

WSR 06-12-002
PERMANENT RULES
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Order 06-01—Filed May 25, 2006, 11:00 a.m., effective June 25, 2006]

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

Purpose: The purpose of amending the existing rule is to:

- Extend on a permanent basis the eligibility for employer contributions contained in amendments adopted during the summer of 2005 by removing the sunset date.
- Implement the changes in eligibility criteria for community and technical college part-time academic employees enacted in 2SHB 2583.
- Clarify the public employees benefits board (PEBB) intent that an employee's eligibility for PEBB coverage is to be determined by the criteria for the one eligibility category that most closely describes the employee's work situation.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-115.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 06-08-107 on April 5, 2006.

Changes Other than Editing from Proposed to Adopted Version: The most significant difference between the proposed rule and the final rule is the addition of new paragraphs to subsection (5) to reflect the provisions of 2SHB 2583. This change was necessary to be sure the rule reflected the 2006 legislative change, which was enacted after the proposed rule was drafted. In addition, changes were made to the provisions of the proposed rule that clarified the intent that PEBB eligibility be determined by the criteria of the eligibility category that most closely describes an employee's work situation. These changes were made to more clearly express the eligibility criteria adopted by the PEBB board. Several proposed technical clarifications in the proposed rule were withdrawn from the final rule. The reason for withdrawing the proposed technical clarifications was to give the health care authority (HCA) more time to confirm with employers and employee organizations that the proposed changes are only housekeeping changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.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 1, Repealed 0.

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

Date Adopted: April 28, 2006.

Barney Speight
Deputy Administrator

AMENDATORY SECTION (Amending Order 04-04, filed 8/19/05, effective 9/2/05)

WAC 182-12-115 Eligible employees. The following employees of state government, higher education, participating K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible ~~((to apply))~~ for PEBB insurance coverage. ~~((For purposes of defining eligible employees of school districts and educational service districts, a collective bargaining agreement will supersede all definitions provided under this chapter 182-12 WAC only if approved by the HCA.))~~

A person whose employment situation can be described by more than one of the eligibility categories in subsections (1) through (7) of this section shall have his or her eligibility determined solely by the criteria of the one category that most closely describes his or her employment situation.

(1) "Permanent employees." Those who work at least half-time per month and are expected to be employed for more than six months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work at least half-time and are expected to be employed for no more than six months. Coverage begins on the first day of the seventh month following the date of employment.

(3) "Career seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than ~~((nine))~~ twelve months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment. Career seasonal employees who work at least half-time per month for a season that extends for nine or more months are eligible for the employer contribution during the break between seasons of employment. However, career seasonal employees who work at least half-time per month for less than nine months in a season are not eligible for the employer contribution during the break between seasons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "~~((Career seasonal))~~ Instructional year employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month ~~((seasonal))~~ basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each instructional year period of ~~((seasonal))~~ employment. The provisions of this subsection do not apply to persons employed on a quarter-to-quarter or semester-to-semester contract basis.

(5)(a) "Part-time faculty" and "part-time academic employees." Employees who are employed on a quarter/semester to quarter/semester basis are eligible ~~((to apply))~~ for coverage beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education including one or more college districts. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

For the purpose of determining eligibility for part-time faculty and part-time academic employees, employers must:

(i) Consider spring and fall as consecutive quarters/semesters when ~~((determining))~~ first establishing eligibility; and

(ii) Determine "half-time or more employment" based on each institution's definition of "full-time"; and

(iii) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time faculty and part-time academic employees of their potential right to benefits under this ~~((section-))~~ subsection; and

~~((iv))~~ ~~((Part-time faculty and part-time academic employees employed at more than one institution are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if an employee fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and~~

~~((v))~~ Where concurrent employment at more than one state higher education institution is used to determine total employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the employee would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA ~~((; and))~~.

Part-time faculty and part-time academic employees employed at more than one state institution of higher education are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if an employee fails to inform all of his/her employing institutions about employment at all institutions within the current quarter.

~~((vi))~~ Once enrolled, if a part-time faculty or part-time academic employee does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(b) Part-time academic employees of community and technical colleges ~~((—eligibility for summer or off season benefits when the employee has))~~ who have a reasonable expectation of continued employment at ~~((a single))~~ one or more college ~~((district or multiple college))~~ districts shall be eligible for the employer contribution for benefits during the

period between the end of the spring quarter and the beginning of the fall quarter, or other quarter break period, if they meet the following conditions of this subsection (5)(b).

~~((Effective May 1, 2005, through April 2006.~~

~~((i))~~ Part-time academic employees who work half-time or more in each instructional year quarter ~~((or equivalent nine-month season for one or more))~~ of an academic year ~~((s), or equivalent nine-month season,~~ in a single college district or multiple college districts, as determined from the payroll records of the employing community or technical college district(s), are eligible for the employer contribution for health benefits during the quarter or off season period immediately following the end of one academic year or equivalent nine-month season. ~~((Eligibility for summer or off season health benefits continues each summer quarter or off season thereafter following employment in an instructional year or equivalent nine-month period of employment in a single college district or multiple college districts.~~

~~((ii))~~ For the purposes of this ~~((section))~~ subsection (5)(b):

~~((A))~~ (i) "Academic employee" has the meaning set forth in RCW 28B.50.489(3).

~~((B))~~ (ii) "Academic year" means fall, winter, and spring quarters in a community or technical college, as determined from the payroll records of the employing college district or college districts.

~~((C))~~ (iii) "Equivalent nine-month seasonal basis" means a nine consecutive month period of employment at half-time or more by a single college district or multiple college districts, as determined from the payroll records of the employing college district(s).

~~((D))~~ (iv) "Health benefits" means the particular medical and/or dental coverage in place at the end of the academic year or equivalent nine-month season. Changes to health benefits may be made only as set forth in chapter 182-08 WAC or during an annual open enrollment period.

(c) Part-time academic employees who have established eligibility, as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer period between the end of the spring quarter and the beginning of the fall quarter.

(d) Once a part-time academic employee meets the criteria in (c) of this subsection, the employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least three of the four quarters of the academic year with an average academic year workload of half-time or more. Benefits provided under this subsection (5)(d) cease at the end of the academic year if this criteria is not met. Continuous benefits shall be reinstated once the employee reestablishes eligibility under (c) of this subsection.

(e) As used in (c) and (d) of this subsection, "academic year" means the summer, fall, winter, and spring quarters. As used in this subsection, "academic employees" has the meaning provided in RCW 28B.50.489.

(f) To be eligible for maintenance of benefits through averaging pursuant to (c) and (d) of this subsection, part-time academic employees must notify their employers of their potential eligibility.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of a month, coverage begins on the date the term begins, or the oath of office is taken.

WSR 06-12-003

PERMANENT RULES

BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed May 25, 2006, 11:42 a.m., effective June 25, 2006]

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

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-01501, 263-12-045, 263-12-093, and 263-12-097. Changes are necessary to meet current business needs and are housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-01501, 263-12-045, 263-12-093, and 263-12-097.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 06-09-096 on April 19, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 263-12-045(5), the proposed phrase "it may be inappropriate" is replaced with the phrase "...there may be a conflict of interest for an industrial appeals judge to hear a particular appeal or when it is necessary to ensure an appearance of fairness, the board...."

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 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 0, Repealed 0.

Date Adopted: May 25, 2006.

Thomas E. Egan
Chairperson

AMENDATORY SECTION (Amending WSR 04-22-047, filed 10/28/04, effective 11/28/04)

WAC 263-12-01501 Communications and filing with the board. (1) Communications with the board.

(a) **Where to file.** All written communications, except those listed below, shall be filed with the board at its headquarters in Olympia, Washington. With permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions, briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

(b) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.

(i) **Filing personally.** The filing of a written communication with the board personally is perfected by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(ii) **Filing by mail.** The filing of a written communication with the board is perfected by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(iii) **Filing by telephone facsimile.**

(A) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment (~~in Olympia~~). All facsimile communications, except those listed below, shall be filed with the board at its headquarters in Olympia, Washington. With permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions, briefs, stipulations, agreements, and general correspondence

may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

~~(B)~~ (C) The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

~~((B))~~ (C) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

~~((C))~~ (D) No written communication should exceed fifteen pages in length, exclusive of the cover page required by this rule.

~~((D))~~ (E) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

~~((E))~~ (E) The board may require a party to file an original of any document previously filed by telephone facsimile.

(iv) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's internet site. An electronic notice of appeal is filed when it is received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Otherwise the notice of appeal is considered filed at the beginning of the next business day. The board shall issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board must notify the filing party of the rejection.

(c) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(d) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-045 Industrial appeals judges. (1) **Definition.** Whenever used in these rules, the term "industrial

appeals judge" shall include any member of the board, the executive secretary, as well as any duly authorized industrial appeals judge assigned to conduct a conference or hearing.

(2) **Duties and powers.** It shall be the duty of the industrial appeals judge to conduct conferences or hearings in cases assigned to him or her in an impartial and orderly manner. The industrial appeals judge shall have the authority, subject to the other provisions of these rules:

(a) To administer oaths and affirmations;

(b) To issue subpoenas on request of any party or on his or her motion. Subpoenas may be issued to compel:

(i) The attendance and testimony of witnesses at hearing and/or deposition, or

(ii) The production of books, papers, documents, and other evidence for discovery requests or proceedings before the board;

(c) To rule on all objections and motions including those pertaining to matters of discovery or procedure;

(d) To rule on all offers of proof and receive relevant evidence;

(e) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;

(f) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he or she deems necessary to fairly and equitably decide the appeal, including the obtaining of physical, mental, or vocational examinations or evaluations of workers;

(g) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;

(h) To issue orders joining other parties, on motion of any party, or on his or her own motion when it appears that such other parties may have an interest in or may be affected by the proceedings;

(i) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(j) To schedule the presentation of evidence and the filing of pleadings, including the filing of perpetuation depositions;

(k) To close the record on the completion of the taking of all evidence and the filing of pleadings and perpetuation depositions. In the event that the parties do not confirm witnesses or present their evidence within the timelines prescribed by the judge, the judge may consider appropriate sanctions, including closing the record and issuing a proposed decision and order;

(l) To take any other action necessary and authorized by these rules and the law.

(3) **Interlocutory review.** A party may request interlocutory review pursuant to WAC 263-12-115(6) of any exercise of authority by the industrial appeals judge under this rule.

(4) **Substitution of industrial appeals judge.** At any time the board or a chief industrial appeals judge or designee may substitute one industrial appeals judge for another in any given appeal.

(5) Pro tem industrial appeals judge. If the board or the chief industrial appeals judge determines that there may

be a conflict of interest for an industrial appeals judge to hear a particular appeal or when it is necessary to ensure an appearance of fairness, the board may appoint a pro tem industrial appeals judge to preside over the appeal and, if necessary, issue a proposed decision and order.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-093 Conferences—Disposition of appeals by agreement. (1) If an agreement concerning final disposition of any appeal is reached by all the parties present or represented at a conference, an order shall be issued in conformity with their agreement, providing the board finds the agreement is in accordance with the law and the facts.

(a) In industrial insurance cases, if an agreement concerning final disposition of the appeal is reached by the employer and worker or beneficiary at a conference at which the department is represented, and no objection is interposed by the department, an order shall be issued in conformity with their agreement, providing the board finds that the agreement is in accordance with the law and the facts. If an objection is interposed by the department on the ground that the agreement is not in accordance with the law or the facts, a hearing shall be scheduled.

(b) In cases involving the Washington Industrial Safety and Health Act, an agreement concerning final disposition of the appeal among the parties must include regardless of other substantive provisions covered by the agreement: (i) A statement reciting the abatement date for the violations involved, and (ii) A statement confirming that the penalty assessment for contested and noncontested violations has or will be paid.

(c) Where all parties concur in the disposition of an appeal but the industrial appeals judge is not satisfied that the agreement is in conformity with the facts and the law or that the board has jurisdiction or authority to order the relief sought, the industrial appeals judge may require such evidence or documentation necessary to adequately support the agreement in fact and/or in law.

(2) All agreements reached at a conference concerning final disposition of the appeal shall be stated on the record by the industrial appeals judge and the parties shall indicate their concurrence on the record. The record may either be transcribed by a court reporter or recorded and certified by the industrial appeals judge conducting the conference.

The industrial appeals judge may, in his or her discretion accept an agreement for submission to the board in the absence of one or more of the parties from the conference, or without holding a conference.

(a) In such cases the agreement may be confirmed in writing by the parties to the agreement not in attendance at a conference, except that the written confirmation of a party to the agreement not in attendance at a conference will not be required where the industrial appeals judge is satisfied of the concurrence of the party or that the party received notice of the conference and did not appear.

(b) In cases where no conference has been held but the parties have informed the judge of their agreement, yet no written confirmation has been received, the judge may submit a judge's report of proceedings which encompasses the agree-

ment. ((The judge will submit copies of the report to the parties and, if no objection is received within ten days, the agreement may be submitted to the board for approval.))

(3) In the event concurrence of all affected employees or employee groups cannot be obtained in cases involving agreements for final disposition of appeals under the Washington Industrial Safety and Health Act, a copy of the proposed agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for ten days before it is submitted to the board for entry of the final order. The manner of posting shall be in accordance with WAC 263-12-059. If an objection to the agreement is interposed by affected employees or employee groups prior to entry of the final order of the board, further proceedings shall be scheduled.

(4) The parties present at a conference may agree to a vocational evaluation or a further medical examination of a worker or crime victim, including further evaluative or diagnostic tests, except such as require hospitalization, by medical or vocational experts acceptable to them, or to be selected by the industrial appeals judge. In the event the parties agree that an order on agreement of parties or proposed decision and order may be issued based on the report of vocational evaluation or medical examination, the industrial appeals judge may arrange for evaluation or examination and the board will pay reasonable and necessary expenses involved. Upon receipt by the board, copies of the report of such examination or evaluation will be distributed to all parties represented at the conference and further appropriate proceedings will be scheduled or an order on agreement of parties or proposed decision and order issued. If the worker or crime victim fails to appear at the evaluation or examination, the party or their representative may be required to reimburse the Board for any fee charged for their failure to attend.

AMENDATORY SECTION (Amending WSR 00-23-022, filed 11/7/00, effective 12/8/00)

WAC 263-12-097 Interpreters. (1) When an impaired person as defined in chapter 2.42 RCW or a non-English-speaking person as defined in chapter 2.43 RCW is a party or witness in a hearing before the board of industrial insurance appeals, the industrial appeals judge may appoint an interpreter to assist the party or witness throughout the proceeding. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in adjudicative proceedings are governed by the provisions of chapters 2.42 and 2.43 RCW and General Rule provisions GR 11, GR 11.1, and GR 11.2.

(2) The provisions of General Rule 11.3 regarding telephonic interpretation shall not apply to the board's use of interpreters.

(((2)))³ The industrial appeals judge shall make a preliminary determination that an interpreter is able to accurately interpret all communication to and from the impaired or non-English-speaking person and that the interpreter is impartial. The interpreter's ability to accurately interpret all communications shall be based upon either (a) certification by the office of the administrator of the courts, or (b) the

interpreter's education, certifications, experience, and the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding. The parties or their representatives may question the interpreter as to his or her qualifications or impartiality.

~~((3) An interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets when the communication is privileged by law. When a case is still pending in which an interpreter provided services, the interpreter shall not be examined as to any information the interpreter obtained, without the written consent of the parties to the communication.))~~

(4) The board of industrial insurance appeals will pay interpreter fees and expenses when the industrial appeals judge has determined the need for interpretive services as set forth in subsection 1. When a party or person for which interpretive services were requested fails to appear at the proceeding, the requesting party or the party's representative may be required to bear the expense of providing the interpreter.

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

WSR 06-12-008

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed May 26, 2006, 8:54 a.m., effective June 26, 2006]

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

Purpose: To amend the eligibility and limitations for specific University of Washington tuition waivers in order to reflect new veterans definitions established by SHB 1174.

Citation of Existing Rules Affected by this Order: Amending WAC 478-160-163.

Statutory Authority for Adoption: Chapter 28B.15 RCW and RCW 28B.20.130.

Adopted under notice filed as WSR 06-04-039 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: May 18, 2006.

Rebecca Goodwin Deardorff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 02-06-021, filed 2/25/02, effective 3/28/02)

WAC 478-160-163 Waivers of tuition and fees. (1)

The board of regents is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of RCW 28B.15.543 and 28B.15.545, authorizes, but does not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. The board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university has not imposed specific limitations on a waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection ~~((6))~~ (7) of this section. All waivers are subject to subsection ~~((6))~~ (7) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the *General Catalog*. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection ~~((6))~~ (7) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) ~~Waivers authorized by RCW ((28B.10.265 for children of Washington domiciles who are prisoners of war or missing in action in Southeast Asia or Korea)) 28B.15.621 (2)(a) for eligible veterans and National Guard members.~~ shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(b) Waivers authorized by RCW 28B.15.621 (2)(b) and (c) for children or spouses of eligible veterans and National Guard members who became totally disabled, or lost their lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be

awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(c) Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

~~((e))~~ (d) Waivers authorized by RCW 28B.15.380 for children of ~~((deceased or permanently disabled))~~ police officers or fire fighters who are deceased or permanently disabled, shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

~~((e))~~ (e) Waivers authorized by RCW 28B.15.558 shall be awarded only to:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or exempt employees at other state of Washington public higher education institutions~~(; or~~

~~(iii) Members of the Washington National Guard.~~

~~(e) Waivers authorized by RCW 28B.15.620 shall be awarded only to Vietnam veterans pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.~~

~~(f) Waivers authorized by RCW 28B.15.628 shall be awarded only to veterans of the Persian Gulf combat zone pursuing a first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education).~~

(6) To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service related to specific United States military operations or campaigns fought on foreign soil or in international waters.

(7) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific

programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.-910 and may limit the total funding available under RCW 28B.15.915.

WSR 06-12-009
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 26, 2006, 8:58 a.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: To establish an annual tariff for pilotage services in the Puget Sound pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 06-08-052 on March 31, 2006.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule reflects a tariff increase in a range of 1.59% to 28.3% with noted exceptions.

The adopted rule reflects a tariff increase of 24% across-the-board except as specified below:

- The *Transportation and Training Surcharge* categories were not modified,
- The proposed new category called *Draft Charges* was not adopted,
- The *Transportation—Cancellation* category was not modified as proposed, and
- Of the six tariff categories where a 100% increase was proposed, the four categories for which this increase was adopted are: *Docking Delay After Anchoring, Sailing Delay, Slowdown, and Delayed Arrival—Port Angeles*. The two categories for which this proposed doubling was not adopted are *Boarding Fee* and *Trial Trips*.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: May 11, 2006.

Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours ((October 1, 2005)) July 1, 2006, through 2400 hours June 30, ((2006)) 2007.

((CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	\$35.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift—Live ship (Seattle Port)	LOA Zone I
Harbor shift—Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug + LOA of tow + beam of tow	Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:
A charge of \$185.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$88.00 per bridge.

Ships 90' beam and/or over:

A charge of \$251.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$175.00 per bridge.
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	\$250.00
Radio direction finder calibration	\$250.00
Launching vessels	\$376.00
Trial trips, 6 hours or less (Minimum \$ 708.00)	\$118.00 per hr.
Trial trips, over 6 hours (two pilots)	\$235.00 per hr.
Shilshole Bay—Salmon Bay	\$147.00
Salmon Bay—Lake Union	\$114.00
Lake Union—Lake Washington (plus LOA zone from Webster Point)	\$147.00
Cancellation charge	LOA Zone I
Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	\$118.00 per hr.

Applicable harbor shift rate to apply, plus \$118.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof.

