |

| When conducting an                        | Include  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• Additional examinations the licensed healthcare professional (LHCP) believes appropriate, based on the employee's exposure to formaldehyde</li> </ul>   |
| Evaluation of reported signs and symptoms | <ul style="list-style-type: none"> <li>• A medical disease questionnaire that provides a work and medical history with emphasis on:                             <ul style="list-style-type: none"> <li>– Upper or lower respiratory problems</li> <li>– Allergic skin conditions or dermatitis</li> <li>– Hyper reactive airway diseases</li> <li>– Eyes, nose, and throat irritation</li> </ul> </li> <li>• A physical examination if considered necessary by the LHCP that includes at a minimum:                             <ul style="list-style-type: none"> <li>– Examinations with emphasis on evidence of irritation or sensitization of skin, eyes, respiratory systems, and shortness of breath</li> <li>– Counseling if the LHCP determines that the employee has a medical condition that may be aggravated or caused by formaldehyde exposure</li> </ul> </li> </ul> |

**NEW SECTION**

**WAC 296-856-30030 Medical removal.**

**Exemption:** Medical removal or restrictions do not apply when skin irritation or skin sensitization occurs from products that contain less than 0.05 percent of formaldehyde.

**IMPORTANT:**

- This section applies when an employee reports irritation of the mucosa of the eye or the upper airways, respiratory sensitization, dermal irritation, or skin sensitization from formaldehyde exposure.

- When determining the content of formaldehyde in materials that employees have exposure to, you may use documentation, such as manufacturer's data, or independent laboratory analyses.

**You must:**

- Complete Steps 1 through 4 of the medical evaluation process for removal of employees, in this section, for employees that report signs and symptoms of formaldehyde exposure.

**Note:** When the employee is exposed to products containing less than 0.1 percent formaldehyde, the LHCP can assume, absent of contrary evidence, that employee signs and symptoms are not due to formaldehyde exposure.

**Medical evaluation process for removal of employees:**

**Step 1:** Provide the employee with a medical evaluation by an LHCP selected by the employer.

**Step 2:** Based on information in the medical questionnaire the LHCP will determine if the employee will receive an examination as described in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.

- If the LHCP determines that a medical examination is not necessary, there will be a two-week evaluation and correction period to determine whether the employee's signs and symptoms resolve without treatment, from the use of creams, gloves, first-aid treatment, personal protective equipment, or industrial hygiene measures that reduce exposure.

- If before the end of the two-week period the employee's signs or symptoms worsen, immediately refer them back to the LHCP.

- If signs and symptoms persist after the two-week period, the LHCP will administer a physical examination as outlined in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.

**Step 3:** Promptly follow the LHCP's restrictions or recommendations. If the LHCP recommends removal from exposure, do either of the following:

- Transfer the employee to a job currently available that:
  - The employee qualifies for, or could be trained for, in a short period of time (up to six months);

**AND**

- Will keep the employee's exposure to as low as possible, and never above the AL of 0.5 parts per million.

- Remove the employee from the workplace until either:
  - A job becomes available that the employee qualifies for, or could be trained for in a short period of time **and** will keep the employee's exposure to as low as possible and never above the AL;

**OR**

- The employee is returned to work or permanently removed from formaldehyde exposure, as determined by completing Steps 1 through 3 of the medical evaluation process for removal of employees, in this section.

**Step 4:** Make sure the employee receives a follow-up examination within six months from being removed from the formaldehyde exposure by the LHCP. At this time, the LHCP will determine if the employee can return to their original job status, or if the removal is permanent.

**You must:**

- Maintain the employee's current pay rate, seniority, and other benefits if:

- You move them to a job that they qualify for, or could be trained in a short period of time, and will keep the employee's exposure to as low as possible and never above the AL;

**OR**

- In the case there is no such job available, then until they are able to return to their original job status or after six months, which ever comes first.

**Note:** • If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources.

- Examples of other sources are:
  - Public or employer-funded compensation programs.
  - Employment by another employer, made possible by the employee's removal.
- Make medical evaluations available:
  - At no cost to employees, including travel costs and wages associated with any time spent obtaining the medical examinations and evaluations.
  - At reasonable times and places.

**NEW SECTION****WAC 296-856-30040 Multiple LHCP review.****IMPORTANT:**

- This section applies each time a medical examination or consultation is performed to determine whether medical removal or restriction is required.