Sailing delay: \$118.00 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: \$118.00 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$118.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
Additional charge to LOA zone mileage of \$0.0059 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of \$0.0606 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$0.0726 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival Port Angeles: \$118.00 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$118.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

Mareh Point or Anacortes	\$ 157.00
Bangor	153.00
Bellingham	181.00
Bremerton	135.00
Cherry Point	209.00
Dupont	97.00
Edmonds	35.00
Everett	59.00
Ferndale	199.00
Manchester	131.00
Mukilteo	53.00
Olympia	125.00
Point Wells	35.00
Port Gamble	185.00
Port Townsend (Indian Island)	223.00
Seattle	15.00
Tacoma	71.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per

mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

Training surcharge: Effective October 1, 2005 a surcharge of \$10 shall be added to each vessel assignment for establishing a fund for payment of pilot trainee stipends. Thereafter, an additional \$10 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each vessel assignment. The need for the initial \$10 surcharge will be reviewed at each regular tariff hearing, or at such other times as may be determined by the board, where need is determined by considering the funds then available for trainee stipends and the number of trainees projected to be in the training program receiving a stipend during the tariff year.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half mile and includes retirement fund contributions.

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	183	283	484	721	971	1,260
450-459	190	289	487	732	987	1,266
460-469	192	292	494	744	1,000	1,272
470-479	199	300	501	759	1,003	1,274
480-489	204	306	503	773	1,009	1,280
490-499	207	310	510	787	1,022	1,286
500-509	218	315	518	797	1,029	1,294
510-519	219	321	523	808	1,040	1,298
520-529	222	332	530	812	1,049	1,310
530-539	229	336	537	821	1,066	1,324
540-549	233	341	549	830	1,083	1,336
550-559	237	353	553	842	1,091	1,349
560-569	246	367	564	849	1,102	1,362
570-579	251	370	566	853	1,113	1,371
580-589	261	376	579	860	1,120	1,385
590-599	274	384	583	864	1,136	1,401
600-609	283	395	590	867	1,150	1,408

LOA	ZONE I Intra-Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over	LOA	ZONE I Intra-Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
610-619	299	399	602	871	1,161	1,420	1020-1039	761	818	952	1,310	1,763	2,053
620-629	311	405	606	881	1,174	1,437	1040-1059	784	838	980	1,349	1,814	2,114
630-639	326	411	613	883	1,185	1,449	1060-1079	808	868	1,008	1,390	1,870	2,177
640-649	338	421	620	885	1,194	1,460	1080-1099	832	893	1,039	1,430	1,925	2,242
650-659	362	428	631	893	1,209	1,475	1100-1119	856	919	1,070	1,474	1,982	2,310
660-669	369	433	636	897	1,222	1,487	1120-1139	882	948	1,103	1,517	2,042	2,378
670-679	382	444	643	913	1,236	1,495	1140-1159	908	975	1,135	1,563	2,104	2,450
680-689	388	452	652	921	1,247	1,510	1160-1179	935	1,003	1,169	1,610	2,166	2,523
690-699	399	459	661	937	1,260	1,541	1180-1199	964	1,034	1,203	1,658	2,232	2,599
700-719	417	474	673	949	1,284	1,559	1200-1219	993	1,065	1,239	1,708	2,298	2,676
720-739	442	487	690	962	1,310	1,585	1220-1239	1,022	1,097	1,276	1,759	2,366	2,756
740-759	459	510	703	971	1,336	1,613	1240-1259	1,052	1,129	1,314	1,811	2,438	2,838
760-779	477	527	721	987	1,362	1,635	1260-1279	1,083	1,162	1,353	1,865	2,511	2,923
780-799	501	550	732	1,000	1,385	1,663	1280-1299	1,115	1,198	1,394	1,922	2,585	3,011
800-819	521	566	747	1,006	1,408	1,688	1300-1319	1,149	1,232	1,435	1,978	2,663	3,101
820-839	537	586	764	1,022	1,437	1,708	1320-1339	1,184	1,269	1,479	2,038	2,742	3,194
840-859	560	610	778	1,033	1,459	1,737	1340-1359	1,218	1,308	1,523	2,098	2,824	3,290
860-879	581	631	793	1,060	1,487	1,762	1360-1379	1,255	1,346	1,568	2,162	2,908	3,387
880-899	602	649	808	1,085	1,510	1,788	1380-1399	1,292	1,386	1,616	2,226	2,995	3,490
900-919	619	670	822	1,112	1,541	1,813	1400-1419	1,331	1,428	1,662	2,292	3,085	3,594
920-939	638	690	842	1,136	1,557	1,837	1420-1439	1,370	1,471	1,713	2,361	3,178	3,702
940-959	661	708	854	1,161	1,585	1,860	1440-1459	1,412	1,515	1,765	2,431	3,273	3,812
960-979	677	729	869	1,185	1,613	1,888	1460-1479	1,452	1,560	1,816	2,504	3,371	3,926
980-999	699	747	884	1,209	1,635	1,911	1480-1499	1,496	1,606	1,871	2,578	3,471	4,043
1000-1019	741	795	923	1,273	1,711	1,994	1500 & Over	1,541	1,655	1,927	2,657	3,574	4,164))

CLASSIFICATION

Ship length overall (LOA)

Charges:

Per LOA rate schedule in this section.

Boarding fee:

Per each boarding/deboarding at the Port Angeles pilot station.

Harbor shift - Live ship (Seattle Port)

Harbor shift - Live ship (other than Seattle Port)

Harbor shift - Dead ship

Towing charge - Dead ship:

LOA of tug + LOA of tow + beam of tow

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment

Radio Direction Finder Calibration

RATE

\$43.00

LOA Zone I

LOA Zone I

Double LOA Zone I

Double LOA Zone

\$310.00

\$310.00

<u>Launching Vessels</u>	\$466.00
<u>Trial Trips, 6 hours or less (minimum \$876.00)</u>	\$146.00 per hour
<u>Trial Trips, over 6 hours (two pilots)</u>	\$291.00 per hour
<u>Shilshole Bay – Salmon Bay</u>	\$182.00
<u>Salmon Bay – Lake Union</u>	\$141.00
<u>Lake Union – Lake Washington (plus LOA zone from Webster Point)</u>	\$182.00
<u>Cancellation Charge</u>	<u>LOA Zone I</u>
<u>Cancellation Charge – Port Angeles:</u>	<u>LOA Zone II</u>
<u>(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)</u>	

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of \$229.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$109.00 per bridge.

Ships 90' beam and/or over:

A charge of \$311.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$217.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:

Applicable harbor shift rate to apply, plus \$236.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$236.00 for every hour or fraction thereof.

Sailing Delay:

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$236.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$236.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival – Port Angeles:

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$236.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$0.0073 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of \$0.0751 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$0.0900 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

<u>March Point or Anacortes</u>	\$157.00
<u>Bangor</u>	153.00
<u>Bellingham</u>	181.00
<u>Bremerton</u>	135.00
<u>Cherry Point</u>	209.00
<u>Dupont</u>	97.00
<u>Edmonds</u>	35.00
<u>Everett</u>	59.00
<u>Ferndale</u>	199.00
<u>Manchester</u>	131.00
<u>Mukilteo</u>	53.00
<u>Olympia</u>	125.00

<u>Point Wells</u>	<u>35.00</u>
<u>Port Gamble</u>	<u>185.00</u>
<u>Port Townsend (Indian Island)</u>	<u>223.00</u>
<u>Seattle</u>	<u>15.00</u>
<u>Tacoma</u>	<u>71.00</u>

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

Delinquent Payment Charge:

1 1/2% per month after 45 days from first billing.

Nonuse of Pilots:

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

Training Surcharge:

Effective October 1, 2005, a surcharge of \$10.00 shall be added to each vessel assignment for establishing a fund for payment of pilot trainee stipends. Thereafter, an additional \$10.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each vessel assignment. The need for the initial \$10.00 surcharge will be reviewed at each regular tariff hearing, or at such other times as may be determined by the board, where need is determined by considering the funds then available for trainee stipends and the number of trainees projected to be in the training program receiving a stipend during the tariff year.

LOA Rate Schedule:

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

<u>LOA</u>	<u>ZONE I</u>	<u>ZONE II</u>	<u>ZONE III</u>	<u>ZONE IV</u>	<u>ZONE V</u>	<u>ZONE VI</u>
	<u>Intra Harbor</u>	<u>0-30 Miles</u>	<u>31-50 Miles</u>	<u>51-75 Miles</u>	<u>76-100 Miles</u>	<u>101 Miles & Over</u>
<u>Up to 449</u>	<u>227</u>	<u>351</u>	<u>600</u>	<u>894</u>	<u>1,204</u>	<u>1,562</u>
<u>450 - 459</u>	<u>236</u>	<u>358</u>	<u>604</u>	<u>908</u>	<u>1,224</u>	<u>1,570</u>
<u>460 - 469</u>	<u>238</u>	<u>362</u>	<u>613</u>	<u>923</u>	<u>1,240</u>	<u>1,577</u>
<u>470 - 479</u>	<u>247</u>	<u>372</u>	<u>621</u>	<u>941</u>	<u>1,244</u>	<u>1,580</u>
<u>480 - 489</u>	<u>253</u>	<u>379</u>	<u>624</u>	<u>959</u>	<u>1,251</u>	<u>1,587</u>
<u>490 - 499</u>	<u>257</u>	<u>384</u>	<u>632</u>	<u>976</u>	<u>1,267</u>	<u>1,595</u>
<u>500 - 509</u>	<u>270</u>	<u>391</u>	<u>642</u>	<u>988</u>	<u>1,276</u>	<u>1,605</u>
<u>510 - 519</u>	<u>272</u>	<u>398</u>	<u>649</u>	<u>1,002</u>	<u>1,290</u>	<u>1,610</u>
<u>520 - 529</u>	<u>275</u>	<u>412</u>	<u>657</u>	<u>1,007</u>	<u>1,301</u>	<u>1,624</u>
<u>530 - 539</u>	<u>284</u>	<u>417</u>	<u>666</u>	<u>1,018</u>	<u>1,322</u>	<u>1,642</u>
<u>540 - 549</u>	<u>289</u>	<u>423</u>	<u>681</u>	<u>1,029</u>	<u>1,343</u>	<u>1,657</u>
<u>550 - 559</u>	<u>294</u>	<u>438</u>	<u>686</u>	<u>1,044</u>	<u>1,353</u>	<u>1,673</u>
<u>560 - 569</u>	<u>305</u>	<u>455</u>	<u>699</u>	<u>1,053</u>	<u>1,366</u>	<u>1,689</u>
<u>570 - 579</u>	<u>311</u>	<u>459</u>	<u>702</u>	<u>1,058</u>	<u>1,380</u>	<u>1,700</u>
<u>580 - 589</u>	<u>324</u>	<u>466</u>	<u>718</u>	<u>1,066</u>	<u>1,389</u>	<u>1,717</u>
<u>590 - 599</u>	<u>340</u>	<u>476</u>	<u>723</u>	<u>1,071</u>	<u>1,409</u>	<u>1,737</u>
<u>600 - 609</u>	<u>351</u>	<u>490</u>	<u>732</u>	<u>1,075</u>	<u>1,426</u>	<u>1,746</u>
<u>610 - 619</u>	<u>371</u>	<u>495</u>	<u>746</u>	<u>1,080</u>	<u>1,440</u>	<u>1,761</u>
<u>620 - 629</u>	<u>386</u>	<u>502</u>	<u>751</u>	<u>1,092</u>	<u>1,456</u>	<u>1,782</u>
<u>630 - 639</u>	<u>404</u>	<u>510</u>	<u>760</u>	<u>1,095</u>	<u>1,469</u>	<u>1,797</u>
<u>640 - 649</u>	<u>419</u>	<u>522</u>	<u>769</u>	<u>1,097</u>	<u>1,481</u>	<u>1,810</u>
<u>650 - 659</u>	<u>449</u>	<u>531</u>	<u>782</u>	<u>1,107</u>	<u>1,499</u>	<u>1,829</u>
<u>660 - 669</u>	<u>458</u>	<u>537</u>	<u>789</u>	<u>1,112</u>	<u>1,515</u>	<u>1,844</u>

LOA	ZONE					
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
<u>670 - 679</u>	<u>474</u>	<u>551</u>	<u>797</u>	<u>1,132</u>	<u>1,533</u>	<u>1,854</u>
<u>680 - 689</u>	<u>481</u>	<u>560</u>	<u>808</u>	<u>1,142</u>	<u>1,546</u>	<u>1,872</u>
<u>690 - 699</u>	<u>495</u>	<u>569</u>	<u>820</u>	<u>1,162</u>	<u>1,562</u>	<u>1,911</u>
<u>700 - 719</u>	<u>517</u>	<u>588</u>	<u>835</u>	<u>1,177</u>	<u>1,592</u>	<u>1,933</u>
<u>720 - 739</u>	<u>548</u>	<u>604</u>	<u>856</u>	<u>1,193</u>	<u>1,624</u>	<u>1,965</u>
<u>740 - 759</u>	<u>569</u>	<u>632</u>	<u>872</u>	<u>1,204</u>	<u>1,657</u>	<u>2,000</u>
<u>760 - 779</u>	<u>591</u>	<u>653</u>	<u>894</u>	<u>1,224</u>	<u>1,689</u>	<u>2,027</u>
<u>780 - 799</u>	<u>621</u>	<u>682</u>	<u>908</u>	<u>1,240</u>	<u>1,717</u>	<u>2,062</u>
<u>800 - 819</u>	<u>646</u>	<u>702</u>	<u>926</u>	<u>1,247</u>	<u>1,746</u>	<u>2,093</u>
<u>820 - 839</u>	<u>666</u>	<u>727</u>	<u>947</u>	<u>1,267</u>	<u>1,782</u>	<u>2,118</u>
<u>840 - 859</u>	<u>694</u>	<u>756</u>	<u>965</u>	<u>1,281</u>	<u>1,809</u>	<u>2,154</u>
<u>860 - 879</u>	<u>720</u>	<u>782</u>	<u>983</u>	<u>1,314</u>	<u>1,844</u>	<u>2,185</u>
<u>880 - 899</u>	<u>746</u>	<u>805</u>	<u>1,002</u>	<u>1,345</u>	<u>1,872</u>	<u>2,217</u>
<u>900 - 919</u>	<u>768</u>	<u>831</u>	<u>1,019</u>	<u>1,379</u>	<u>1,911</u>	<u>2,248</u>
<u>920 - 939</u>	<u>791</u>	<u>856</u>	<u>1,044</u>	<u>1,409</u>	<u>1,931</u>	<u>2,278</u>
<u>940 - 959</u>	<u>820</u>	<u>878</u>	<u>1,059</u>	<u>1,440</u>	<u>1,965</u>	<u>2,306</u>
<u>960 - 979</u>	<u>839</u>	<u>904</u>	<u>1,078</u>	<u>1,469</u>	<u>2,000</u>	<u>2,341</u>
<u>980 - 999</u>	<u>867</u>	<u>926</u>	<u>1,096</u>	<u>1,499</u>	<u>2,027</u>	<u>2,370</u>
<u>1000 - 1019</u>	<u>919</u>	<u>986</u>	<u>1,145</u>	<u>1,579</u>	<u>2,122</u>	<u>2,473</u>
<u>1020 - 1039</u>	<u>944</u>	<u>1,014</u>	<u>1,180</u>	<u>1,624</u>	<u>2,186</u>	<u>2,546</u>
<u>1040 - 1059</u>	<u>972</u>	<u>1,039</u>	<u>1,215</u>	<u>1,673</u>	<u>2,249</u>	<u>2,621</u>
<u>1060 - 1079</u>	<u>1,002</u>	<u>1,076</u>	<u>1,250</u>	<u>1,724</u>	<u>2,319</u>	<u>2,699</u>
<u>1080 - 1099</u>	<u>1,032</u>	<u>1,107</u>	<u>1,288</u>	<u>1,773</u>	<u>2,387</u>	<u>2,780</u>
<u>1100 - 1119</u>	<u>1,061</u>	<u>1,140</u>	<u>1,327</u>	<u>1,828</u>	<u>2,458</u>	<u>2,864</u>
<u>1120 - 1139</u>	<u>1,094</u>	<u>1,176</u>	<u>1,368</u>	<u>1,881</u>	<u>2,532</u>	<u>2,949</u>
<u>1140 - 1159</u>	<u>1,126</u>	<u>1,209</u>	<u>1,407</u>	<u>1,938</u>	<u>2,609</u>	<u>3,038</u>
<u>1160 - 1179</u>	<u>1,159</u>	<u>1,244</u>	<u>1,450</u>	<u>1,996</u>	<u>2,686</u>	<u>3,129</u>
<u>1180 - 1199</u>	<u>1,195</u>	<u>1,282</u>	<u>1,492</u>	<u>2,056</u>	<u>2,768</u>	<u>3,223</u>
<u>1200 - 1219</u>	<u>1,231</u>	<u>1,321</u>	<u>1,536</u>	<u>2,118</u>	<u>2,850</u>	<u>3,318</u>
<u>1220 - 1239</u>	<u>1,267</u>	<u>1,360</u>	<u>1,582</u>	<u>2,181</u>	<u>2,934</u>	<u>3,417</u>
<u>1240 - 1259</u>	<u>1,304</u>	<u>1,400</u>	<u>1,629</u>	<u>2,246</u>	<u>3,023</u>	<u>3,519</u>
<u>1260 - 1279</u>	<u>1,343</u>	<u>1,441</u>	<u>1,678</u>	<u>2,313</u>	<u>3,114</u>	<u>3,625</u>
<u>1280 - 1299</u>	<u>1,383</u>	<u>1,486</u>	<u>1,729</u>	<u>2,383</u>	<u>3,205</u>	<u>3,734</u>
<u>1300 - 1319</u>	<u>1,425</u>	<u>1,528</u>	<u>1,779</u>	<u>2,453</u>	<u>3,302</u>	<u>3,845</u>
<u>1320 - 1339</u>	<u>1,468</u>	<u>1,574</u>	<u>1,834</u>	<u>2,527</u>	<u>3,400</u>	<u>3,961</u>
<u>1340 - 1359</u>	<u>1,510</u>	<u>1,622</u>	<u>1,889</u>	<u>2,602</u>	<u>3,502</u>	<u>4,080</u>
<u>1360 - 1379</u>	<u>1,556</u>	<u>1,669</u>	<u>1,944</u>	<u>2,681</u>	<u>3,606</u>	<u>4,200</u>
<u>1380 - 1399</u>	<u>1,602</u>	<u>1,719</u>	<u>2,004</u>	<u>2,760</u>	<u>3,714</u>	<u>4,328</u>
<u>1400 - 1419</u>	<u>1,650</u>	<u>1,771</u>	<u>2,061</u>	<u>2,842</u>	<u>3,825</u>	<u>4,457</u>
<u>1420 - 1439</u>	<u>1,699</u>	<u>1,824</u>	<u>2,124</u>	<u>2,928</u>	<u>3,941</u>	<u>4,590</u>
<u>1440 - 1459</u>	<u>1,751</u>	<u>1,879</u>	<u>2,189</u>	<u>3,014</u>	<u>4,059</u>	<u>4,727</u>
<u>1460 - 1479</u>	<u>1,800</u>	<u>1,934</u>	<u>2,252</u>	<u>3,105</u>	<u>4,180</u>	<u>4,868</u>
<u>1480 - 1499</u>	<u>1,855</u>	<u>1,991</u>	<u>2,320</u>	<u>3,197</u>	<u>4,304</u>	<u>5,013</u>
<u>1500 & Over</u>	<u>1,911</u>	<u>2,052</u>	<u>2,389</u>	<u>3,295</u>	<u>4,432</u>	<u>5,163</u>

WSR 06-12-010
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed May 26, 2006, 9:12 a.m., effective June 26, 2006]

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

Purpose: To clarify and amend safety rules to meet the 2000 edition of the National Fire Protection Association Standard #1123 for outdoor public fireworks displays shot from barges of floating vessels.

Citation of Existing Rules Affected by this Order: Amending WAC 212-17-295, 212-17-310, and 212-17-315.

Statutory Authority for Adoption: Chapters 43.43 and 70.77 RCW.

Adopted under notice filed as WSR 06-09-073 on April 18, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 3, Amended 3, 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: May 24, 2006.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 05-12-033, filed 5/24/05, effective 6/24/05)

WAC 212-17-295 Public display—General. ~~((This section shall apply to the construction, handling, and use of Division 1.3G display or Division 1.4G consumer fireworks intended solely for public display. It shall also apply to the general conduct and operation of the display.))~~ The intent of this chapter shall be to provide requirements for clearances upon which the authority having jurisdiction shall base its approval of an outdoor fireworks display site. Where added safety precautions have been taken, or particularly favorable conditions exist, the authority having jurisdiction shall be permitted to decrease the required separation distances as it deems appropriate, upon demonstration that the hazard has been reduced or the risk has been properly protected. Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

AMENDATORY SECTION (Amending WSR 05-12-033, filed 5/24/05, effective 6/24/05)

WAC 212-17-310 Public display—Storage of shells. ~~((1) As soon as the fireworks have been delivered to the dis-~~

~~play site, they shall not be left unattended and shall be kept dry.~~

~~(2) All shells shall be inspected upon delivery to the display site by the display operators. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall either be returned to the supplier or be destroyed according to the supplier's instructions.~~

~~Exception: Minor repairs to fuses shall be allowed. Also, for electrically ignited displays, attachment of electric matches and other similar tasks shall be permitted.~~

~~(3) All shells shall be separated according to diameter and stored in tightly covered containers of metal, wood, or plastic or in fiber drums or corrugated cartons meeting United States Department of Transportation specifications for transportation of fireworks. A flame-resistant tarpaulin shall be permitted to be used as a covering over the containers, if additional protection is desired.~~

~~(4) The shell storage area shall be located at a minimum distance of not less than 25 feet (7.6 m) from the discharge site.~~

~~(5) During the display, shells shall be stored upwind from the discharge site. If the wind should shift during the display, the shell storage area should be relocated so as to again be upwind from the discharge site.))~~ A ready box shall be a portable, weather-resistant container that protects contents from burning debris with a self-closing cover or equivalent means of closure required.

(1) After delivery and prior to the display, all shells shall be separated according to size and their designation as salutes.

(2) Any display fireworks that will be temporarily stored at the display site during the fireworks display shall be stored in ready boxes separated according to size and their designation as salutes. Tarpaulins shall not be considered as ready boxes.

~~Exception: For electrically ignited displays, or displays where all shells are loaded into mortars prior to the show, there is no requirement for separation of shells according to size, for their designation as salutes, or for the use of ready boxes.~~

(3) During the performance of an outdoor fireworks display, ready boxes shall be located at a distance not less than twenty-five feet upwind from the mortar placements. If the wind shifts during a display, the ready boxes shall be located again to be upwind from the discharge site.

~~Exception No. 1: Where permitted by the authority having jurisdiction, alternate measures shall be taken.~~

~~Exception No. 2: Where there are no shells requiring storage during a display, such as for an electrically ignited display, no ready boxes shall be required.~~

AMENDATORY SECTION (Amending Order 90-02, filed 4/19/90, effective 5/20/90)

WAC 212-17-315 Public display—Installation of mortars. ~~((1) Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any seal on the inside surface of the mortars shall be removed.~~

(2) Mortars shall be positioned so that the shells are carried away from spectators and into a clear area acceptable to the authority having jurisdiction.

(3) Mortars shall be either buried securely into the ground to a depth of 2/3 to 3/4 of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber (e.g. 4 inch thick) or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

Exception: Boxed finales and finale racks.

(4) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

(5) Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

(6) Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down range side of the discharge site.

(7) Mortars shall be inspected before the first shells are loaded to be certain no water or debris has accumulated in the bottom of the mortar.

(8) If steel mortars are placed in troughs or drums, the minimum distance from the mortar to the wall of the trough or drum shall be at least two times the diameter of the mortar.

(9) If troughs and drums are used, they shall be filled with sand or soft dirt; in no case shall stones or other possibly dangerous debris be present.

(10) If mortars which are generally considered not capable of generating dangerous flying debris are placed in troughs or drums, the minimum distance from the mortar to the wall of the trough or drum shall be at least equal to the diameter of the mortar. Commonly used mortars which are considered generally not capable of generating dangerous flying debris include paper and high density polyethylene mortars.

(11) Whenever shells are to be chain fused, such as for barrages and finales, additional measures are required to prevent adjacent mortars from being repositioned in the event that a shell detonates in a mortar causing it to burst. For buried mortars, this shall be accomplished by placing the mortars with a minimum separation of four times their diameter. For mortars in racks this shall be accomplished by using mortar racks that have sufficient strength to successfully withstand such a failure.

(12) When mortars are to be reloaded during a display, mortars of various sizes shall not be intermixed. Mortars of the same size shall be placed in groups and the groups must be separated from one another.

To the extent practical, when mortars are to be reloaded during a display, groups of one size mortar should not be placed adjacent to mortars of only one inch different diameter. This will reduce the likelihood that shells will be loaded into oversized mortars. For example, an arrangement of mortar groups such as 5"-3"-6"-4" is greatly preferred over an arrangement such as 3"-4"-5"-6".

(13) Mortars may be constructed of steel, paper or high-density polyethylene.

(14) Steel mortars shall be deemed acceptable for use with all shells. Steel mortars shall be either seamed or seamless; however, seamed mortars must be placed such that the seam is facing either right or left as one faces the line of mortars. Steel mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID (in)	Spherical	Cylindrical- Single-Break	Cylindrical Multi-Break
3	0.04	0.11	0.21
4	0.05	0.12	0.23
5	0.06	0.13	0.25
6	0.07	0.14	0.27
8	0.09	0.16	0.31
10	0.11	0.18	0.35
12	0.13	0.20	0.39

The tensile strength of steel pipe shall be at least 40,000 psi.

(15) Paper mortars shall only be used for discharge of single-break and double-break shells. A thirty second cooling period shall be allowed between firing and reloading of paper mortars. Paper mortars shall be constructed of convolute wound paper, except that spiral wound paper shall be permitted for 3-inch diameter mortars only. Paper mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID (in.)	Spherical	Cylindrical- Single-Break	Cylindrical Two-Break
3	0.25	0.25	0.37
4	0.25	0.33	0.50
5	0.31	0.42	0.62
6	0.37	0.50	0.75
8	0.50	0.62	
10	0.62		
12	0.75		

The cross-grain tensile strength of the paper shall be at least 2,300 psi.

(16) Plastic reusable mortars shall be of high density polyethylene pipe, marked with identification markings "high density polyethylene" or "HDPE" and certified by "ASTM" with an accompanying certification standard identifier subscript. Plastic mortars shall conform to the following:

MINIMUM MORTAR WALL THICKNESS (INCHES)

Mortar ID	Spherical	Cylindrical Single-Break
3	0.15	0.20
4	0.20	0.26
5	0.25	
6	0.30	

The tensile strength of plastic shall be at least 3,500 psi.

~~(17) Mortars shall be of sufficient length to cause aerial shells to be propelled to safe heights. Mortar lengths shall conform to the following:~~

~~MINIMUM INSIDE MORTAR LENGTH (INCHES)~~

Mortar ID (in)	Single- Break	Double- Break	Up To 4 Break
3	15	18	21
4	20	23	27
5	24	28	32
6	28	32	37
8	34	40	46
10	40	46	54
12	46	52	62

~~(18) A cleaning tool shall be provided for cleaning debris out of the mortars between firings.~~

~~Exception: When mortars are not to be reloaded during a display, there is no requirement for a cleaning tool.)~~

(1) Prior to placement, mortars shall be inspected carefully for defects, such as dents, bent ends, damaged interiors, and damaged plugs. Defective mortars shall not be used.

(2) Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.

(3) Where mortars are to be reloaded during a display, mortars of various sizes shall not be intermixed. Mortars of the same size shall be placed in groups, and the groups shall be separated from one another.

(4) Mortars of any type six inches in diameter or less shall be permitted to be reloaded and fired up to seven times during a performance.

Exception: There shall be no limit to the number of times a steel mortar six inches or less is permitted to be reloaded.

(5) Mortars shall be positioned to afford protection to the spectators and display personnel.

(6) Mortars shall be inspected before the first shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.

(7) Mortars shall be of sufficient strength and durability to fire the aerial shells and be used safely.

(8) Paper, HDPE, and fiberglass mortars are among the types of mortar that shall be permitted to be used.

(9) Cast iron, stove pipe, corrugated culvert, clay, bamboo, and wood shall not be used to make mortars.

(10) Metal mortars shall be either seamed or seamless; however, seamed mortars shall be placed so that all seams face either right or left when viewing the line of mortars.

(11) Steel mortars used to fire single break salute shells shall be buried according to WAC 212-17-321.

(12) Mortars shall be of sufficient length to cause aerial shells to be propelled to safe heights.

(13) The dimension of the inside diameter of the mortar shall be conspicuously painted or otherwise marked on the top of the mortar.

Exception: Designation of the inside diameter shall not be required for outdoor fireworks displays fired under the direct control of a professional fireworks display company.

NEW SECTION

WAC 212-17-321 Public display—Installation of buried mortars. (1) Mortars shall be buried to a depth of at least two-thirds to three-quarters of their length, either in the ground or in aboveground troughs or drums.

(2) Where paper mortars are to be placed in damp ground or damp sand or are to be in the display, they shall be placed inside a water-resistant bag prior to placement in the ground.

(3) Wherever there is the likelihood of groundwater leaking into the mortar, the mortar shall be placed inside a water-resistant bag prior to placement in the ground.

(4) Weather-resistant coverings shall be placed over the mouth of mortars wherever there is imminent danger of water accumulating inside the mortar.

(5) Buried mortars shall be placed to prevent them from being driven into the ground or reangled when fired.

Exception: Where a mortar is to be used only once, such as for an electrically fired display, added support shall be optional and shall not be required.

(6) Mortars that are buried in the ground, in troughs, or in drums shall be separated from adjacent mortars by a distance at least equal to the diameter of the mortar.

Exception: Where electrical ignition of unchained aerial shells six inches and less in diameter is used, there is no requirement for separation of mortars.

(7) Mortars in troughs and drums shall be positioned to afford the maximum protection to the shooter.

(8) There shall be a separation distance of at least two inches or half the diameter of the mortar, whichever is greater, between the mortar and the trough or drum.

Exception: Where electrical ignition is used, all mortars placed in drums or troughs shall be spaced at least two inches from the wall of the drum or trough.

(9) If troughs and drums are used, they shall be filled with sand or soft dirt: In no case shall stones or other potentially dangerous debris be present.

(10) Troughs shall be reinforced or braced in a minimum of two places on the sides at intervals no greater than every four feet.

(11) Where possible, the narrow side of the trough shall face the greatest number of spectators and the firing progression shall develop in a direction away from the spectators.

NEW SECTION

WAC 212-17-323 Installation of mortar racks. (1) Single break shells not exceeding six inches in diameter shall be permitted to be fired from securely positioned mortar racks.

(2) Firing of single break shells that are seven or eight inches in diameter shall be permitted from securely positioned mortar racks provided the following conditions are met:

- (a) The mortar is not metallic;
 - (b) Electrical or equivalent means of remote ignition is used to fire the shell; and
 - (c) The shell is not chain fused to any other shells.
- (3) Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning.
- (4) Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, sideboards or equivalent means.
- (5) Mortar racks of bundles shall be oriented, angled, or oriented and angled in such a way that maximizes the audience's safety.

NEW SECTION

WAC 212-17-327 Requirements for chain fusing. (1)

Wherever more than three shells are to be chain fused, such as for sequential firing, additional measures shall be required to prevent adjacent mortars from being repositioned in the event that a shell explodes in a mortar, causing it to burst.

(2) For buried mortars, prevention of repositioning shall be accomplished by spacing the mortars with a minimum separation distance of four times their diameter.

(3) For mortars in racks, prevention of repositioning shall be accomplished by mortar racks that have sufficient strength to withstand such a failure successfully.

(4) Chain-fused mortar racks shall be positioned to maximize the placement of racks perpendicular to spectator viewing areas.

(5) Chain-fused mortar racks containing mortars three inches or less in diameter shall be limited to a maximum of fifteen mortars per unit. Racks containing mortars four inches in diameter shall be limited to a maximum of twelve mortars. Racks containing mortars five to six inches in diameter shall be limited to a maximum of ten mortars. Chain-fused racks shall not be used for mortars greater than six inches.

Exception: Boxed finale items containing tubes two and one-half inches or less in diameter only shall not be required to comply with the limitation above.

(6) All chain-fused aerial fireworks devices, including those not in mortar racks such as roman candle batteries and multitube aerial items, shall be positioned securely to prevent tip over or hazardous movement during operation. This shall be accomplished by the use of stakes, racks, sandbags, earth, or equivalent means.

(7) Staple guns shall not be permitted to be used to secure quick match that is connected to aerial shells, mines, or comets.

(8) Chain-fused aerial shells shall not be permitted to be reloaded.

WSR 06-12-017 PERMANENT RULES DEPARTMENT OF REVENUE

[Filed May 26, 2006, 2:44 p.m., effective June 26, 2006]

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

Purpose: SHB 2085, 2005 regular session, imposed a tire fee on the retail sale of new replacement tires. WAC 458-20-272 Tire fee—Core deposits or credits, is a new rule that explains the seller's responsibility for collecting the fee from the buyer, how the fee is reported, and what tires are subject to the fee. WAC 458-20-272 (Rule 272) incorporates, updates, and clarifies information about special provisions in law for battery core charges and core deposits, currently addressed in WAC 458-20-250 Solid waste collection tax. The department is amending WAC 458-20-250 (Rule 250) to update the information about the solid waste collection tax and to remove information that is addressed in Rule 272.

Information from ETA 163 (Core deposits and credits—Parts returned to wholesalers) has been incorporated as an example in Rule 272.

The updating and reorganization of this information will make the information more accessible to affected taxpayers.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-250 Solid waste collection tax.

Statutory Authority for Adoption: RCW 82.32.330, 82.01.060(2), and 34.05.230.

Adopted under notice filed as WSR 06-06-081 on March 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 1, 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 1, 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 1, Amended 1, Repealed 0.

Date Adopted: May 26, 2006.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

NEW SECTION

WAC 458-20-272 Tire fee—Core deposits or credits.

(1) **Introduction.** This section describes the tire fee imposed under RCW 70.95.510 and the business and occupation (B&O), sales, and use tax consequences related to battery core charges and core deposits or credits, including the exemptions described in RCW 82.08.036 and 82.12.038.

(2) **Tire fee.**

(a) **What is the tire fee?** Beginning July 1, 2005, sellers must collect a one-dollar fee on every retail sale of each new replacement vehicle tire. If new tires are leased, the fee must

be collected once at the beginning of the lease. The tire fee is effective until June 30, 2010.

(b) **How do I report the tire fee?** A seller must report on the excise tax return the number of new replacement vehicle tires sold. Tire sellers may retain ten percent of the fee and must remit the remainder to the department of revenue (department). As a result, the amount that must be reported and paid to the department is the number of new replacement vehicle tires sold during the tax reporting period multiplied by ninety cents.

(c) **What if the seller fails to collect the fee or does not pay the fee on time?** The seller is personally liable for payment of the fee, whether or not the fee is collected from the buyer. Any seller who appropriates or converts the fee collected to his or her own use or to any use other than the payment of the fee by the due date, minus the ten percent retained, is guilty of a gross misdemeanor. Interest and penalties apply to late payments. Refer to WAC 458-20-228 (Returns, remittances, penalties, extensions, interest, stay of collection) for more information.

(d) **What happens if a buyer fails to pay the fee?** The tire fee, until paid by the buyer to the seller or the department, is considered a debt from the buyer to the seller. Any buyer who refuses to pay the fee is guilty of a misdemeanor.

(e) **Is sales tax imposed on the tire fee?** No. The measure of the sales tax does not include the tire fee. See RCW 82.08.036.

(f) **Is the ten percent amount retained by the seller taxed?** Yes. The seller must report the retained amount as gross income under the service and other activities tax classification on the excise tax return.

(g) **What tires are subject to the tire fee?** All new replacement vehicle tires are subject to the tire fee. Refer to RCW 70.95.030 for the definition of "vehicle."

(i) Examples of vehicles for which new replacement tires are subject to the fee include:

- (A) Automobiles;
- (B) Trucks;
- (C) Recreational vehicles;
- (D) Trailers;
- (E) All-terrain vehicles (ATVs);
- (F) Agricultural vehicles, such as tractors or combines;
- (G) Industrial vehicles, such as forklifts;
- (H) Construction vehicles, such as loaders or graders;

and

(I) Golf carts.

(ii) Bicycles, wheelbarrows, and hand trucks are examples of devices to which the new replacement tire fee does not apply.

(iii) The tire fee does not apply to the sale of retreaded vehicle tires. Nor does it apply to tires provided free of charge under the terms of a recall or warranty.

(h) **May I refund the fee if a tire is returned?** If a customer returns the purchased new tire and the entire selling price is refunded to the customer, the one-dollar tire fee is likewise refundable. The refunded amount may be claimed on the excise tax return in the same manner as refunded sales tax. If the seller does not refund the full sales price to the customer, the one-dollar fee is not refundable. Refer to WAC

458-20-108 (Returned goods, allowances, cash discounts) for more information.

(i) **Does the tire fee apply on sales to the federal government or Indians and Indian tribes?** The tire fee is not imposed on sales to the federal government and need not be collected by the seller. The tire fee does not apply to sales of tires delivered to enrolled members or tribes in "Indian country." Refer to WAC 458-20-190 and 458-20-192 for more information.

(j) **If the sale is exempt from sales tax, is the tire fee due?** Statutory exemptions from sales tax do not apply to the tire fee. The tire fee is due on every retail sale of a new replacement tire whether or not sales tax is due.

(3) Core deposits or credits - Battery core charges.

(a) **Definitions.** For purposes of this section, the following definitions apply:

(i) "Core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for purposes of recycling or remanufacturing.

(ii) "Battery core charge" refers to a core deposit, not less than five dollars, which must by law be retained by the seller when a retail purchaser has no used battery to exchange or trade in. A buyer may return within thirty days of the purchase with a used battery of equivalent size and claim the core charge amount. See RCW 70.95.630 and 70.95.640.

(b) **How is tax calculated when the buyer receives a core deposit or credit?** Retail sales and use taxes do not apply to consideration received in the form of core deposits or credits when a purchaser exchanges or trades in a core for recycling or remanufacturing. Therefore, the measure of the sales or use tax may be reduced by the amount of the core deposit or credit. See RCW 82.08.036 and 82.12.038. The core deposit and credit exemptions apply only to the retail sales and use taxes. There is no equivalent exemption or deduction for B&O tax purposes. Therefore, the amount reported under the appropriate B&O tax classification must include the value of core deposits or credits.

(c) **Examples.** This subsection provides examples that identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) **Example 1.** A customer purchases at retail a new replacement battery and reconditioned starter, providing the seller with a battery core and a starter core in exchange. The selling price of the new battery, including the battery core charge, is \$60.00. The customer is allowed a \$5.00 credit because a battery core is exchanged, meaning the cost of the battery to the customer, excluding sales tax, is \$55.00. The selling price of the starter is \$50.00. The seller allows a \$3.00 credit for the starter core, meaning the cost to the customer, excluding sales tax, is \$47.00. Retailing B&O tax is due upon the total value of cash plus core value, in this case \$110.00, or \$60.00 plus \$50.00. However, the \$8.00 of core deposits or credits may be deducted from the measure of the retail sales tax under RCW 82.08.036. Thus, retail sales tax is due on \$102.00, or \$55.00 plus \$47.00.

(ii) **Example 2.** The seller delivers the starter and battery cores accepted in the exchange to wholesalers. A starter

wholesaler issues a refund and a battery wholesaler issues a credit memorandum to be applied against future wholesale battery purchases. The return of the used products by the auto parts store for recycling or remanufacturing and subsequent receipt of a refund or credit for the core deposit or credit is not considered taxable consideration for purposes of the B&O tax.