**You must:**

- Promptly notify employees that they may seek a second medical opinion from an LHCP of their choice, each time a medical examination or consultation is conducted by an LHCP selected by the employer to evaluate medical removal.
  - At a minimum, this notification must include the details of your multiple physician review process.

**Note:** Notification may be provided in writing or by verbal communication.

**You must:**

- Complete requirements in the multiple LHCP review process once you have been informed of an employee's decision to seek a second medical opinion.
- Pay for and complete the multiple LHCP review process for employees who:
  - Inform you in writing or by verbal communication that they will seek a second medical opinion.
  - Initiate steps to make an appointment with the LHCP they select. This LHCP will be referred to as the second LHCP.
  - Fulfill the previous actions to inform you, and initiate steps for an appointment, within fifteen days from receiving either your notification or the initial LHCP's written opinion, whichever is received later.

**Note:** This process allows for selection of a second LHCP and, when disagreements between LHCPs persist, for selection of a third LHCP.

**Multiple LHCP review process:**

**Step 1:** Make sure the information required by Step 4 of the medical evaluation process is received by the second LHCP. This process is located in the section, Medical and emergency evaluations, WAC 296-856-30020.

- This requirement also applies when a third LHCP is selected.

**Step 2:** Allow the second LHCP to:

- Review findings, determinations, or recommendations from the original LHCP you selected;

**AND**

- Conduct medical examinations, consultations, and laboratory tests as necessary to complete their review.

**Step 3:** Obtain a written opinion from the second LHCP and make sure the employee receives a copy within five business days from the date you receive it. If findings, determinations, and recommendations in the written opinion are:

– Consistent with the written opinion from the initial LHCP, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.

– Inconsistent with the written opinion from the initial LHCP, then you and the employee must make sure efforts are made for the LHCPs to resolve any disagreements.

■ If the LHCPs quickly resolve disagreements, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.

■ If disagreements are not resolved within thirty business days, continue to Step 4.

**Step 4:** You and the employee must work through your respective LHCPs to agree on the selection of a third LHCP, or work together to designate a third LHCP to:

- Review findings, determinations, or recommendations from the initial and second LHCP;

**AND**

- Conduct medical examinations, consultations, and laboratory tests as necessary to resolve disagreements between the initial and second LHCP.

**Step 5:** Obtain a written opinion from the third LHCP and make sure the employee receives a copy within five business days from the day you receive it.

- Follow the third LHCP's recommendations, unless you and the employee agree to follow recommendations consistent with at least one of the three LHCPs.

**NEW SECTION****WAC 296-856-30050 Medical records.****IMPORTANT:**

- This section applies when a medical evaluation is performed or any time a medical record is created for an employee exposed to formaldehyde.

**You must:**

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation for formaldehyde and make sure the records include all the following:

- The employee's name and unique identifier.
- A description of any health complaints that may be related to formaldehyde exposure.
- A copy of the licensed healthcare professional's (LHCP's) written opinions.
- Exam results.
- Medical questionnaires.
- Maintain medical records for the duration of employment plus thirty years.

**Note:**

- Employee medical records need to be maintained in a confidential manner. The medical provider may keep these records for you.
- Medical records may only be accessed with the employee's written consent.

**NEW SECTION****WAC 296-856-400 Exposure control areas.****Your responsibility:**

To control employee exposure to airborne formaldehyde and protect employees by using appropriate respirators.

**IMPORTANT:**

- These sections apply when employee exposure monitoring results are above the permissible exposure limit (PEL):
  - The 8-hour time-weighted average (TWA<sub>8</sub>) of 0.75 parts per million (ppm);
- OR**
- The 15-minute short-term exposure limit (STEL) of two parts per million (ppm).

**Section contents:**

- Exposure controls  
WAC 296-856-40010.
- Establishing exposure control areas  
WAC 296-856-40020.
- Respirators  
WAC 296-856-40030.

NEW SECTION

**WAC 296-856-40010 Exposure controls.**

**IMPORTANT:**

- Respirators and other personal protective equipment (PPE) are **not** exposure controls.
- You must:**
- Use feasible exposure controls to reduce employee exposures to a level below the permissible exposure limit (PEL) or to as low a level as achievable.

NEW SECTION

**WAC 296-856-40020 Establishing exposure control areas.**

**You must:**

- Establish temporary or permanent exposure control areas where airborne concentrations of formaldehyde are above either the 8-hour time weighted average (TWA<sub>8</sub>) or the 15-minute short-term exposure limit (STEL), by doing at least the following:
    - Clearly identify the boundaries of exposure control areas in any way that minimizes employee access.
    - Post signs at access points to exposure control areas that:
      - Are easy to read (for example, they are kept clean and well lit);
- AND**
- Include this warning:

|  |
|--|
| <p><b>DANGER</b></p> <p><b>Formaldehyde</b></p> <p><b>Irritant and Potential Cancer Hazard</b></p> <p><b>Authorized Personnel Only</b></p> |
|--|

**Note:** This requirement does not prevent you from posting other signs.

**You must:**

- Allow only employees, who have been trained to recognize the hazards of formaldehyde exposure, to enter exposure control areas.
- Note:**
- When identifying the boundaries of exposure control areas you should consider factors such as:
    - The level and duration of airborne exposure.
    - Whether the area is permanent or temporary.

- The number of employees in adjacent areas.
- You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.

**You must:**

- Inform other employers at multi-employer work sites of the exposure control areas, and the restrictions that apply to those areas.

NEW SECTION

**WAC 296-856-40030 Respirators.**

**IMPORTANT:**

- The requirements in this section are in addition to the requirements found in the following separate chapters:
  - Respiratory hazards, chapter 296-841 WAC.
  - Respirators, chapter 296-842 WAC.
- Medical evaluations meeting all requirements of Medical and emergency evaluations, WAC 296-856-30020, will fulfill the medical evaluations requirements found in Respirators, chapter 296-842 WAC, a separate chapter.

**You must:**

- Develop a written respirator program as required by a separate chapter, Respirators, chapter 296-842 WAC, and include the following additional requirements:
    - Require that employees use respirators in any of the following circumstances:
      - Employees are in an exposure control area.
      - Feasible exposure controls are being put in place.
      - Where you determine that exposure controls are not feasible.
        - Feasible exposure controls do not reduce exposures to, or below, the PEL.
        - Employees are performing tasks presumed to have exposures above the PEL.
        - Emergencies.
    - Make sure all respirator use is accompanied by eye protection either through the use of full-facepiece respirators, hoods, or chemical goggles.
      - Provide employees with powered air-purifying respirators (PAPRs) when this type of respirator will provide appropriate protection **and** any of the following applies:
        - A licensed healthcare professional (LHCP) allows this type of respirator in their written opinion.
        - The employee has difficulty using a negative pressure respirator.
        - The employee chooses to use this type of respirator.
      - Make sure you replace the air-purifying chemical cartridge or canister as follows:
        - At the beginning of each work shift;
- AND**
- As required by Respirators, chapter 296-842 WAC.

NEW SECTION

**WAC 296-856-500 Definitions.**

**Action level**

An airborne concentration of formaldehyde of 0.5 parts per million of air calculated as an 8-hour time-weighted average.

**Authorized personnel**

Individuals specifically permitted by the employer to enter the exposure control area to perform duties, or to observe employee exposure evaluations as a designated representative.

**Breathing zone**

The space around and in front of an employee's nose and mouth, forming a hemisphere with a six- to nine-inch radius.

**CAS (chemical abstract service) number**

CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org>

**Canister or cartridge (air-purifying)**

Part of an air-purifying respirator that consists of a container holding materials such as fiber, treated charcoal, or a combination of the two, that removes contaminants from the air passing through the cartridge or canister.

**Container**

Any container, except for pipes or piping systems that contains formaldehyde. It can be any of the following:

- Barrel.
- Bottle.
- Can.
- Cylinder.
- Drum.
- Reaction vessel.
- Shipping containers.
- Storage tank.

**Designated representative**

Any one of the following:

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

**Emergency**

Any event that could or does result in the unexpected significant release of formaldehyde. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

**Exposure**

The contact an employee has with formaldehyde, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

**Formaldehyde**

An organic chemical with the formula of HCHO, represented by the chemical abstract service (CAS) registry number 50-00-0. Examples of primary uses of formaldehyde and its solutions are as follows:

- An intermediate in the production of:
  - Resins.
  - Industrial chemicals.
- A bactericide or fungicide.
- A preservative.
- A component in the manufacture of end-use consumer items such as cosmetics, shampoos, and glues.

**Licensed healthcare professional (LHCP)**

An individual whose legally permitted scope of practice allows him or her to provide some or all of the healthcare services required for medical evaluations.