AMENDATORY SECTION (Amending Order 89-11, filed 8/2/89, effective 9/2/89)

WAC 458-20-250 ((Refuse solid) Solid waste collection ((business—Core deposits and credits, battery core charges, and tires)) tax. ((1)) (1) Introduction. This section ((administers the taxes on solid waste collection and the special provisions for core deposits and credits, battery core charges, and tires.

(a) Chapter 282, Laws of 1986 established the specific business activity of the "refuse collection business" and imposed a "refuse collection tax" similar in nature to retail sales tax. The burden of this tax is upon the ultimate consumer of the refuse collection service. The tax rate is three and six tenths percent (.036), and the tax measure is the total consideration charged to the consumer customer for the services. Chapter 431, Laws of 1989 changes the name of this tax from a refuse collection tax to a solid waste collection tax.

(b) Chapter 431, Laws of 1989, imposes, effective July 1, 1989, an additional tax of 1 percent of the consideration charged for the service. Generally, the tax is imposed in addition to and is similar to the refuse collection tax enacted in 1986. However, unlike the refuse collection tax, the measure of the new 1 percent tax is limited to the charges for the actual solid waste collection services that are provided and a maximum tax measure is provided for residential collection service charges.

(c) For ease of administration and accounting, the 3.6 percent tax shall retain its former name and be called for purposes of this section the "refuse collection tax," and, the tax imposed in 1989, the 1 percent tax, shall be called the "solid waste collection tax."

(2) Neither the 1986 law or the 1989 law expressly establishes a specific business tax classification for the gross receipts of persons engaged in the refuse-solid waste collection business. Thus, because of the provisions of RCW 82.04.290, such persons are subject to the service or other activities classification of business and occupation tax.

(3) For purposes of this section the following terms will apply:

(a) "Refuse collection business"—"solid waste collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(b) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(c) "Waste"—"solid waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(d) "Taxpayer" means that person upon whom the refuse solid waste collection tax is imposed, that is, the private or commercial consumer customer.

(e) "Department" means the department of revenue.

(f) "Consideration charged for the services" means the total amount billed to a taxpayer as compensation for refuse-solid waste collection services, without any deduction for any costs of doing business or any other expense whatsoever, paid or accrued, provided, that the term does not include any amount included in the charges for materials collected primarily for recycling, nor the refuse-solid waste collection tax itself whether separately itemized or not, nor any similar utility taxes or consumer taxes, imposed by the state or any political subdivision thereof or any municipal corporation, directly upon the consumer taxpayer and separately itemized on the taxpayer's billing. Also, the term does not include late charges or penalties which may be imposed for nontimely payment by taxpayers.

(4) Refuse and solid waste collection tax measure:

(a) The refuse collection tax applies to the consideration paid for refuse solid waste collection services. The rate of the tax is 3.6 percent of the amount charged for garbage collection and disposal services.

(b) For purposes of the solid waste collection tax, the following terms will apply:

(i) "Standby," "availability," or "base" charges mean those charges to a residential customer who receives no actual garbage pickup service.

(ii) "Residential collection service" has its ordinary meaning and is per can garbage collection service other than commercial or industrial service. For purposes of this section, a residential collection service is that service provided for each housing unit. In the case of multiple housing units in a single structure such as apartments, condominiums, or duplexes, or, an association of housing units such as a mobile home park or retirement village, the service is deemed commercial unless each occupier of a housing unit is individually provided can service and is individually billed for such service.

(iii) "Can" or "can equivalent" has its ordinary meaning and shall include a receptacle for waste collection made of durable, corrosion-resistant material, watertight with a close fitting cover, with two handles, and does not exceed 32 gallons, 4 cubic feet or 65 lbs. (including contents), nor weigh more than 12 lbs. when empty. (This definition comports with the definition of "unit" by the utilities and transportation commission.) For purposes of this section, containers of 60 gallon or more capacity, commonly called "toters," are considered more than 2 cans.

(e) The solid waste collection tax applies to the consideration paid for actual solid waste collection services provided and utilized by the customer and does not apply to amounts charged by a solid waste collection business for "standby," "availability," or "base" charges where no actual garbage collection occurs. Additionally, the tax does not apply to amounts charged for materials primarily collected for recycling.

(d) For a residential customer, the tax measure is the consideration paid, but not more than \$8.00 of the monthly

charge for garbage pickup service of less than 2 cans, or, not more than \$12.00 of the monthly charge for 2 cans or more.

(i) Example. City X provides residential garbage collection service to a customer and the customer has subscribed to less than two can service. The monthly charge is \$11.00 for the service which includes a charge of \$2.00 for special pickup of recyclables. After adjustment for the recycling charges of \$2.00, the refuse collection tax measure is \$9.00 and the solid waste collection tax measure is \$8.00. The tax measure for solid waste residential pickup is limited to not more than \$8.00 of monthly charge paid. The refuse collection tax is 32 cents ($\$9.00 \times .036$), and, the solid waste collection tax is 8 cents ($\$8.00 \times .01$), for a total refuse-solid waste collection tax of 40 cents.

(e) For computation of the maximum solid waste collection tax due for residential customers, extra solid waste collected effects the tax base only for a residential customer with less than 2 can service. The tax measure for a customer with 2 or more can service will never exceed \$12.00. The tax measure for a customer with less than 2 can service does not exceed \$8.00 unless the extras collected are an additional can equivalent sufficient to change the less than 2 can customer to a 2 can or more customer. A less than 2 can customer becomes a 2 can or more customer when, over a reasonable period of time, i.e., 6 months, charges for less than 2 can service plus extras equals or exceeds the customary charges for 2 can service.

(i) Example. Residential customer Z has less than 2 can service for which Z is charged \$9.00 per month and results in a refuse tax of 32 cents ($\$9.00 \times .036$) and a solid waste tax of 8 cents ($\$8.00 \times .01$) for a total tax of 40 cents. For 7 consecutive months Z has extra trash bags picked up each month. The monthly charge including extras is \$11.00 and the customary 2 can or more charge is \$12.00. The refuse tax for each month is 40 cents ($\$11.00 \times .036$) and the solid waste tax is 8 cents ($\$8.00 \times .01$) for a total tax of 48 cents. Z remains a less than 2 can customer during the period as the monthly charge, including the charge for extras, is less than the customary 2 can or more rate. The solid waste tax measure is limited to the consideration paid up to \$8.00, while the refuse tax is not so limited.

(ii) Example. Residential customer X has 2 or more can service for which X is charged \$9.00 per month resulting in a refuse tax of 32 cents ($\$9.00 \times .036$) and a solid waste tax of 9 cents ($\$9.00 \times .01$) for a total tax of 41 cents. One month X has several trash bags picked up and the charge for this month is \$13.00. The refuse tax is 47 cents ($\$13.00 \times .036$) and the solid waste tax is 12 cents ($\$12.00 \times .01$) for a total tax of 59 cents. The solid waste tax measure for 2 can or more service is limited to the consideration paid up to \$12.00 while the refuse collection tax measure is not so limited.

(iii) Example. A city provides residential garbage collection for which the city charges a \$5.00 base fee and a total charge of \$9.00 for less than 2 can service and \$13.00 for 2 can or more service. A customer chooses to deliver his garbage by his own means to the local disposal site for which the customer is charged \$10.00 per month. The city charges the customer on his monthly utility bill the \$5.00 base fee. The refuse tax collected at the disposal site is 36 cents ($\$10.00 \times .036$) and the solid waste tax collected at the disposal site is

10 cents ($\$10.00 \times .01$) for a total collection at the disposal site of 46 cents. The refuse tax collected by the city is 18 cents ($\$5.00 \times .036$) and no solid waste tax is collected by the city because no actual garbage collection services were provided the customer. As the per can limitations apply only to residential pick up service, any garbage delivered to disposal site by anyone other than another refuse-solid waste collection business will always incur a combined refuse-solid waste tax of 4.6 per cent of the consideration paid.

(5)) explains how the solid waste collection tax imposed under chapter 82.18 RCW applies; who is required to collect the tax; and the B&O, sales, and use tax obligations of persons providing solid waste collection services. The tax imposed under chapter 82.18 RCW was previously known as the "refuse collection tax." For the purposes of this section, the tax is referred to by its statutory name, the "solid waste collection tax."

(2)(a) What is "solid waste"? "Solid waste" or "waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(b) Who is the taxpayer for purposes of the solid waste collection tax? "Taxpayer" means that person upon whom the solid waste collection tax is imposed, that is, the private or commercial consumer.

(c) Who is required to collect the solid waste collection tax? Every person who receives waste for transfer, storage, or disposal including, but not limited to, all collection services, public or private dumps, transfer stations, and similar operations, must collect the solid waste collection tax from the private or commercial consumer.

(d) What is the measure of the tax? The solid waste collection tax applies to the consideration charged for solid waste collection services.

"Consideration charged for the services" is the total amount billed as compensation for solid waste collection services, without any deduction for any costs of doing business or any other expense whatsoever, paid or accrued. The term does not include:

(i) Any amount included in the charges for materials collected primarily for recycling;

(ii) The solid waste collection tax itself, whether separately itemized or not;

(iii) Any utility taxes or consumer taxes, imposed by the state or any political subdivision thereof or any municipal corporation, directly upon the consumer and separately itemized on the taxpayer's billing; or

(iv) Late charges or penalties which may be imposed for nontimely payment.

(3) Reporting and collection obligations. The person who collects the charges for ((refuse-solid)) solid waste collection services from the taxpayer is responsible for collecting the ((refuse-solid)) solid waste collection tax and remitting it to the state.

((6) The law provides that) (a) Failure to collect tax. If any person charged with collecting the tax fails to bill the taxpayer for it, or to notify the taxpayer in writing that the tax is due, then that person shall be personally liable for the tax. Thus, unlike the retail sales tax, the ((refuse-solid)) solid

waste collection tax may be included within the gross ((refuse)) fee or charge billed to taxpayers and need not be separately itemized on such billings, but only if such taxpayers are notified in writing that the tax has been imposed and is being collected. Nothing prevents any ((refuse-solid)) solid waste collection business from separately itemizing the tax on customer billings, at its option.

((7)) Failure to remit collected tax. If any person collects ((that)) the tax ((from the taxpayer)) and fails to pay it to the department in the manner provided in this section, for any reason ((whatever)) whatsoever, ((that)) the person shall be personally liable for the tax.

((8)) (4) Due date. The ((refuse-solid)) solid waste collection tax is due from the taxpayer within twenty-five days from the date the taxpayer is billed for the ((refuse-solid)) solid waste collection services. The ((refuse collection tax and the)) solid waste collection tax ((shall)) must be separately reported upon lines provided on the ((combined)) excise tax return.

((9)) The tax is due to be remitted to the department by the person collecting it at the end of the tax reporting period in which the tax is received by that person.

((10)) (5) Partial payments. If a taxpayer makes only a partial payment of the amount billed for the services and tax, the amount paid must first be used to remit the ((refuse-solid)) solid waste collection tax to the department. ((This)) The tax has first priority over all other claims against the amount paid by the taxpayer.

((11)) (6) Sales to the federal government, Indians and Indian tribes. The federal government, its agencies and instrumentalities, and all ((refuse)) solid waste collection service contracts with such federal entities are not subject to the ((refuse-solid)) solid waste collection tax. ((There are no other taxpayers expressly exempted from paying the refuse-solid waste collection tax. Any other taxpayer claiming exemption of this tax for any reason whatsoever must provide the refuse solid waste collection business with proof of its entitlement to exemption. The department will verify such claims upon request.

((12)) Similarly, Indians and Indian tribes may be exempt from the tax. Refer to WAC 458-20-190 and 458-20-192 for more information about tax reporting and record-keeping obligations relating to sales to the federal government and Indians or Indian tribes.

(7) Transactions with multiple collection businesses. To prevent pyramiding or multiple taxation of single transactions, the ((refuse-solid)) solid waste collection tax does not apply to any person other than ((the taxpayer. It is a tax upon)) the ultimate ((consumer-customer)) consumer of the ((refuse-solid)) solid waste service.

((13)) (a) Exemption certificate. Persons engaged in the solid waste collection business by operating facilities for the transfer, storage, or disposal of waste, including public and private dumps, and who provide such services directly to taxpayers for a charge, are liable for the collection of the solid waste collection tax on such charges. However, persons who collect the ((refuse-solid)) solid waste collection tax and who, themselves, utilize the further services of others for the transfer, storage, or disposal of the waste collected are not required to again pay the tax to such other service providers.

((However,)) In order to be exempt ((of)) from such tax payment a ((refuse-solid)) solid waste collection business must provide other ((refuse-solid)) solid waste service providers with a ((refuse-solid)) solid waste collector's exemption certificate in the following form:

((a)) We hereby certify that we are engaged in the ((refuse-solid)) solid waste collection business and are registered with the state department of revenue to collect and report the ((refuse)) solid waste collection tax imposed under chapter ((282, Laws of 1986 and chapter 431, Laws of 1989)) 82.18 RCW. We certify further that the ((refuse-solid)) solid waste collection tax due with respect to the ((refuse-solid)) solid waste collection business being performed under this certificate has been or will be collected and paid and that we are exempt ((for) for)) from further payment of such tax on charges for any ((refuse-solid)) solid waste collection services being procured by us.

Business Name Authorized Signature
Business Address Date
Revenue Registration No.
U.T.C. Certificate of Public Necessity No.
If not regulated by U.T.C., please check here

(b) Blanket exemption certificates. Blanket certificates may be provided in advance by ((refuse-solid)) solid waste collectors or other persons who collect the customer charges for ((refuse-solid)) solid waste collection and who are liable for collecting and remitting the ((refuse-solid)) solid waste collection tax. A blanket certificate must be renewed every four years.

(c) ((Refuse-solid)) Good faith acceptance of certificates. Solid waste collection businesses which provide services for the transfer, storage, or disposal of waste, and who accept completed certifications in good faith are not required to collect and remit the ((refuse-solid)) solid waste collection tax and will not be held personally liable for it.

((14)) Persons engaged in the refuse-solid waste collection business by operating facilities for the transfer, storage, or disposal of waste, including public and private dumps, and who provide such services directly to taxpayers for a charge, are liable for the collection of the refuse collection tax on such charges.

((15)) (d) Examples. Examples of taxable and tax exempt transactions are:

((a)) (i) A private person or commercial customer hauls its own waste to a dump site for disposal and pays a fee - the fee is subject to the ((3.6 percent refuse collection tax and the 1 percent)) solid waste collection tax.

((b)) (ii) A ((refuse-solid)) solid waste collection company picks up and hauls residential or commercial waste to a dump for disposal - this company bills the customer for the tax and need not pay the tax upon any further charge made by the dump site operator, by providing ((a refuse-solid waste collector's)) an exemption certificate.

((c)) (iii) A city provides ((refuse-solid)) solid waste collection services to its residents through an independent hauler under a negotiated contract, and uses a county operated land fill. The city bills the residents on their utility bills. The ((3.6 percent and 1 percent taxes apply)) tax applies to

the ~~((refuse-solid))~~ solid waste portion of the utility bill adjusted as provided in this section. These taxes do not apply to any charge paid by the city to the hauling company, nor to any charge made by the county to the city for dumping services. The city must provide the hauler and the county with ~~((a refuse-solid waste collector's))~~ an exemption certificate.

~~((16) The refuse-solid waste collection tax is imposed in much the same manner as retail sales tax; that is, it is payable by the refuse-solid waste consumer to the refuse-solid waste service provider who does the customer billing. Likewise, other refuse-solid waste service providers up the chain of transactions from the billing provider are treated in the same manner as wholesalers and need not collect the tax if the appropriate certificate is taken.~~

~~(17) Business and occupation tax. There is no exemption from business and occupation tax measured by gross income of any person engaged in the refuse-solid waste collection business. Such persons are subject to the service classification of business and occupation tax measured by their gross receipts. (See RCW 82.04.290.) Also, there is no general provision under the law for the nonpyramiding effect of the business and occupation tax. Thus, each refuse-solid waste collection business is separately liable for this tax on its total gross receipts without any deduction for any costs of doing business or any amounts paid over to other refuse-solid waste service providers. Also, all amounts designated as late charges or penalties are included within this business tax measure.~~

~~(18) The refuse-solid waste collection business is an "enterprise activity," as defined in WAC 458-20-189, when it is funded over fifty percent by user fees. Thus, the amounts derived from this activity are not exempt of business and occupation tax even though they may be charged by governmental entities. (See RCW 82.04.419.)~~

~~(19) The exemption of refuse-solid waste collection tax for the federal government, its agencies and instrumentalities, does not apply for business and occupation tax. Thus, refuse-solid waste collection businesses who charge such federal entities for services, under contract or otherwise, must pay the business and occupation tax upon such gross receipts.~~

~~(20) Persons engaged in the refuse-solid waste collection business may be entitled to certain express deductions or exemptions from business and occupation tax for specific reasons unrelated to the nature of their refuse-solid waste business activity. (See RCW 82.04.419 and 82.04.4291.)~~

~~(21) Refuse-solid)) **(8) Business and occupation tax.** A solid waste collection business is subject to service and other activities B&O tax on the gross income from solid waste collection activities. There is no deduction for any cost of doing business or any amounts paid over to other solid waste collection businesses. Late charges or penalties are subject to the service and other activities B&O tax.~~

Solid waste collection is an "enterprise activity," when funded over fifty percent by user fees. Amounts derived from this activity by a local governmental entity are subject to service and other activities B&O tax. See RCW 82.04.419, 82.04.4291, and WAC 458-20-189.

(9) Sales of containers. Solid waste collection businesses which provide waste receptacles, containers, dumpsters, and the like to their customers for a charge, separate

from any charge for collection of the waste, are engaged in the business of renting tangible personal property taxable separate and apart from the ~~((refuse-solid))~~ solid waste collection business. Charges for such rentals, however designated, are subject to retailing ~~((business and occupation tax))~~ B&O and retail sales taxes when they are billed separately or are line itemized on customer billings. ~~((Such businesses are engaged in more than one taxable kind of business activity and are separately taxable on each. (See RCW 82.04.440.)~~

~~(22) Retail sales tax. Persons who separately charge and bill customers for waste receptacles, as explained earlier, must collect and remit the retail sales tax on the itemized rental price, fee, or other consideration, however designated, charged for the receptacles.~~

~~(23) Refuse-solid)) **(10) Sales and use tax obligations for the use of property.** Solid waste collection businesses are themselves the consumers of all tangible personal property purchased for their own use in conducting such business, other than items for resale or renting to ~~((customer[s]))~~ customers, e.g., rented receptacles. Retail sales tax must be paid to materials suppliers and providers of such tangible consumables. (See RCW 82.04.050.) If the seller does not collect retail sales tax, the solid waste collection business must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. However, the excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information regarding the use tax, refer to WAC 458-20-178 (Use tax).~~

~~((24) Use tax. The use tax is due upon all tangible personal property used as consumers by refuse-solid waste collection businesses, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)~~

~~(25) Core deposits and credits – Battery core charges.~~

~~(a) For purposes of this section the following terms apply:~~

~~(i) "Core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for purposes of recycling or remanufacturing.~~

~~(ii) "Battery core charge" means that amount of the retail selling price of a vehicle battery, not less than \$5.00, which is retained by the seller when the purchaser has no used battery to exchange or trade in.~~

~~(b) Retail sales tax.~~

~~(i) The retail sales tax does not apply to the consideration received as core deposits or credits in a retail or wholesale sale when a purchaser exchanges or trades in a core to the seller. (RCW 82.08.010, WAC 458-20-247, and chapter 431, Laws of 1989). Therefore, when a purchaser of a vehicle battery, starter, etc., exchanges or trades in a used battery, starter, etc., to the seller, retail sales tax does not apply to the value of the used property exchanged or traded in.~~

~~(ii) Chapter 431, Laws of 1989, effective July 23, 1989, requires the retail selling price of a vehicle battery to include a core charge of not less than \$5.00. The core charge must be omitted from the sales price when the purchaser offers to the~~

seller a used battery of equivalent size. The retail sales tax does apply to the core charge amount included in the sales price of a vehicle battery when the purchaser does not offer to the seller a used battery for exchange or trade-in. The exemption for "core deposits or credits" applies only when an article of tangible personal property is returned by the purchaser to the seller for the purpose of recycling or remanufacturing. Upon the offer by the purchaser to the seller of a used battery of equivalent size for exchange or trade-in within 30 days after the purchase date of the battery, the seller shall refund to the purchaser the core charge amount and the retail sales tax paid on such core charge.

(e) Use tax. The use tax does not apply to the value of core deposits or credits in a retail or wholesale sale.

(d) Business and occupation tax. The core deposit and credit exemptions apply only to the amount of retail sales tax and use tax to be collected and paid. There is no core deposit or credit exclusion for B&O tax. It is important to note that the base for B&O tax and retail sales tax may be different amounts. Thus, the gross receipts under the appropriate classification of B&O tax, retailing, wholesaling, manufacturing, etc., continues to include the value of core deposits and credits. Battery core charges are included as gross receipts in the retailing classification of the B&O tax.

(e) Examples:

(i) A customer wishes to purchase from an auto parts store a new replacement battery and a reconditioned starter. He brings with him a battery core and a starter core. The purchase price of the new battery is \$60.00 less \$3.00 for the value of the core exchanged; and, the purchase price of the starter is \$50.00 less \$5.00 for the starter core. Retailing B&O tax is due upon the total value of cash plus core value, in this case \$110.00 (\$60.00 + 50.00). However, retail sales tax is due only on \$102 (\$57.00 + 45.00), which is the purchase price less the core deposits. The customer pays \$102.00 plus sales tax for the battery and the starter.

(ii) A customer wishes to purchase a new replacement battery which sells for \$62.00. The customer has no returnable battery core to exchange. Thus, a battery core charge of \$5.00 or more must be added to the sales price for a total of \$67.00 or more. Both retail sales tax and B&O tax apply to the actual price paid by the customer.

(iii) In example (ii) above, the customer returns to the store within 30 days with a proof of purchase and a used battery of equivalent size. The seller must refund the \$5.00 or more battery core charge plus the sales tax paid the \$5.00 or more. B&O tax is due upon the value of the battery, \$62.00.

(26) Tires. Chapter 431, Laws of 1989 amends RCW 70.95.510 and, effective October 1, 1989, levies a \$1 per tire fee on the retail sale of new replacement tires. The \$1 per tire fee levied replaces the .012 percent tax imposed in 1985. The fee imposed shall be paid by the buyer and collected by the seller. The fee collected from the buyer by the seller shall be paid to the department in accordance with RCW 82.32.045 less 10 percent retained by the seller.

(a) Retail sales tax — Use tax — Business and occupation tax. Chapter 431, Laws of 1989 exempts the fee from retail sales tax and use tax. Neither the fee nor the part of the fee retained by the seller is subject to business and occupation tax. The seller is only the state's collecting and reporting

agent for the portion paid to the department. The 10 percent retained portion is expressly authorized for use by the seller to defray costs associated with the proper management of waste tires.))

WSR 06-12-019
PERMANENT RULES
GROWTH MANAGEMENT
HEARINGS BOARD

[Filed May 26, 2006, 5:00 p.m., effective June 26, 2006]

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

Purpose: To address procedural problems and make improvements with existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 242-02-074, 242-02-210, 242-02-230, 242-02-530, 242-02-640, 242-02-831 and 242-02-890, and new sections WAC 242-02-115, 242-02-89201, and 242-02-899.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Adopted under notice filed as WSR 06-06-048 on February 24, 2006.

Changes Other than Editing from Proposed to Adopted Version: New sections in WAC 240-02-115, 242-02-89201, and 242-02-899.

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 3, Amended 8, Repealed 0.

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

Date Adopted: April 27, 2006.

Holly Gadbow
Administrative Chair

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-074 Regular meetings. (1) Regular meetings of each board will be held at its principal office or designated location at the following times:

(a) Eastern Washington board - on the first Wednesday of each month at 10:00 a.m. or following any scheduled hearing on that date.

(b) Western Washington board - on the second and fourth Wednesdays of each month at 11:00 a.m. or following any scheduled hearing on that date.

(c) Central Puget Sound board - on the ~~((second Thursday))~~ first Monday of each month at 10:00 a.m. or following any scheduled hearing on that date.

(2) The joint boards shall meet annually at a time and location to be announced.

NEW SECTION

WAC 242-02-115 Authorized representatives. (1) Notice of appearance. Any person acting in a representative capacity on behalf of a party or participant shall file a notice of appearance with the board and shall serve a copy on all parties. This requirement shall apply to attorneys as well as to other duly authorized representatives of parties.

(2) Substitution. In the event of a change in representative or attorney, a notice of substitution must be filed with the board and a copy served on all parties before the change in representative shall become effective.

AMENDATORY SECTION (Amending WSR 04-21-046, filed 10/15/04, effective 11/15/04)

WAC 242-02-210 Petition for review—Forms—Contents. A petition for review shall substantially contain:

(1) A caption in the following form:

BEFORE THE . . . GROWTH MANAGEMENT
HEARINGS BOARD
STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

(2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the challenged order, determination, publication, or other action or, in the case of an alleged failure to act, the date by which the action was required to be taken;

(c) A detailed statement of the issues presented for resolution by the board that specifies the provision of the act or other statute allegedly being violated and, if applicable, the provision of the document that is being appealed;

(d) A statement specifying the type and the basis of the petitioner's standing before the board pursuant to RCW 36.70A.280(2);

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the applicable provisions of the document being appealed, if any, shall be attached to the petition for review. Petitioner shall provide the board with a copy of

the entire document being appealed within thirty days of filing a petition for review, unless otherwise directed by the board.

AMENDATORY SECTION (Amending WSR 04-21-046, filed 10/15/04, effective 11/15/04)

WAC 242-02-230 Petition for review—Service and filing. (1) The original and ~~((three))~~ four copies of the petition for review shall be filed with a board personally, or by first class, certified, or registered mail. Filings may also be made with a board by electronic telefacsimile transmission as provided in WAC 242-02-240. A copy of the petition for review shall be personally served upon all other named parties or deposited in the mail and postmarked on or before the date filed with the board. When a county is a party, the county auditor shall be served in noncharter counties and the agent designated by the legislative authority in charter counties. The mayor, city manager, or city clerk shall be served when a city is a party. When the state of Washington is a party, the office of the attorney general shall be served at its main office in Olympia unless service upon the state is otherwise provided by law. Proof of service may be filed with the board pursuant to WAC 242-02-340.

(2) A board may dismiss a case for failure to substantially comply with subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-530 Motions—Requirements. (1) A motion is an application for an order or ruling. Every motion shall be in writing, unless made during a hearing; shall state with particularity the grounds; and shall set forth the relief or order sought. An original and three copies of the motion shall be filed with a board and a copy served on each opposing party or that party's attorney or other authorized representative.

(2) All motions shall be properly captioned and signed by the moving party or that party's attorney or other authorized representative.

(3) The motion shall specify the amount of time required for argument, whether appearance by telecommunication is requested, and the names and telephone numbers of all parties served with the motion.

(4) Dispositive motions on a limited record, similar to a motion for summary judgment in superior court or a motion on the merits in the appellate courts, are permitted. Time frames for making and responding to such a motion shall be established by the presiding officer.

(5) Motions to disqualify a hearing examiner acting as the presiding officer, or a board member, for bias, prejudice, interest or other cause, with supporting affidavit(s), may be filed with a board.

(6) Any party may bring a motion for the board to decide a challenge to compliance with the notice and public participation requirements of the act raised in the petition for review, provided that the evidence relevant to the challenge is limited. If such a motion is timely brought, the presiding officer or the board shall determine whether to decide the

notice and public participation issue(s) on motion or whether to continue those issues to the hearing on the merits.

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-640 Hearing—Procedures at hearing.

(1) Presiding officer. All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections, and motions.

(2) Order of presentation. The presiding officer shall determine the proper order of presentation.

(3) Opening statements. Unless the presiding officer rules otherwise, parties may present oral opening statements setting out briefly a statement of the basic facts and issues of the case.

(4) Objections. Objection to the admission or exclusion of evidence shall state briefly the legal ground of objection.

(5) Rulings. The presiding officer, on objection or on his/her own motion, shall exclude all irrelevant or unduly repetitious evidence. All rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 242-02-650.

(6) Time. The presiding officer, after consultation with the parties, shall determine the time allotted for presentation.

(7) Supplemental evidence submitted at hearing. The board may allow the submission of supplemental evidence at a hearing in response to board questions, upon a showing that the supplemental evidence is necessary or of substantial assistance to the board. If supplemental evidence is thereby introduced, the opposing party shall have the opportunity to respond. The board may require the parties to submit post-hearing documents detailing the supplemental evidence, and the opposing party's rebuttal to the supplemental evidence.

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-831 Final decision and order—Compliance, noncompliance, invalidity. (1) In its final decision and order, a board shall either:

(a) Find that the state agency, county or city is in compliance with the requirements of chapter 36.70A RCW, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county or city is not in compliance with the requirements of chapter 36.70A RCW, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the state agency, county or city and specify a time for compliance. The period of remand shall extend to the date the board issues its next order on compliance.

(2) In its final decision and order, a board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand;

(b) Includes in its final decision and order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of the act; and

(c) Specifies the part or parts, if applicable, of the plan or regulation that are determined to be invalid and the reasons for invalidity.

(3) The effect of a determination of invalidity is as set forth in RCW 36.70A.302.

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-890 Determination of noncompliance—Compliance schedule. In those cases where a board finds that a state agency, county, or city is not in compliance with the requirements of the act, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, the board shall remand the matter to the affected state agency, county, or city. The board's final decision and order shall specify a reasonable time not in excess of one hundred eighty days, or such longer time as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply. In its order the board ~~((may))~~ shall establish a compliance schedule and may require periodic reports on the progress the jurisdiction is making toward compliance.

NEW SECTION

WAC 242-02-89201 Intent to participate in compliance hearings. Any person eligible to participate in a compliance proceeding based upon his or her participation in the proceedings to enact legislation in response to a board order shall abide by any briefing schedule set in the board's compliance order, as amended or extended, and provide the board and the parties of record with written notice of intent to participate no later than two weeks prior to the compliance hearing date set in that order.

NEW SECTION

WAC 242-02-899 Record on review. The party seeking review should, within thirty days after the notice of appeal is filed, serve on all other parties and file with the board a designation of those documents that the party wants the board to transmit to the superior court. Each party is encouraged to designate only those documents needed to review the issues presented to the superior court.

WSR 06-12-020
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 30, 2006, 2:27 p.m., effective June 30, 2006]

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

Purpose: The purpose of this proposal is to clarify language in WAC 181-01-002 that is consistent with language in WAC 180-79A-257. DUE TO A CLERICAL ERROR, THE PESB IS REFILING THIS FINAL RULE MAKING, AS IT WAS NOT THE CORRECT LANGUAGE THE PROFESSIONAL EDUCATOR STANDARDS BOARD APPROVED.

Citation of Existing Rules Affected by this Order: Amending WAC 181-01-002.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 06-05-006 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 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: May 18 [23], 2006.

Nasue Nishida
 Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 04-24-049, filed 11/29/04, effective 12/30/04)

WAC 181-01-002 WEST-B exemptions. (~~Individuals from~~) Candidates who are prepared and/or certified out-of-state applying for a Washington state residency teaching certificate under WAC 180-79A-257 (1)(b), or (~~individuals~~) out-of-state candidates applying to masters-degree level teacher preparation programs residing outside of the state of Washington at time of application, in lieu of passing the WEST-B, may provide official documentation of scores on the Praxis I of 177 for the reading subtest, 176 for the mathematics subtest and 174 for the writing subtest, or scores on the Praxis I CBT computer-administered test of 325 for the reading subtest, 321 for the mathematics subtest, and 321 for the writing subtest, or passing scores from California or Oregon on the CBEST.

WSR 06-12-025
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-06—Filed May 30, 2006, 3:40 p.m., effective June 30, 2006]

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

Purpose: The purposes served by these new rules are to: (1) Implement the provisions of RCW 48.17.150 (1)(g)(ii) by establishing a procedure to permit agents to represent insurers prior to receipt of notification by the commissioner of the appointment; (2) clarify current procedures by using principles consistent with the governor's executive order regarding "plain talk"; (3) broaden the methods acceptable to the commissioner for communicating information to include transmittal by electronic means; (4) encourage insurers and other appointing authorities to use the National Insurance Producer Registry (NIPR) internet gateway to appoint and terminate the appointments of agents; and (5) promote uniformity of Washington state's producer licensing procedures with those of other states.

It is anticipated that the effects of the new rules will be to: (1) Reduce the commissioner's processing time for appointments; (2) permit licensed agents to represent an insurer immediately upon appointment by the insurer; and (3) reduce the amount of time for licensed agents to begin soliciting insurance on behalf of insurers.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-17-400, 284-17-410, and 284-17-420.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.17.150 (1)(g)(ii).

Adopted under notice filed as WSR 06-08-100 on April 5, 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 [32], Amended 32, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New [32], Amended 32, Repealed 3.

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

Date Adopted: May 30, 2006.

Mike Kreidler
 Insurance Commissioner

NEW SECTION

WAC 284-17-421 What definitions apply to WAC 284-17-421 through 284-17-483? (1) "Business entity" means a corporation, partnership, limited liability company, or limited liability partnership.

(2) "Sending written notice" or "sending a copy of the written notice" means transmitting the required information in writing and, where appropriate, on forms designated by the commissioner for that purpose, via mail, commercial parcel delivery company, electronic telefacsimile transmission, or e-mail.

(3) "NIPR" means the National Insurance Producer Registry or other equivalent organization or entity designated or maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries.

NEW SECTION

WAC 284-17-423 How long are initial and reinstated individual licenses in effect? Initial and reinstated individual licenses are valid from the date of issuance until the date of the licensee's next birthday anniversary plus one year.

NEW SECTION

WAC 284-17-425 How long are initial and reinstated business entity licenses in effect? Initial and reinstated business entity licenses are valid for a period of two years from the date of issuance.

NEW SECTION

WAC 284-17-427 What is the renewal period for a license? The renewal period for all licenses is two years.

NEW SECTION

WAC 284-17-429 How long is an initial appointment valid? Initial appointments are valid for the period ending with the insurer's first appointment renewal date after the initial issue date of the appointment. The appointment renewal date for the insurer is assigned by the commissioner.

NEW SECTION

WAC 284-17-431 What is the renewal period for an appointment? The renewal period for all appointments is two years.

NEW SECTION

WAC 284-17-433 How long is an appointment effective? Each appointment is effective until the agent's license expires or is revoked, the appointment has expired, or written notice of termination of the appointment is received by the commissioner, whichever occurs first.

NEW SECTION

WAC 284-17-435 How will the commissioner notify an insurer that an agent has been appointed? The commissioner will confirm the agent's appointment by sending written notice to the insurer within fifteen calendar days after receipt of the appointment by the commissioner.

NEW SECTION

WAC 284-17-437 How may an agent be appointed?

An agent may be appointed by using one of the following methods:

(1) By submitting the appointment electronically through NIPR (preferred method); or

(2) By submitting the appointment to the commissioner using the form provided by the commissioner for that purpose. The form may be obtained upon request or may be found at the commissioner's web site.

NEW SECTION

WAC 284-17-439 How will the commissioner notify an insurer if an agent is not eligible for an electronic appointment?

If an agent is not eligible for an electronic appointment, the insurer will be notified when the electronic appointment is not accepted for transmission through NIPR. An agent is not eligible for an appointment where the agent's license is not valid or the agent is not licensed for all lines of insurance that the appointing insurer is authorized to transact in the state of Washington.

NEW SECTION

WAC 284-17-441 How will the commissioner notify an insurer if an agent is ineligible for an appointment when the appointment has not been submitted electronically?

The commissioner will notify an insurer that an agent is ineligible for an appointment when the appointment has not been submitted electronically by sending written notice to the insurer.

NEW SECTION

WAC 284-17-443 How may an insurer renew an agent's appointment? A renewal appointment list will be sent to the insurer identifying all of the insurer's agents whose appointments are due to expire. An insurer may renew an appointment by:

(1) Sending written notice to the commissioner that the appointment will be renewed; and

(2) Paying the renewal fee for each agent appointed by the insurer on the renewal date assigned by the commissioner.

NEW SECTION

WAC 284-17-445 How may an insurer terminate an appointment?

An insurer may terminate an appointment by sending written notice of termination to the agent and by sending a notice of termination of the appointment to the commissioner:

(1) Electronically through NIPR (preferred method); or

(2) Using the form provided by the commissioner for that purpose. The form may be obtained upon request or may be found at the commissioner's web site.

NEW SECTION

WAC 284-17-447 How may an agent terminate an appointment? An agent may terminate an appointment by sending advance written notice to the insurer stating:

- (1) The agent will no longer act as a representative of the insurer; and
- (2) The effective date of the termination.

The agent must also send a copy of the written notice to the commissioner.

NEW SECTION

WAC 284-17-449 When an agent's appointment is terminated "for cause," what procedure must be followed in notifying the commissioner? If an insurer or its authorized representative terminates the appointment of an agent "for cause," the insurer must notify the insurance commissioner within thirty days following the effective date of the termination by sending written notice of termination of the appointment "for cause" to the commissioner.

NEW SECTION

WAC 284-17-451 What information must be provided relating to a "for cause" termination? Upon the written request of the commissioner, the insurer shall provide additional information, documents, records or other data pertaining to the "for cause" termination or activity of the agent.

NEW SECTION

WAC 284-17-453 What conduct constitutes "for cause"? "For cause" includes the following conduct:

- (1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;
- (3) Obtaining or attempting to obtain a license through misrepresentation or fraud;
- (4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
- (5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;
- (6) Having been convicted of a felony;
- (7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;
- (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
- (9) Having an insurance license, denied, suspended or revoked in any other state, province, district or territory;
- (10) Forging another's name to an application for insurance or to any document related to an insurance transaction;
- (11) Knowingly accepting insurance business from an individual who is not licensed;
- (12) Incompetence;
- (13) Failure to account for premiums;

(14) Rebating; and

(15) Abandonment.

NEW SECTION

WAC 284-17-455 Is an agent required to be licensed for the same lines of authority as the appointing insurer?

An applicant for an agent's license must be licensed for all lines of insurance that the appointing insurer is authorized to transact in the state of Washington with the following exceptions:

(1) Insurers authorized to write lines of insurance in addition to vehicle insurance or surety insurance may appoint agents to write vehicle insurance or surety insurance only. It is only necessary that these appointees take a qualifying examination for vehicle insurance or surety insurance.

(2) Where the appointment is for the "limited" licenses of travel, credit life and disability, credit casualty, specialty producers, or rental car agents, it is not necessary for the applicant to be licensed for all lines of insurance that the appointing insurer is authorized to transact in the state of Washington.

NEW SECTION

WAC 284-17-457 May a licensed agent act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment? A licensed agent may act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment where:

- (1) The agent is appointed by the insurer; and
- (2) The notice of appointment is submitted electronically through NIPR.

NEW SECTION

WAC 284-17-459 How long may a licensed agent act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment? A licensed agent may act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment for up to thirty calendar days after the date the agent has signed the first application for insurance for submission to the insurer.

NEW SECTION

WAC 284-17-461 May a licensed agent act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment if the notice of appointment is not submitted electronically? If the notice of appointment is not submitted electronically, the commissioner must receive written notice of the appointment and accept the appointment before the licensed agent may act as a representative of an insurer and solicit insurance on its behalf.

NEW SECTION

WAC 284-17-463 Who is responsible for ensuring that the agent is eligible for appointment? The agent and the appointing insurer are responsible for ensuring that the agent is eligible for appointment.