**Permissible exposure limits (PELs)**

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters. The PEL for formaldehyde is an 8-hour time-weighted average (TWA<sub>8</sub>) of 0.75 parts per million (ppm) and a 15-minute short-term exposure limit of 2 ppm.

**Short-term exposure limit (STEL)**

An exposure limit averaged over a 15-minute period that must not be exceeded during an employee's workday.

**Time-weighted average (TWA<sub>8</sub>)**

An exposure limit averaged over an 8-hour period that must not be exceeded during an employee's workday.

**Uncontrolled release**

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion, or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk are:

- Large-quantity releases.
- Small releases that could be highly toxic.
- Potentially contaminated individuals arriving at hospitals.
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

**WSR 06-08-102****PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 5, 2006, 10:15 a.m., effective May 6, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-662 WAC, Weights and measures—National handbooks, by adopting the National Institute of Standards and Technology (NIST) handbooks as follows: (1) 2006 edition of NIST Handbook 44 (specifications, tolerances, and other technical requirements for weighing and measuring devices) as required by RCW 19.94.195; and (2) 2006 edition of NIST Handbook 130 (uniform laws and regulations in the areas of legal metrology and engine fuel quality).

There is not a 2006 version of NIST Handbook 133 (checking the net contents of packaged goods) - the 2005 (fourth edition) remains the most current.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105.

Statutory Authority for Adoption: Chapters 19.94 and 34.05 RCW.

Adopted under notice filed as WSR 06-04-101 on February 1, 2006.

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.

Date Adopted: April 5, 2006.

Valoria H. Loveland  
Director

AMENDATORY SECTION (Amending WSR 05-10-088, filed 5/4/05, effective 6/4/05)

**WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?** The WSDA adopts the following national standards:

| National standard for:  | Contained in the:  |
|---|--|
| (1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment | ((2005)) 2006 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>                               |
| (2) The procedures for checking the accuracy of the net contents of packaged goods  | Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>  |
| (3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification   | ((2005)) 2006 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically:                         |
| (a) Weights and measures requirements for all food and nonfood commodities in package form  | <i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , ((2005)) 2006 Edition |

| National standard for:   | Contained in the:   |
|--|---|
| (b) Weights and measures requirements for the method of sale of food and nonfood commodities | <i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , ((2005)) 2006 Edition |
| (c) Weights and measures requirements for price verification                                 | <i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , ((2005)) 2006 Edition             |

**WSR 06-08-106  
PERMANENT RULES  
DEPARTMENT OF HEALTH**

(Registered Counselor and Hypnotherapists)  
[Filed April 5, 2006, 10:38 a.m., effective May 6, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In 2001 legislation passed mandating the department of health to license marriage and family therapists, mental health counselors, and social workers (counselors). At the time the licensure law became effective, the certification law was repealed. Rules that were adopted to further clarify certification laws need to be repealed since counselors are no longer certified. Amendments to some of the existing rules are needed to remove references to "certified" or "certification."

Citation of Existing Rules Affected by this Order: Amending WAC 246-810-010 Definitions, 246-810-031 Required disclosure information, 246-810-062 Counselor associations or societies, and 246-810-990 Counselors fees and renewal cycle; and repealing WAC 246-810-070 Cooperation with investigation, 246-810-110 Definitions, 246-810-120 Qualifications not met—Appeal, 246-810-130 Expired credential, 246-810-140 Temporary retirement, 246-810-310 Definitions, 246-810-334 Approved supervisor—Qualifications, 246-810-345 Examination appeal procedures, 246-810-348 Certification of persons credentialed out-of-state, 246-810-510 Definitions, 246-810-534 Approved supervisor—Qualifications, 246-810-545 Examination appeal procedures, 246-810-548 Certification of persons credentialed out-of-state, 246-810-710 Definitions, 246-810-734 Approved supervisor—Qualifications, 246-810-745 Examination appeal procedures, and 246-810-748 Certification of persons credentialed out-of-state.

Statutory Authority for Adoption: RCW 18.19.050.

Adopted under notice filed as WSR 05-20-104 on October 5, 2005.

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 4, Repealed 17.

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 4, Repealed 17.

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 4, Repealed 17.

Date Adopted: April 5, 2006.