NEW SECTION

WAC 284-17-467 What are the consequences when an agent has solicited insurance on behalf of an insurer as authorized by WAC 284-17-457 but is later determined not to be eligible for appointment by the insurer? When an agent has solicited insurance on behalf of an insurer as authorized by WAC 284-17-457 but is later determined not to be eligible for appointment by the insurer:

- (1) The insurance will be effective;
- (2) The agent is not entitled to receive compensation for any insurance or insurance product sold by the agent; and
- (3) The agent and the insurer may be subject to disciplinary action under RCW 48.17.530.

NEW SECTION

WAC 284-17-469 Is the insurer responsible for the acts of the agent during the period of time the agent is acting as a representative of the insurer or soliciting insurance on its behalf? The insurer is responsible for the acts of the agent during the period of time the agent is acting as a representative of the insurer or soliciting insurance on its behalf but before the commissioner is notified of the appointment. This is the case whether or not the thirty-calendar-day period after the date the agent has signed the first application for insurance for submission to the insurer has elapsed. Any misconduct or errors that may occur during this time will be the responsibility of the insurer and the agent.

NEW SECTION

WAC 284-17-471 What are the consequences if the commissioner is not notified of the appointment within thirty calendar days after the date the agent has signed the first application for insurance for submission to the insurer and the agent continues to act as a representative of the insurer or solicit insurance on its behalf? If the commissioner is not notified of the appointment within thirty calendar days after the date the agent has signed the first application for insurance for submission to the insurer, the agent may no longer act as a representative of the insurer or solicit insurance on its behalf. If the agent continues to do so, the insurance will be effective but the agent and the insurer may be subject to disciplinary action under RCW 48.17.530.

NEW SECTION

WAC 284-17-473 Is a business entity licensed as an agent, adjuster or broker required to affiliate an individual licensee? Each business entity licensed as an agent, adjuster or broker must notify the commissioner of all individual licensees that represent the business entity and act on its behalf using the form provided by the commissioner for

that purpose. The form may be obtained upon request or may be found at the commissioner's web site. Individual licensees that represent the business entity and act on its behalf are "affiliated" with the licensed business entity. A business entity licensee must have at least one individual licensee who is affiliated.

NEW SECTION

WAC 284-17-475 Must an individual licensee who is affiliated with a business entity license be individually appointed by insurers if the business entity is appointed by the insurer? If an individual licensee is affiliated with a business entity licensee, the individual is not required to be directly appointed by the insurer. The licensee's authority to act as an agent is limited to those lines for which the licensee is qualified and within the business entity's lines of authority.

NEW SECTION

WAC 284-17-477 How long is an affiliation valid? An affiliation by a business entity which is not revoked will be valid until the first renewal date after the notice of affiliation. Thereafter, each affiliation may be renewed for a period of two years upon payment of the annual affiliation renewal fee for each affiliation at the time of renewal of the business entity license.

NEW SECTION

WAC 284-17-479 How may a business entity terminate an affiliation? A business entity may terminate an affiliation of an individual by sending written notice of termination to the agent and a copy to the commissioner.

NEW SECTION

WAC 284-17-481 How should an insurer notify the commissioner of a termination of an affiliation "for cause"? If a business entity or its authorized representative terminates the affiliation of a producer "for cause," the business entity must notify the commissioner within thirty days following the effective date of the termination by sending written notice of termination of the affiliation to the commissioner.

NEW SECTION

WAC 284-17-482 What information must be provided relating to a "for cause" termination? Upon the written request of the commissioner, the business entity shall provide additional information, documents, records or other data pertaining to the "for cause" termination or conduct of the affiliated person.

NEW SECTION

WAC 284-17-483 How may an individual agent terminate an affiliation? An individual agent may terminate the agent's affiliation by sending advance written notice to the business entity stating:

- (1) The agent will no longer act on behalf of the business entity; and
 - (2) The effective date of the termination.
- The agent must also send a copy of the written notice to the commissioner.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-17-400 Renewal dates for agents, brokers, solicitors and adjusters.
- WAC 284-17-410 Appointment renewal and termination procedures for insurance agents.
- WAC 284-17-420 Appointment, affiliation and renewal procedures for licensed persons empowered to exercise the authority conferred to a corporate or firm licensee.

Statutory Authority for Adoption: RCW 90.48.465 Water pollution control.

Adopted under notice filed as WSR 06-07-011 on March 3, 2006.

Changes Other than Editing from Proposed to Adopted Version: Ecology restructured the fee schedule for secondary permit holders of Phase 2 municipal stormwater permit coverage.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: May 30, 2006.

Jay J. Manning
Director

WSR 06-12-028

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 05-17—Filed May 30, 2006, 4:18 p.m., effective June 30, 2006]

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

Purpose: Amend chapter 173-224 WAC, Wastewater discharge permit fees, that will set permit fees for wastewater and stormwater dischargers for fiscal years 2007 and 2008. Create a new fee subcategory for invasive moth control[,] restructure the existing fee categories for nuisance and noxious weed control and Phase 2 municipal stormwater secondary permit holders.

AMENDATORY SECTION (Amending WSR 04-15-046, filed 7/13/04, effective 8/13/04)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

	FY ((2005)) 2007	FY ((2006)) 2008
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
INDUSTRIAL FACILITY CATEGORIES		
Aluminum Alloys	((\$14,145.00)) <u>\$15,007.00</u>	((\$14,516.00)) <u>\$15,831.00</u>
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	((83,417.00)) <u>88,496.00</u>	((85,603.00)) <u>93,354.00</u>
b. State Permit	((41,710.00)) <u>44,250.00</u>	((42,803.00)) <u>46,679.00</u>
Aluminum Forming	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Aggregate Production - Individual Permit Coverage		
a. Mining Activities		

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
1.	Mining, screening, washing and/or crushing	((2,434.00)) <u>2,582.00</u>	((2,498.00)) <u>2,724.00</u>
2.	Nonoperating aggregate site (fee per site)	((100.00)) <u>106.00</u>	((103.00)) <u>112.00</u>
b.	Asphalt Production		
1.	0 - < 50,000 tons/yr.	((1,014.00)) <u>1,076.00</u>	((1,041.00)) <u>1,135.00</u>
2.	50,000 - < 300,000 tons/yr.	((2,435.00)) <u>2,583.00</u>	((2,499.00)) <u>2,725.00</u>
3.	300,000 tons/yr. and greater	((3,045.00)) <u>3,231.00</u>	((3,125.00)) <u>3,408.00</u>
c.	Concrete Production		
1.	0 - < 25,000 cu. yds/yr.	((1,014.00)) <u>1,076.00</u>	((1,041.00)) <u>1,135.00</u>
2.	25,000 - < 200,000 cu. yds/yr.	((2,435.00)) <u>2,583.00</u>	((2,499.00)) <u>2,725.00</u>
3.	200,000 cu. yds/yr. and greater	((3,045.00)) <u>3,231.00</u>	((3,125.00)) <u>3,408.00</u>

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Operations

1.	Rock Crushing	((2,434.00)) <u>2,582.00</u>	((2,498.00)) <u>2,724.00</u>
2.	Asphalt	((2,434.00)) <u>2,582.00</u>	((2,498.00)) <u>2,724.00</u>
3.	Concrete	((2,434.00)) <u>2,582.00</u>	((2,498.00)) <u>2,724.00</u>

Aggregate Production - General Permit Coverage

a. Mining Activities

1.	Mining, screening, washing and/or crushing	((1,703.00)) <u>1,807.00</u>	((1,748.00)) <u>1,906.00</u>
2.	Nonoperating aggregate site (fee per site)	((71.00)) <u>75.00</u>	((73.00)) <u>79.00</u>

b. Asphalt Production

1.	0 - < 50,000 tons/yr.	((711.00)) <u>755.00</u>	((730.00)) <u>796.00</u>
2.	50,000 - < 300,000 tons/yr.	((1,704.00)) <u>1,808.00</u>	((1,749.00)) <u>1,907.00</u>
3.	300,000 tons/yr. and greater	((2,130.00)) <u>2,260.00</u>	((2,186.00)) <u>2,384.00</u>