Bill White  
for M. C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

**WAC 246-810-010 Definitions.** The following terms are defined within the meaning of this chapter.

(1) "Counselor" means and includes any registered counselor or registered hypnotherapist (~~(certified marriage and family therapist, certified mental health counselor, or certified social worker)~~) regulated under chapter 18.19 RCW.

(2) (~~"Certified counselor" means a certified marriage and family therapist, certified mental health counselor, or certified social worker regulated pursuant to chapter 18.19 RCW.~~)

(~~3~~) "Department" means the Washington state department of health (~~(whose address is:~~

Department of Health  
Health Professions Quality Assurance Division  
P.O. Box 47869  
Olympia, Washington 98504-7869).

(~~4~~) (~~3~~) "Fee" as referred to in RCW 18.19.030 means compensation received by the counselor for counseling services provided, regardless of the source.

(~~5~~) (~~4~~) "Hospital" means any health care institution licensed (~~(according to)~~) under chapter 70.41 RCW.

(~~6~~) (~~5~~) "Nursing home" means any health care institution (~~(which comes)~~) licensed under chapter 18.51 RCW.

(~~7~~) "Similarly regulated" as referred to in RCW 18.19.040(1) means individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

(~~8~~) (~~6~~) "Unprofessional conduct" as used in this chapter (~~(shall)~~) means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

**WAC 246-810-031 Required disclosure information.**

(1) The counselor must provide the following information (~~(shall be provided)~~) to each counseling client:

(a) Name of firm, agency, business, or counselor's practice.

(b) Counselor's business address and telephone number.

(c) Washington state registration (~~(or certification)~~) number.

(d) The counselor's name and type of counseling they provide.

(e) The methods or techniques the counselor uses.

(f) The counselor's education, training, and experience.

(g) The course of treatment where known.

(h) Billing information, including:

(i) Client's cost per each counseling session;

(ii) Billing practices, including any advance payments and refunds.

(~~(i)~~) (~~2~~) Disclosure statement. The counselor must provide a disclosure statement to each client. The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered (~~(or certified)~~) with the department of health for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment." In addition to the disclosure statement, the counselor must:

(~~(j)~~) (~~Clients are to be informed of~~) (a) Inform clients about the purpose of the Counselor Credentialing Act, chapter 18.19 RCW. The purpose of the law regulating counselors is: (~~(A)~~) (i) To provide protection for public health and safety; and (~~(B)~~) (ii) to empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct.

(~~(k)~~) (~~Clients are to be informed that they as individuals~~) (b) Inform clients they have the right to choose counselors who best suit their needs and purposes. (This subsection (~~(is)~~) does not (~~(intended to)~~) provide new rights (~~(by superseding those adopted by previous statutes)~~) or supersede existing law.)

(~~(l)~~) (~~Clients are to be informed~~) (c) Inform clients of the (~~(extent)~~) limits of confidentiality (~~(provided by)~~) under RCW 18.19.180 (~~(1) through (6)~~).

(~~(m)~~) (~~Clients are to be provided~~) (d) Provide clients with a list of or copy of the acts of unprofessional conduct in RCW 18.130.180 (~~(with)~~) and the name, address, and contact telephone within the department of health.

(~~(2)~~) Signatures are required of both the counselor providing the disclosure information and the client following

(~~3~~) Upon providing the required disclosure information to the client, the counselor and client must sign and date a statement that:

(a) The counselor has provided the client (~~(had been provided)~~) with a copy of the required disclosure information; and

(b) The client has read and understands the information (~~(provided)~~). The date of signature by each party is to be included at the time of signing.

(~~(3)~~) (~~4~~) The department of health publishes (~~(a)~~) an informational brochure (~~(for the education)~~) to educate and (~~(assistance of)~~) assist the public in understanding counselor responsibilities and client rights and responsibilities. The



~~((department brochure)) counselor may ((be photocopied)) photocopy and ((provided)) provide the brochure to each client in conjunction with the disclosure information required in this section. The counselor may not rely solely on the brochure published by the department ((is insufficient, by itself)) to meet the requirements of this section.~~

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

**WAC 246-810-062 Counselor associations or societies.** The president or chief executive officer of any counselor association or society within this state shall report to the department when the association or society determines that a registered ~~((or certified))~~ counselor has committed unprofessional conduct or that a counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by ~~((this section shall))~~ must be made ~~((without regard to))~~ regardless of whether the counselor appeals, accepts, or acts upon the association or society's determination ~~((made by the association or society)).~~ The report must include notification of appeal ((shall be included)). Reports ~~((are to be made in accordance with))~~ must meet the requirements of WAC 246-810-060.

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-810-990 Counselors fees and renewal cycle.** (1) ~~((Certificates and))~~ Under chapter 246-12 WAC, Part 2, a counselor must renew his or her registration((s must be renewed)) every year on the practitioner's birthday ((as provided in chapter 246-12 WAC, Part 2)). The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

| Title   | Fee      |
|---|----------|
| (2) The following nonrefundable fees will be charged for registered counselor:      |          |
| Application and registration  | \$ 40.00 |
| Renewal   | 37.00    |
| Late renewal penalty  | 37.00    |
| Expired registration reissuance   | 37.00    |
| Duplicate registration  | 15.00    |
| Certification of registration   | 15.00    |
| (3) The following nonrefundable fees will be charged for registered hypnotherapist: |          |
| Application and registration  | 95.00    |
| Renewal   | 130.00   |

| Title  | Fee              |
|--|------------------|
| Late renewal penalty   | 65.00            |
| Expired registration reissuance  | 65.00            |
| Duplicate registration   | 15.00            |
| Certification of registration  | 15.00            |
| <del>((4)) The following nonrefundable fees will be charged for certified marriage and family therapist:</del> |                  |
| <del>Application</del>   | <del>50.00</del> |
| <del>Initial certification</del>   | <del>25.00</del> |
| <del>Examination administration</del>  | <del>25.00</del> |
| <del>Renewal</del>   | <del>83.00</del> |
| <del>Late renewal penalty</del>  | <del>50.00</del> |
| <del>Expired certification reissuance</del>  | <del>50.00</del> |
| <del>Duplicate certification</del>   | <del>10.00</del> |
| <del>Certification of certificate</del>  | <del>10.00</del> |
| <del>Wall certificate</del>  | <del>10.00</del> |
| (5) The following nonrefundable fees will be charged for certified mental health counselor:                    |                  |
| <del>Application</del>   | <del>25.00</del> |
| <del>Initial certification</del>   | <del>25.00</del> |
| <del>Renewal</del>   | <del>29.00</del> |
| <del>Late renewal penalty</del>  | <del>29.00</del> |
| <del>Expired certification reissuance</del>  | <del>29.00</del> |
| <del>Duplicate certification</del>   | <del>10.00</del> |
| <del>Certification of certificate</del>  | <del>10.00</del> |
| <del>Wall certificate</del>  | <del>10.00</del> |
| (6) The following nonrefundable fees will be charged for certified social worker:                              |                  |
| <del>Application</del>   | <del>25.00</del> |
| <del>Initial certification</del>   | <del>25.00</del> |
| <del>Renewal</del>   | <del>42.00</del> |
| <del>Late renewal penalty</del>  | <del>42.00</del> |
| <del>Expired certification reissuance</del>  | <del>42.00</del> |
| <del>Duplicate certification</del>   | <del>10.00</del> |
| <del>Certification of certificate</del>  | <del>10.00</del> |
| <del>Wall certificate</del>  | <del>10.00</del> |

REPEALER

The following sections of the Washington Administrative Code are repealed:

|                 |                                 |
|-----------------|---------------------------------|
| WAC 246-810-070 | Cooperation with investigation. |
| WAC 246-810-110 | Definitions.                    |
| WAC 246-810-120 | Qualifications not met—Appeal.  |
| WAC 246-810-130 | Expired credential.             |

|                 |   |
|-----------------|---|
| WAC 246-810-140 | Temporary retirement.                               |
| WAC 246-810-310 | Definitions.  |
| WAC 246-810-334 | Approved supervisor—Qualifications.                 |
| WAC 246-810-345 | Examination appeal procedures.                      |
| WAC 246-810-348 | Certification of persons credentialed out-of-state. |
| WAC 246-810-510 | Definitions.  |
| WAC 246-810-534 | Approved supervisor—Qualifications.                 |
| WAC 246-810-545 | Examination appeal procedures.                      |
| WAC 246-810-548 | Certification of persons credentialed out-of-state. |
| WAC 246-810-710 | Definitions.  |
| WAC 246-810-734 | Approved supervisor—Qualifications.                 |
| WAC 246-810-745 | Examination appeal procedures.                      |
| WAC 246-810-748 | Certification of persons credentialed out-of-state. |