c. Concrete Production

1.	0 - < 25,000 cu. yds/yr.	((711.00)) <u>755.00</u>	((730.00)) <u>796.00</u>
2.	25,000 - < 200,000 cu. yds/yr.	((1,704.00)) <u>1,808.00</u>	((1,749.00)) <u>1,907.00</u>
3.	200,000 cu. yds/yr. and greater	((2,130.00)) <u>2,260.00</u>	((2,186.00)) <u>2,384.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	((1,704.00)) <u>1,808.00</u>	((1,749.00)) <u>1,907.00</u>
2. Asphalt	((1,704.00)) <u>1,808.00</u>	((1,749.00)) <u>1,907.00</u>
3. Concrete	((1,704.00)) <u>1,808.00</u>	((1,749.00)) <u>1,907.00</u>
Aquaculture		
a. Finfish hatching and rearing - Individual Permit	((4,243.00)) <u>4,501.00</u>	((4,354.00)) <u>4,748.00</u>
b. Finfish hatching and rearing - General Permit Coverage	((2,972.00)) <u>3,153.00</u>	((3,050.00)) <u>3,326.00</u>
c. Shellfish hatching	((146.00)) <u>155.00</u>	((150.00)) <u>164.00</u>
Aquatic Pest Control		
a. Irrigation Districts	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
b. Mosquito Control Districts	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
c. ((Noxious)) <u>Invasive Moth Control</u>	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
d. ((Nuisance Weed Control Only)) <u>Aquatic Species Control & Eradication</u>	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
e. Oyster Growers	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
f. Rotenone Control	((319.00)) <u>338.00</u>	((327.00)) <u>357.00</u>
Boat Yards - Individual Permit Coverage		
a. With storm water only discharge	((362.00)) <u>384.00</u>	((371.00)) <u>405.00</u>
b. All others	((725.00)) <u>769.00</u>	((744.00)) <u>811.00</u>
Boat Yards - General Permit Coverage		
a. With storm water only discharge	((252.00)) <u>268.00</u>	((259.00)) <u>282.00</u>
b. All others	((509.00)) <u>540.00</u>	((522.00)) <u>570.00</u>
Coal Mining and Preparation		
a. < 200,000 tons per year	((5,655.00)) <u>5,999.00</u>	((5,803.00)) <u>6,328.00</u>
b. 200,000 - < 500,000 tons per year	((12,731.00)) <u>13,507.00</u>	((13,065.00)) <u>14,248.00</u>
c. 500,000 - < 1,000,000 tons per year	((22,632.00)) <u>24,010.00</u>	((23,225.00)) <u>25,328.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) <u>2007</u> ANNUAL PERMIT FEE	FY ((2006)) <u>2008</u> ANNUAL PERMIT FEE AND BEYOND
d.	1,000,000 tons per year and greater	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Combined Industrial Waste Treatment			
a.	< 10,000 gpd	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b.	10,000 - < 50,000 gpd	((7,071.00)) <u>7,501.00</u>	((7,256.00)) <u>7,913.00</u>
c.	50,000 - < 100,000 gpd	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
d.	100,000 - < 500,000 gpd	((28,290.00)) <u>30,012.00</u>	((29,031.00)) <u>31,659.00</u>
e.	500,000 gpd and greater	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Combined Food Processing Waste Treatment Facilities			
		((13,542.00)) <u>14,367.00</u>	((13,897.00)) <u>15,156.00</u>
Combined Sewer Overflow System			
a.	< 50 acres	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b.	50 - < 100 acres	((7,071.00)) <u>7,501.00</u>	((7,256.00)) <u>7,913.00</u>
c.	100 - < 500 acres	((8,490.00)) <u>9,007.00</u>	((8,712.00)) <u>9,501.00</u>
d.	500 acres and greater	((11,316.00)) <u>12,004.00</u>	((11,612.00)) <u>12,663.00</u>
Commercial Laundry			
		((362.00)) <u>384.00</u>	((371.00)) <u>405.00</u>
Concentrated Animal Feeding Operation			
a.	< 200 Animal Units	((145.00)) <u>154.00</u>	((149.00)) <u>162.00</u>
b.	200 - < 400 Animal Units	((362.00)) <u>384.00</u>	((371.00)) <u>405.00</u>
c.	400 - < 600 Animal Units	((725.00)) <u>769.00</u>	((744.00)) <u>811.00</u>
d.	600 - < 800 Animal Units	((1,087.00)) <u>1,153.00</u>	((1,115.00)) <u>1,216.00</u>
e.	800 Animal Units and greater	((1,451.00)) <u>1,539.00</u>	((1,489.00)) <u>1,624.00</u>
Crop Preparing - Individual Permit Coverage			
a.	0 - < 1,000 bins/yr.	((282.00)) <u>299.00</u>	((289.00)) <u>315.00</u>
b.	1,000 - < 5,000 bins/yr.	((566.00)) <u>601.00</u>	((581.00)) <u>634.00</u>
c.	5,000 - < 10,000 bins/yr.	((1,131.00)) <u>1,200.00</u>	((1,161.00)) <u>1,266.00</u>
d.	10,000 - < 15,000 bins/yr.	((2,265.00)) <u>2,403.00</u>	((2,324.00)) <u>2,535.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
e.	15,000 - < 20,000 bins/yr.	((3,746.00)) <u>3,974.00</u>	((3,844.00)) <u>4,192.00</u>
f.	20,000 - < 25,000 bins/yr.	((5,233.00)) <u>5,552.00</u>	((5,370.00)) <u>5,857.00</u>
g.	25,000 - < 50,000 bins/yr.	((7,001.00)) <u>7,427.00</u>	((7,184.00)) <u>7,835.00</u>
h.	50,000 - < 75,000 bins/yr.	((7,780.00)) <u>8,254.00</u>	((7,984.00)) <u>8,707.00</u>
i.	75,000 - < 100,000 bins/yr.	((9,052.00)) <u>9,603.00</u>	((9,289.00)) <u>10,130.00</u>
j.	100,000 - < 125,000 bins/yr.	((11,316.00)) <u>12,004.00</u>	((11,612.00)) <u>12,663.00</u>
k.	125,000 - < 150,000 bins/yr.	((14,145.00)) <u>15,006.00</u>	((14,516.00)) <u>15,830.00</u>
l.	150,000 bins/yr. and greater	((16,974.00)) <u>18,008.00</u>	((17,419.00)) <u>18,997.00</u>
Crop Preparing - General Permit Coverage			
a.	0 - < 1,000 bins/yr.	((197.00)) <u>209.00</u>	((202.00)) <u>220.00</u>
b.	1,000 - < 5,000 bins/yr.	((396.00)) <u>420.00</u>	((406.00)) <u>443.00</u>
c.	5,000 - < 10,000 bins/yr.	((793.00)) <u>842.00</u>	((814.00)) <u>888.00</u>
d.	10,000 - < 15,000 bins/yr.	((1,585.00)) <u>1,682.00</u>	((1,627.00)) <u>1,774.00</u>
e.	15,000 - < 20,000 bins/yr.	((2,623.00)) <u>2,783.00</u>	((2,692.00)) <u>2,936.00</u>
f.	20,000 - < 25,000 bins/yr.	((3,664.00)) <u>3,887.00</u>	((3,760.00)) <u>4,100.00</u>
g.	25,000 - < 50,000 bins/yr.	((4,900.00)) <u>5,198.00</u>	((5,028.00)) <u>5,483.00</u>
h.	50,000 - < 75,000 bins/yr.	((5,445.00)) <u>5,777.00</u>	((5,588.00)) <u>6,094.00</u>
i.	75,000 - < 100,000 bins/yr.	((6,331.00)) <u>6,717.00</u>	((6,497.00)) <u>7,086.00</u>
j.	100,000 - < 125,000 bins/yr.	((7,922.00)) <u>8,405.00</u>	((8,130.00)) <u>8,866.00</u>
k.	125,000 - < 150,000 bins/yr.	((9,902.00)) <u>10,504.00</u>	((10,161.00)) <u>11,081.00</u>
l.	150,000 bins/yr. and greater	((11,881.00)) <u>12,604.00</u>	((12,192.00)) <u>13,296.00</u>
Dairies \$.50 per Animal Unit not to exceed ((\$1,015.00)) <u>\$1,077.00</u> for FY ((2005)) 2007 and ((\$1,042.00)) <u>\$1,136.00</u> for FY ((2006)) 2008 and beyond			
Facilities Not Otherwise Classified - Individual Permit Coverage			
a.	< 1,000 gpd	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
b.	1,000 - < 10,000 gpd	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
c.	10,000 - < 50,000 gpd	((7,072.00)) <u>7,502.00</u>	((7,257.00)) <u>7,914.00</u>
d.	50,000 - < 100,000 gpd	((11,316.00)) <u>12,004.00</u>	((11,612.00)) <u>12,663.00</u>
e.	100,000 - < 500,000 gpd	((22,519.00)) <u>23,890.00</u>	((23,109.00)) <u>25,202.00</u>
f.	500,000 - < 1,000,000 gpd	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
g.	1,000,000 gpd and greater	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,490.00</u>
Facilities Not Otherwise Classified - General Permit Coverage			
a.	< 1,000 gpd	((992.00)) <u>1,052.00</u>	((1,018.00)) <u>1,110.00</u>
b.	1,000 - < 10,000 gpd	((2,052.00)) <u>2,177.00</u>	((2,106.00)) <u>2,297.00</u>
c.	10,000 - < 50,000 gpd	((4,952.00)) <u>5,254.00</u>	((5,082.00)) <u>5,542.00</u>
d.	50,000 - < 100,000 gpd	((7,922.00)) <u>8,405.00</u>	((8,130.00)) <u>8,866.00</u>
e.	100,000 - < 500,000 gpd	((15,841.00)) <u>16,805.00</u>	((16,256.00)) <u>17,728.00</u>
f.	500,000 - < 1,000,000 gpd	((19,801.00)) <u>21,007.00</u>	((20,320.00)) <u>22,160.00</u>
g.	1,000,000 gpd and greater	((29,705.00)) <u>31,513.00</u>	((30,483.00)) <u>33,243.00</u>
Flavor Extraction			
a.	Steam Distillation	((145.00)) <u>154.00</u>	((149.00)) <u>162.00</u>
Food Processing			
a.	< 1,000 gpd	((1,414.00)) <u>1,500.00</u>	((1,451.00)) <u>1,582.00</u>
b.	1,000 - < 10,000 gpd	((3,605.00)) <u>3,824.00</u>	((3,699.00)) <u>4,034.00</u>
c.	10,000 - < 50,000 gpd	((6,436.00)) <u>6,828.00</u>	((6,605.00)) <u>7,203.00</u>
d.	50,000 - < 100,000 gpd	((10,113.00)) <u>10,729.00</u>	((10,378.00)) <u>11,318.00</u>
e.	100,000 - < 250,000 gpd	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,830.00</u>
f.	250,000 - < 500,000 gpd	((18,602.00)) <u>19,734.00</u>	((19,089.00)) <u>20,817.00</u>
g.	500,000 - < 750,000 gpd	((23,338.00)) <u>24,758.00</u>	((23,949.00)) <u>26,117.00</u>
h.	750,000 - < 1,000,000 gpd	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
i.	1,000,000 - < 2,500,000 gpd	((34,852.00)) <u>36,974.00</u>	((35,765.00)) <u>39,003.00</u>
j.	2,500,000 - < 5,000,000 gpd	((38,898.00)) <u>41,266.00</u>	((39,917.00)) <u>43,532.00</u>
k.	5,000,000 gpd and greater	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Fuel and Chemical Storage			
a.	< 50,000 bbls	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>
b.	50,000 - < 100,000 bbls	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
c.	100,000 - < 500,000 bbls	((7,071.00)) <u>7,501.00</u>	((7,256.00)) <u>7,913.00</u>
d.	500,000 bbls and greater	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
Hazardous Waste Clean Up Sites			
a.	Leaking Underground Storage Tanks (LUST)		
1.	State Permit	((3,710.00)) <u>3,936.00</u>	((3,807.00)) <u>4,152.00</u>
2.	NPDES Permit Issued pre 7/1/94	((3,710.00)) <u>3,936.00</u>	((3,807.00)) <u>4,152.00</u>
3.	NPDES Permit Issued post 7/1/94	((7,420.00)) <u>7,871.00</u>	((7,614.00)) <u>8,303.00</u>
b.	Non-LUST Sites		
1.	1 or 2 Contaminants of concern	((7,254.00)) <u>7,696.00</u>	((7,444.00)) <u>8,118.00</u>
2.	> 2 Contaminants of concern	((14,508.00)) <u>15,391.00</u>	((14,888.00)) <u>16,236.00</u>
Ink Formulation and Printing			
a.	Commercial Print Shops	((2,176.00)) <u>2,308.00</u>	((2,233.00)) <u>2,435.00</u>
b.	Newspapers	((3,628.00)) <u>3,849.00</u>	((3,723.00)) <u>4,060.00</u>
c.	Box Plants	((5,803.00)) <u>6,156.00</u>	((5,955.00)) <u>6,494.00</u>
d.	Ink Formulation	((7,254.00)) <u>7,696.00</u>	((7,444.00)) <u>8,119.00</u>
Inorganic Chemicals Manufacturing			
a.	Lime Products	((7,071.00)) <u>7,501.00</u>	((7,256.00)) <u>7,913.00</u>
b.	Fertilizer	((8,513.00)) <u>9,031.00</u>	((8,736.00)) <u>9,527.00</u>
c.	Peroxide	((11,316.00)) <u>12,004.00</u>	((11,612.00)) <u>12,663.00</u>
d.	Alkaline Earth Salts	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2005)) 2007	FY ((2006)) 2008
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
e. Metal Salts	((19,800.00)) <u>21,006.00</u>	((20,319.00)) <u>22,159.00</u>
f. Acid Manufacturing	((28,284.00)) <u>30,006.00</u>	((29,025.00)) <u>31,653.00</u>
g. Chlor-alkali	((56,580.00)) <u>60,024.00</u>	((58,062.00)) <u>63,319.00</u>
Iron and Steel		
a. Foundries	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
b. Mills	((28,315.00)) <u>30,039.00</u>	((29,057.00)) <u>31,688.00</u>
Metal Finishing		
a. < 1,000 gpd	((1,696.00)) <u>1,799.00</u>	((1,740.00)) <u>1,898.00</u>
b. 1,000 - < 10,000 gpd	((2,828.00)) <u>3,000.00</u>	((2,902.00)) <u>3,165.00</u>
c. 10,000 - < 50,000 gpd	((7,070.00)) <u>7,500.00</u>	((7,255.00)) <u>7,912.00</u>
d. 50,000 - < 100,000 gpd	((14,144.00)) <u>15,006.00</u>	((14,515.00)) <u>15,830.00</u>
e. 100,000 - < 500,000 gpd	((28,288.00)) <u>30,010.00</u>	((29,029.00)) <u>31,657.00</u>
f. 500,000 gpd and greater	((42,433.00)) <u>45,017.00</u>	((43,545.00)) <u>47,488.00</u>
Noncontact Cooling Water With Additives - Individual Permit Coverage		
a. < 1,000 gpd	((885.00)) <u>939.00</u>	((908.00)) <u>991.00</u>
b. 1,000 - < 10,000 gpd	((1,235.00)) <u>1,310.00</u>	((1,267.00)) <u>1,382.00</u>
c. 10,000 - < 50,000 gpd	((2,654.00)) <u>2,816.00</u>	((2,724.00)) <u>2,971.00</u>
d. 50,000 - < 100,000 gpd	((6,190.00)) <u>6,567.00</u>	((6,352.00)) <u>6,928.00</u>
e. 100,000 - < 500,000 gpd	((10,606.00)) <u>11,252.00</u>	((10,884.00)) <u>11,870.00</u>
f. 500,000 - < 1,000,000 gpd	((15,031.00)) <u>15,946.00</u>	((15,425.00)) <u>16,821.00</u>
g. 1,000,000 - < 2,500,000 gpd	((19,451.00)) <u>20,636.00</u>	((19,961.00)) <u>21,769.00</u>
h. 2,500,000 - < 5,000,000 gpd	((23,867.00)) <u>25,216.00</u>	((24,392.00)) <u>26,600.00</u>
i. 5,000,000 gpd and greater	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
Noncontact Cooling Water With Additives - General Permit Coverage		
a. < 1,000 gpd	((620.00)) <u>657.00</u>	((636.00)) <u>694.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
b.	1,000 - < 10,000 gpd	((1,237.00)) <u>1,312.00</u>	((1,269.00)) <u>1,384.00</u>
c.	10,000 - < 50,000 gpd	((1,858.00)) <u>1,971.00</u>	((1,907.00)) <u>2,079.00</u>
d.	50,000 - < 100,000 gpd	((4,334.00)) <u>4,598.00</u>	((4,448.00)) <u>4,850.00</u>
e.	100,000 - < 500,000 gpd	((7,425.00)) <u>7,878.00</u>	((7,620.00)) <u>8,310.00</u>
f.	500,000 - < 1,000,000 gpd	((10,522.00)) <u>11,163.00</u>	((10,798.00)) <u>11,776.00</u>
g.	1,000,000 - < 2,500,000 gpd	((13,615.00)) <u>14,444.00</u>	((13,972.00)) <u>15,237.00</u>
h.	2,500,000 - < 5,000,000 gpd	((16,707.00)) <u>17,725.00</u>	((17,145.00)) <u>18,698.00</u>
i.	5,000,000 gpd and greater	((19,801.00)) <u>21,007.00</u>	((20,320.00)) <u>22,160.00</u>
Noncontact Cooling Water Without Additives - Individual Permit Coverage			
a.	< 1,000 gpd	((709.00)) <u>753.00</u>	((728.00)) <u>794.00</u>
b.	1,000 - < 10,000 gpd	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>
c.	10,000 - < 50,000 gpd	((2,123.00)) <u>2,253.00</u>	((2,179.00)) <u>2,377.00</u>
d.	50,000 - < 100,000 gpd	((4,952.00)) <u>5,254.00</u>	((5,082.00)) <u>5,542.00</u>
e.	100,000 - < 500,000 gpd	((8,490.00)) <u>9,006.00</u>	((8,712.00)) <u>9,501.00</u>
f.	500,000 - < 1,000,000 gpd	((12,022.00)) <u>12,754.00</u>	((12,337.00)) <u>13,454.00</u>
g.	1,000,000 - < 2,500,000 gpd	((15,498.00)) <u>16,442.00</u>	((15,904.00)) <u>17,344.00</u>
h.	2,500,000 - < 5,000,000 gpd	((19,095.00)) <u>20,257.00</u>	((19,595.00)) <u>21,369.00</u>
i.	5,000,000 gpd and greater	((22,632.00)) <u>24,010.00</u>	((23,225.00)) <u>25,328.00</u>
Noncontact Cooling Water Without Additives - General Permit Coverage			
a.	< 1,000 gpd	((496.00)) <u>526.00</u>	((509.00)) <u>555.00</u>
b.	1,000 - < 10,000 gpd	((992.00)) <u>1,052.00</u>	((1,018.00)) <u>1,110.00</u>
c.	10,000 - < 50,000 gpd	((1,486.00)) <u>1,577.00</u>	((1,525.00)) <u>1,664.00</u>
d.	50,000 - < 100,000 gpd	((3,466.00)) <u>3,677.00</u>	((3,557.00)) <u>3,879.00</u>
e.	100,000 - < 500,000 gpd	((5,941.00)) <u>6,303.00</u>	((6,097.00)) <u>6,649.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
f.	500,000 - < 1,000,000 gpd	((8,417.00)) <u>8,929.00</u>	((8,637.00)) <u>9,419.00</u>
g.	1,000,000 - < 2,500,000 gpd	((10,892.00)) <u>11,555.00</u>	((11,177.00)) <u>12,189.00</u>
h.	2,500,000 - < 5,000,000 gpd	((13,367.00)) <u>14,181.00</u>	((13,717.00)) <u>14,960.00</u>
i.	5,000,000 gpd and greater	((15,841.00)) <u>16,805.00</u>	((16,256.00)) <u>17,728.00</u>
Nonferrous Metals Forming		((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
Ore Mining			
a.	Ore Mining	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b.	Ore mining with physical concentration processes	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
c.	Ore mining with physical and chemical concentration processes	((22,632.00)) <u>24,010.00</u>	((23,225.00)) <u>25,328.00</u>
Organic Chemicals Manufacturing			
a.	Fertilizer	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
b.	Aliphatic	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
c.	Aromatic	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Petroleum Refining			
a.	< 10,000 bbls/d	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
b.	10,000 - < 50,000 bbls/d	((56,089.00)) <u>59,503.00</u>	((57,558.00)) <u>62,770.00</u>
c.	50,000 bbls/d and greater	((113,164.00)) <u>120,054.00</u>	((116,129.00)) <u>126,645.00</u>
Photofinishers			
a.	< 1,000 gpd	((1,131.00)) <u>1,200.00</u>	((1,161.00)) <u>1,266.00</u>
b.	1,000 gpd and greater	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
Power and/or Steam Plants			
a.	Steam Generation - Nonelectric	((5,655.00)) <u>5,999.00</u>	((5,803.00)) <u>6,328.00</u>
b.	Hydroelectric	((5,655.00)) <u>5,999.00</u>	((5,803.00)) <u>6,328.00</u>
c.	Nonfossil Fuel	((8,489.00)) <u>9,005.00</u>	((8,711.00)) <u>9,499.00</u>
d.	Fossil Fuel	((22,632.00)) <u>24,010.00</u>	((23,225.00)) <u>25,328.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2005)) 2007 ANNUAL PERMIT FEE	FY ((2006)) 2008 ANNUAL PERMIT FEE AND BEYOND
Pulp, Paper and Paper Board		
a. Fiber Recyclers	((14,143.00)) <u>15,005.00</u>	((14,514.00)) <u>15,829.00</u>
b. Paper Mills	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
c. Groundwood Pulp Mills		
1. < 300 tons per day	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
2. > 300 tons per day	((84,869.00)) <u>90,037.00</u>	((87,093.00)) <u>94,980.00</u>
d. Chemical Pulp Mills w/o Chlorine Bleaching	((113,157.00)) <u>120,047.00</u>	((116,122.00)) <u>126,638.00</u>
e. Chemical Pulp Mills w/Chlorine Bleaching	((127,301.00)) <u>135,051.00</u>	((130,636.00)) <u>142,465.00</u>
Radioactive Effluents and Discharges (RED)		
a. < 3 waste streams	((27,362.00)) <u>29,028.00</u>	((28,079.00)) <u>30,626.00</u>
b. 3 - < 8 waste streams	((47,524.00)) <u>50,417.00</u>	((48,769.00)) <u>53,185.00</u>
c. 8 waste streams and greater	((78,274.00)) <u>83,040.00</u>	((80,325.00)) <u>87,599.00</u>
RCRA Corrective Action Sites	((19,882.00)) <u>21,093.00</u>	((20,403.00)) <u>22,251.00</u>
Seafood Processing		
a. < 1,000 gpd	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>
b. 1,000 - < 10,000 gpd	((3,605.00)) <u>3,824.00</u>	((3,699.00)) <u>4,034.00</u>
c. 10,000 - < 50,000 gpd	((6,436.00)) <u>6,828.00</u>	((6,605.00)) <u>7,203.00</u>
d. 50,000 - < 100,000 gpd	((10,113.00)) <u>10,729.00</u>	((10,378.00)) <u>11,318.00</u>
e. 100,000 gpd and greater	((14,145.00)) <u>15,007.00</u>	((14,516.00)) <u>15,831.00</u>
Shipyards		
a. Per crane, travel lift, small boat lift	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b. Per drydock under 250 ft in length	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
c. Per graving dock	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
d. Per marine way	((4,243.00)) <u>4,501.00</u>	((4,354.00)) <u>4,748.00</u>
e. Per sycrolift	((4,243.00)) <u>4,501.00</u>	((4,354.00)) <u>4,748.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2005)) 2007	FY ((2006)) 2008
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
f. Per drydock over 250 ft in length	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
g. In-water vessel maintenance	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.		
Solid Waste Sites (nonstorm water)		
a. Nonputrescible	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
b. < 50 acres	((11,315.00)) <u>12,003.00</u>	((11,611.00)) <u>12,662.00</u>
c. 50 - < 100 acres	((22,632.00)) <u>24,010.00</u>	((23,225.00)) <u>25,328.00</u>
d. 100 - < 250 acres	((28,289.00)) <u>30,011.00</u>	((29,030.00)) <u>31,659.00</u>
e. 250 acres and greater	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Textile Mills	((56,580.00)) <u>60,024.00</u>	((58,062.00)) <u>63,319.00</u>
Timber Products		
a. Log Storage	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b. Veneer	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
c. Sawmills	((11,316.00)) <u>12,004.00</u>	((11,612.00)) <u>12,663.00</u>
d. Hardwood, Plywood	((19,800.00)) <u>21,006.00</u>	((20,319.00)) <u>22,159.00</u>
e. Wood Preserving	((27,165.00)) <u>28,819.00</u>	((27,877.00)) <u>30,401.00</u>
Vegetable/Bulb Washing Facilities		
a. < 1,000 gpd	((93.00)) <u>98.00</u>	((95.00)) <u>104.00</u>
b. 1,000 - < 5,000 gpd	((189.00)) <u>201.00</u>	((194.00)) <u>212.00</u>
c. 5,000 - < 10,000 gpd	((372.00)) <u>395.00</u>	((382.00)) <u>417.00</u>
d. 10,000 - < 20,000 gpd	((750.00)) <u>796.00</u>	((770.00)) <u>840.00</u>
e. 20,000 and greater	((1,240.00)) <u>1,315.00</u>	((1,272.00)) <u>1,387.00</u>
Vehicle Maintenance and Freight Transfer		
a. < 0.5 acre	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
b. 0.5 - < 1.0 acre	((5,656.00)) <u>6,000.00</u>	((5,804.00)) <u>6,329.00</u>
c. 1.0 acre and greater	((8,489.00)) <u>9,005.00</u>	((8,711.00)) <u>9,499.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2005)) <u>2007</u> ANNUAL PERMIT FEE	FY ((2006)) <u>2008</u> ANNUAL PERMIT FEE AND BEYOND
Water Plants - Individual Permit Coverage	((3,537.00)) <u>3,753.00</u>	((3,630.00)) <u>3,959.00</u>
Water Plants - General Permit Coverage	((2,476.00)) <u>2,627.00</u>	((2,541.00)) <u>2,771.00</u>
Wineries		
a. < 500 gpd	((288.00)) <u>306.00</u>	((296.00)) <u>323.00</u>
b. 500 - < 750 gpd	((579.00)) <u>614.00</u>	((594.00)) <u>648.00</u>
c. 750 - < 1,000 gpd	((1,158.00)) <u>1,228.00</u>	((1,188.00)) <u>1,295.00</u>
d. 1,000 - < 2,500 gpd	((2,314.00)) <u>2,455.00</u>	((2,375.00)) <u>2,590.00</u>
e. 2,500 - < 5,000 gpd	((3,692.00)) <u>3,917.00</u>	((3,789.00)) <u>4,132.00</u>
f. 5,000 gpd and greater	((5,067.00)) <u>5,376.00</u>	((5,200.00)) <u>5,671.00</u>

(a) Facilities other than those in the aggregate production, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

Residential Equivalents (RE)	FY ((2005)) 2007	FY ((2006)) 2008
	Annual Permit Fee	Annual Permit Fee and Beyond
< 250,000	\$ ((1-73)) <u>1.80</u>	\$ ((1-78)) <u>1.80</u>
> 250,000	((1-05)) <u>1.12</u>	((1-08)) <u>1.18</u>

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

- (i) Holds more than one permit for domestic wastewater facilities; and
- (ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

- (i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and
- (ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	FY ((2005)) 2007	FY ((2006)) 2008
	Annual Permit Fee	Annual Permit Fee and Beyond
.1 MGD and Greater	\$((7,071.00)) <u>7,501.00</u>	\$((7,256.00)) <u>7,913.00</u>
.05 MGD to < .1 MGD	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
.0008 MGD to < .05 MGD	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>
< .0008 MGD	((426.00)) <u>452.00</u>	((437.00)) <u>477.00</u>

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(ii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from

the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORM WATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

	FY ((2005)) 2007 Annual Permit Fee	FY ((2006)) 2008 Annual Permit Fee & Beyond
a. Individual Construction or Industrial Storm Water Permits		
1. < 50 acres	(\$2,829.00) <u>\$3,001.00</u>	(\$2,903.00) <u>\$3,166.00</u>
2. 50 -< 100 acres	(\$5,655.00) <u>\$5,999.00</u>	(\$5,803.00) <u>\$6,328.00</u>
3. 100 -< 500 acres	(\$8,489.00) <u>\$9,005.00</u>	(\$8,711.00) <u>\$9,499.00</u>
4. 500 acres and greater	(\$11,316.00) <u>\$12,004.00</u>	(\$11,612.00) <u>\$12,663.00</u>
b. Facilities Covered Under the Industrial Storm Water General Permit		
1. Municipalities and state agencies	(\$650.00) <u>\$982.00</u>	(\$950.00) <u>\$1,036.00</u>
2. New permit holders without historical gross revenue information	(\$375.00) <u>\$517.00</u>	(\$500.00) <u>\$545.00</u>
3. The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year		

	FY ((2005)) 2007 Annual Permit Fee	FY ((2006)) 2008 Annual Permit Fee & Beyond
Gross Revenue		
Less than \$100,000	\$100.00	(((\$105.00)) <u>\$100.00</u>)
\$100,000 -< \$1,000,000	(((\$375.00)) <u>\$414.00</u>)	(((\$500.00)) <u>\$437.00</u>)
\$1,000,000 -< \$2,500,000	(((\$375.00)) <u>\$496.00</u>)	(((\$600.00)) <u>\$523.00</u>)
\$2,500,000 -< \$5,000,000	(((\$540.00)) <u>\$827.00</u>)	(((\$1,000.00)) <u>\$872.00</u>)
\$5,000,000 -< \$10,000,000	(((\$745.00)) <u>\$1,241.00</u>)	(((\$1,500.00)) <u>\$1,309.00</u>)
\$10,000,000 and greater	(((\$905.00)) <u>\$1,499.00</u>)	(((\$1,800.00)) <u>\$1,581.00</u>)

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the department. The documentation shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

c. Construction Activities Covered Under the Construction Storm Water General Permit(s)

1. Less than 5 acres disturbed area	(((\$350.00)) <u>\$388.00</u>)	(((\$375.00)) <u>\$409.00</u>)
2. 5 -< 7 acres of disturbed area	(((\$400.00)) <u>\$631.00</u>)	(((\$610.00)) <u>\$666.00</u>)
3. 7 -< 10 acres of disturbed area	(((\$550.00)) <u>\$853.00</u>)	(((\$825.00)) <u>\$900.00</u>)
4. 10 -< 20 acres of disturbed area	(((\$750.00)) <u>\$1,163.00</u>)	(((\$1,125.00)) <u>\$1,227.00</u>)
5. 20 acres and greater of disturbed area	(((\$925.00)) <u>\$1,447.00</u>)	(((\$1,400.00)) <u>\$1,526.00</u>)

(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

(a) Except as provided for in (d) of this subsection, the municipal storm water permit annual fee for the entities listed below will be:

Name of Entity	FY ((2005)) 2007 Annual Permit Fee	FY ((2006)) 2008 Annual Permit Fee and Beyond
King County	(((\$32,220.00)) <u>\$34,182.00</u>)	(((\$33,064.00)) <u>\$36,059.00</u>)
Snohomish County	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)
Pierce County	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)
Tacoma, City of	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)
Seattle, City of	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

Name of Entity	FY ((2005)) 2007 Annual Permit Fee	FY ((2006)) 2008 Annual Permit Fee and Beyond
Washington Department of Transportation	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)
Clark County	(((\$32,220.00)) <u>34,182.00</u>)	(((\$33,064.00)) <u>36,059.00</u>)

(b) Municipal storm water general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: For fiscal year 2007, ecology will charge \$1.00 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.50 per housing unit inside the geographic area covered by the permit. For fiscal

year 2008, ecology will charge \$1.05 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.53 per housing unit inside the geographic area covered by the permit. Fees ((for these entities will begin in fiscal year 2006 and)) will not exceed ((\$33,064.00)) \$34,182.00 for fiscal year 2007 and \$36,059.00 for fiscal year 2008 and beyond. The minimum annual fee will not be lower than \$1,500.00 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling \$.50 per housing unit.

(c) Other entities required to have permit coverage under a municipal storm water general permit will pay an annual fee beginning in fiscal year ~~((2006 totaling \$1,500.00))~~ 2007. The annual fee shall be based on the entities' previous year's annual operating budget as follows:

<u>Annual Operating Budget</u>	<u>FY 2007 Annual Permit Fee</u>	<u>FY 2008 Annual Permit Fee and Beyond</u>
<u>Less than \$100,000</u>	<u>\$100.00</u>	<u>\$105.00</u>
<u>\$100,000 -< \$1,000,000</u>	<u>\$400.00</u>	<u>\$422.00</u>
<u>\$1,000,000 -< \$5,000,000</u>	<u>\$1,000.00</u>	<u>\$1,055.00</u>
<u>\$5,000,000 -< \$10,000,000</u>	<u>\$1,500.00</u>	<u>\$1,582.00</u>
<u>\$10,000,000 and greater</u>	<u>\$2,500.00</u>	<u>\$2,637.00</u>

For the purposes of determining the annual permit fee category, the annual operating budget shall be the entities' annual operating budget for the entities' previous fiscal year and shall be determined as follows:

(i) For diking, drainage, irrigation, and flood control districts, the district's annual operating budget.

(ii) For ports, the annual operating budget for the port district.

(iii) For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.

(iv) For state agencies, the annual operating budget for the site or sites subject to the permit.

(v) For other entities not listed, ecology will consider annual revenue, and the noncapital operating budget for the site subject to the permit.

(d) Municipal storm water permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties whose median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit

fee or \$30,000. For municipalities whose median household income is less than the state average, the fee shall be the higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal storm water general permit as determined in (c) of this subsection, the fiscal year ~~((2006))~~ 2007 annual fee for a permit written for a specific entity shall be \$7,500. For fiscal year 2008 and beyond, the annual fee will be \$7,912.

(e) Ecology will assess a single permit fee for entities which apply only as co-permittees or co-applicants. The permit fee shall be equal to the highest single permit fee which would have been assessed if the co-permittees had applied separately.

WSR 06-12-031
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)

[Filed May 31, 2006, 9:19 a.m., effective July 31, 2006]

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

Purpose: This rule making will repeal chapter 296-09 WAC, Practice and procedure—Board of boiler rules, to promote more efficient government, the department is engaged in an ongoing review of its rules and policies. This repeal will eliminate a group of rules that is unused and nonessential to department and public business.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-09-010 Appearance and practice before agency—Who may appear, 296-09-020 Appearance and practice before agency—Appearance in certain proceedings may be limited to attorneys, 296-09-030 Appearance and practice before agency—Solicitation of business unethical, 296-09-040 Appearance and practice before agency—Standards of ethical conduct, 296-09-050 Appearance and practice before agency—Appearance of former employee of board or former member of attorney general's staff, 296-09-060 Appearance and practice before agency—Former employee as expert witness, 296-09-070 Computation of time, 296-09-080 Notice and opportunity for hearing in contested cases, 296-09-090 Service of process—By whom served, 296-09-100 Service of process—Upon whom served, 296-09-110 Service of process—Service upon parties, 296-09-120 Service of process—Method of service, 296-09-130 Service of process—When service complete, 296-09-140 Service of process—Filing with agency, 296-09-370 Official notice—Matters of law, 296-09-380 Official notice—Material facts, 296-09-390 Presumptions, 296-09-400 Stipulations and admissions of record, 296-09-410 Form and content of decisions in contested cases, 296-09-420 Definition of issues before hearing, 296-09-430 Prehearing conference rule—Authorized, 296-09-440 Prehearing conference rule—Record of conference action, 296-09-450 Submission of documentary evidence in advance, 296-09-460 Excerpts from documentary evidence, 296-09-470 Expert or opinion testimony and testimony based on economic or statistical data—

Number and qualifications of witnesses, 296-09-480 Expert or opinion testimony and testimony based on economic or statistical data—Written sworn statements, 296-09-490 Expert or opinion testimony and testimony based on economic or statistical data—Supporting data, 296-09-500 Expert or opinion testimony and testimony based on economic or statistical data—Effect of noncompliance with WAC 296-09-470 or 296-09-480, 296-09-510 Continuances, 296-09-520 Rules of evidence—Admissibility criteria, 296-09-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections, 296-09-540 Petitions for rule making, amendment or repeal—Who may petition, 296-09-550 Petitions for rule making, amendment or repeal—Requisites, 296-09-560 Petitions for rule making, amendment or repeal—Agency must consider, 296-09-570 Petitions for rule making, amendment or repeal—Notice of disposition, 296-09-580 Declaratory rulings, and 296-09-590 Forms.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Adopted under notice filed as WSR 06-07-130 on March 21, 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 37.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 37.

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 37.

Date Adopted: May 31, 2006.

Craig Hopkins, Chair
Board of Boiler Rules

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-09-010 Appearance and practice before agency—Who may appear.
- WAC 296-09-020 Appearance and practice before agency—Appearance in certain proceedings may be limited to attorneys.
- WAC 296-09-030 Appearance and practice before agency—Solicitation of business unethical.
- WAC 296-09-040 Appearance and practice before agency—Standards of ethical conduct.

- WAC 296-09-050 Appearance and practice before agency—Appearance of former employee of board or former member of attorney general's staff.
- WAC 296-09-060 Appearance and practice before agency—Former employee as expert witness.
- WAC 296-09-070 Computation of time.
- WAC 296-09-080 Notice and opportunity for hearing in contested cases.
- WAC 296-09-090 Service of process—By whom served.
- WAC 296-09-100 Service of process—Upon whom served.
- WAC 296-09-110 Service of process—Service upon parties.
- WAC 296-09-120 Service of process—Method of service.
- WAC 296-09-130 Service of process—When service complete.
- WAC 296-09-140 Service of process—Filing with agency.
- WAC 296-09-370 Official notice—Matters of law.
- WAC 296-09-380 Official notice—Material facts.
- WAC 296-09-390 Presumptions.
- WAC 296-09-400 Stipulations and admissions of record.
- WAC 296-09-410 Form and content of decisions in contested cases.
- WAC 296-09-420 Definition of issues before hearing.
- WAC 296-09-430 Prehearing conference rule—Authorized.
- WAC 296-09-440 Prehearing conference rule—Record of conference action.
- WAC 296-09-450 Submission of documentary evidence in advance.
- WAC 296-09-460 Excerpts from documentary evidence.
- WAC 296-09-470 Expert or opinion testimony and testimony based on economic or statistical data—Number and qualifications of witnesses.
- WAC 296-09-480 Expert or opinion testimony and testimony based on economic or statistical data—Written sworn statements.
- WAC 296-09-490 Expert or opinion testimony and testimony based on economic or statistical data—Supporting data.

- WAC 296-09-500 Expert or opinion testimony and testimony based on economic or statistical data—Effect of noncompliance with WAC 296-09-470 or 296-09-480.
- WAC 296-09-510 Continuances.
- WAC 296-09-520 Rules of evidence—Admissibility criteria.
- WAC 296-09-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 296-09-540 Petitions for rule making, amendment or repeal—Who may petition.
- WAC 296-09-550 Petitions for rule making, amendment or repeal—Requisites.
- WAC 296-09-560 Petitions for rule making, amendment or repeal—Agency must consider.
- WAC 296-09-570 Petitions for rule making, amendment or repeal—Notice of disposition.
- WAC 296-09-580 Declaratory rulings.
- WAC 296-09-590 Forms.

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: May 31, 2006.

Craig Hopkins, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 05-12-028, filed 5/24/05, effective 6/30/05)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

WSR 06-12-032
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)

[Filed May 31, 2006, 9:20 a.m., effective July 1, 2006]

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

Purpose: The board of boiler rules is adopting a 2.82% (rounded down to the nearest tenth of a dollar) general fee increase. The 2.82% rate is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2006. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Adopted under notice filed as WSR 06-07-131 on March 21, 2006.

Changes Other than Editing from Proposed to Adopted Version: There was an error in the calculation of nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit from the 2005 fee increase. The department recalculated the fee to correct the error.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

	Internal	External
Heating boilers:		
Cast iron—All sizes	\$((31.20))	\$((24.90))
	<u>32.00</u>	<u>25.60</u>
All other boilers less than 500 sq. ft.	\$((37.60))	\$((24.90))
	<u>38.60</u>	<u>25.60</u>
500 sq. ft. to 2500 sq. ft.	\$((62.00))	\$((31.20))
	<u>63.70</u>	<u>32.00</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$((24.90))	\$((12.30))
	<u>25.60</u>	<u>12.60</u>
Power boilers:		
Less than 100 sq. ft.	\$((31.20))	\$((24.90))
	<u>32.00</u>	<u>25.60</u>
100 sq. ft. to less than 500 sq. ft.	\$((37.60))	\$((24.90))
	<u>38.60</u>	<u>25.60</u>
500 sq. ft. to 2500 sq. ft.	\$((62.00))	\$((31.20))
	<u>63.70</u>	<u>32.00</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$((24.90))	\$((12.30))
	<u>25.60</u>	<u>12.60</u>
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		\$((5.90))
		<u>6.00</u>

All other pressure vessels:
 Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	\$((24.90)) <u>25.60</u>	\$((18.60)) <u>19.10</u>
15 sq. ft. to less than 50 sq. ft.	\$((37.00)) <u>38.00</u>	\$((18.60)) <u>19.10</u>
50 sq. ft. to 100 sq. ft.	\$((43.00)) <u>44.20</u>	\$((24.90)) <u>25.60</u>
For each additional 100 sq. ft. or any portion thereof	\$((43.00)) <u>44.20</u>	\$((12.30)) <u>12.60</u>

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$((~~18.60~~)) 19.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours	\$((37.60)) <u>38.60</u>
For each hour or part of an hour in excess of 8 hours	\$((56.20)) <u>57.70</u>

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	\$((56.20)) <u>57.70</u>
For each hour or part of an hour in excess of 8 hours	\$((88.20)) <u>90.10</u>

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:

For each hour or part of an hour up to 8 hours	\$((37.60)) <u>38.60</u>
For each hour or part of an hour in excess of 8 hours	\$((56.20)) <u>57.70</u>

When insurance company is authorized inspection agency:

For each hour or part of an hour up to 8 hours	\$((56.20)) <u>57.70</u>
For each hour or part of an hour in excess of 8 hours	\$((87.70)) <u>90.10</u>

Examination fee: A fee of \$((~~69.40~~)) 71.30 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 along with an annual work card fee of \$15.

Expenses shall include:
 Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$((~~348.20~~)) 358.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 06-12-034
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 31, 2006, 10:02 a.m., effective July 1, 2006]

Effective Date of Rule: Thirty-one days after filing.
 Purpose: To ensure the real estate examination encompasses current law and to clarify the six months validity of the passing score.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124A-430.

Statutory Authority for Adoption: RCW 18.85.040(1) Director general powers and duties.

Adopted under notice filed as WSR 06-09-074 on April 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 1, Repealed 0.

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

Date Adopted: May 25, 2006.

Ralph Osgood
 Assistant Director
 Business and Professions Division

AMENDATORY SECTION (Amending WSR 91-07-029, filed 3/14/91, effective 4/14/91)

WAC 308-124A-430 Grading of examinations. (1) ~~((A minimum scaled score of 70 on each portion of the real estate salesperson examination is required to pass-))~~ To pass the real estate salesperson examination a minimum scaled score of 70 is required on each portion. The real estate salesperson examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate practices and (b) the state portion consisting of questions that test on Washington (~~(licensing)~~) laws and regulations ~~((effective July 1, 1994))~~ related to real estate licensing.

(2) ~~((A minimum scaled score of 75 on each portion of the real estate broker examination is required to pass-))~~ To pass the real estate broker examination a minimum scaled score of 75 is required on each portion. The real estate broker examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate brokerage practices and (b) the state portion consisting of questions that test on Washington (~~(licensing)~~) laws ~~(;)~~ and regulations related to real estate licensing, and the closing/settlement process ~~((effective July 1, 1994)).~~

(3) A passing score for a portion of an examination shall be valid for a period not to exceed six months ~~((effective July 1, 1994))~~ from the date of testing.

WSR 06-12-036

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 31, 2006, 2:58 p.m., effective July 31, 2006]

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

Purpose: The new rule will provide an explanation of need and minimal process requirements for permitting over-legal vehicles when responding to a declared emergency.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 06-09-042 on April 14, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

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

Date Adopted: May 30, 2006.

John F. Conrad
Assistant Secretary
Engineering and Regional Operations

NEW SECTION

WAC 468-38-425 Permitting for emergency responses. (1) **What constitutes an emergency?** The term "emergency," as used in this section, shall mean an event or set of circumstances that meet the following criteria:

(a) Demand immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or

(b) Reaches such a degree of destructiveness as to warrant the governor declaring a "state of emergency."

Notification will normally come to the department from the public agency responsible for responding to the emergency, but may also be made by a utility or railroad entity when applying for a permit.

(2) **Do oversized and/or overweight vehicles responding to an emergency require a special motor vehicle permit?** Yes. RCW 46.44.090 provides for the authorization to move oversized or overweight vehicles by special permit only after application and good cause being shown. "Good cause," in the event of an emergency, is interpreted to mean that by issuing a special motor vehicle permit to a responding oversized and/or overweight vehicle it is reasonable to assume that said vehicle will provide relief of the conditions causing the declaration of emergency.

(3) **Why is acquiring a permit important for emergency responders?** The infrastructure was designed to be used by vehicles that fall within the specific size and weight parameters of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.036, 46.44.037, 46.44.041 and 46.44.042. Vehicles exceeding these parameters must be screened to determine if they can safely move on a specific route given their over-dimension or overweight status. A permit provides for the authorization and may also contain any restrictions or special conditions that apply to the overlegal vehicle using a specific route.

(4) **What processes are available for acquiring a permit in an emergent situation?** Application for emergency permits can be requested directly from the office of motor carrier services during normal business hours Monday through Friday. During nonbusiness hours requests must be submitted through one of the department's traffic management centers (TMCs). Contact information and specific procedures will be maintained, and posted electronically, by the office of motor carrier services. Certain carriers that perform emergency response on a routine basis may contact the office of motor carrier services to explore other permitting options.

(5) **Are there specific compliance requirements for obtaining an emergency special motor vehicle permit?** Yes. The emergency must be verifiable through the entity declaring the emergency. The vehicle configuration to be permitted must comply with all size and weight criteria for permitted moves as provided in chapter 46.44 RCW and chapter 468-38 WAC, except for WAC 468-38-175 Highway travel restrictions—Days, times and highway use subsections (1), (2), (3) and (6).

WSR 06-12-073
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 6, 2006, 10:13 a.m., effective July 7, 2006]

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

Purpose: Hospital "peer groups" were defined by the department of health (DOH), however, on July 1, 2005, DOH abolished the use of "peer groups." This rule making will amend L&I's rules which refer to "peer groups" in selected hospital WACs.

Citation of Existing Rules Affected by this Order: Amending WAC 296-23A-0200 How does the department pay for hospital inpatient services?, 296-23A-0220 How does the department pay for hospital outpatient services?, 296-23A-0221 How does the self-insurer pay for hospital outpatient services?, 296-23A-0240 How does the department define and pay a new hospital?, 296-23A-0480 Which hospitals does the department exclude from diagnosis-related-group (DRG) payments?, 296-23A-0710 Definitions, 296-23A-0750 What exclusions and exceptions apply to ambulatory-payment-classification (APC) payments for hospital services?

Statutory Authority for Adoption: RCW 51.04.030.

Other Authority: RCW 51.12.330.

Adopted under notice filed as WSR 06-07-140 on March 21, 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 1, Repealed 0.

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

Date Adopted: June 6, 2006.

Gary Weeks
 Director

AMENDATORY SECTION (Amending WSR 00-06-027, filed 2/24/00, effective 3/26/00)

WAC 296-23A-0200 How does the department pay for hospital inpatient services? The department will pay for hospital inpatient services according to the following table:

<i>Hospital Type or Location</i>	<i>Do Diagnosis Related Group (DRG) payment methods apply?</i>	<i>Do per diem payment methods apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply to hospital inpatient services?</i>
Children's Hospitals	No	No	Yes, paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement.	Exempt, paid per department agreement.	Exempt, paid per department agreement.
Health Maintenance Organizations	No	No	Yes, paid 100% of allowed charges
Military	No	No	Yes, paid 100% of allowed charges
Veterans Administration	No	No	Yes, paid 100% of allowed charges
State psychiatric facility	No	No	Yes, paid 100% of allowed charges
((Washington rural (Peer Group A)	No	Yes, statewide per diem rates apply for five DRG categories: Chemical dependency, psychiatric, rehabilitation, medical, and surgical DRGs	No))
All other Washington hospitals	Yes	Yes, statewide average per diem rates apply for designated categories: Chemical dependency, psychiatric, rehabilitation, low volume medical, and low volume surgical DRGs	Yes, applies to low cost outlier payments and high cost outlier payments above the high cost outlier threshold

AMENDATORY SECTION (Amending WSR 01-24-045, filed 11/29/01, effective 1/1/02)

WAC 296-23A-0220 How does the department pay for hospital outpatient services? The department will pay for hospital outpatient services according to the following table:

<i>Hospital Type or Service Location</i>	<i>Does the Ambulatory Payment Classification System apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Do the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology, occupational therapy, and physical therapy services?</i>
Children's hospitals	No	Yes, paid 100% of allowed charges	Yes
Chronic Pain Management Program	No	Exempt, paid per department agreement	Exempt, paid per department agreement
Health Maintenance Organizations	Yes, paid statewide average per APC rate	Yes, applies to certain hospital outpatient services excluded from OPSS except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
Military	No	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
Veterans Administration	No	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
State psychiatric facility	No	Yes, paid 100% of allowed charges	Yes
Other psychiatric hospitals	No	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
Rehabilitation hospitals	No	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
Cancer hospitals	No	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
((Washington rural (Peer Group 1)	No	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes))
Critical access hospitals	No	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes

<i>Hospital Type or Service Location</i>	<i>Does the Ambulatory Payment Classification System apply?</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Do the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology, occupational therapy, and physical therapy services?</i>
All other Washington hospitals	Yes	Yes, applies to certain hospital outpatient services excluded from OPSS except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes

Hospitals are reimbursed only for the technical component of rates listed in the fee schedules, for outpatient radiology, pathology and laboratory services.

See chapter 296-23 WAC for rules on radiology, pathology, laboratory, physical therapy, occupational therapy, and work hardening services.

See WAC 296-23A-700 for rules on prospective payment system for hospital outpatient services.

See WAC 296-20-132 and 296-20-135 for information on the conversion factor used for certain hospital outpatient services.

AMENDATORY SECTION (Amending WSR 01-24-045, filed 11/29/01, effective 1/1/02)

WAC 296-23A-0221 How does the self-insurer pay for hospital outpatient services? The self-insurer will pay for hospital outpatient services according to the following table:

<i>Hospital Type or Service Location</i>	<i>Do percent of allowed charges (POAC) payment methods apply?</i>	<i>Do the department's Medical Aid Rules and Fee Schedules apply to hospital outpatient radiology, laboratory, pathology, occupational therapy, and physical therapy services?</i>
Children's hospitals	Yes, paid 100% of allowed charges	Yes
Chronic Pain Management Program	Not Applicable	Not Applicable
Health Maintenance Organizations	Yes, paid 100% of allowed charges	Yes
Military	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
Veterans Administration	Yes, paid 100% of allowed charges	No, paid 100% of allowed charges
State psychiatric facility	Yes, paid 100% of allowed charges	Yes
Other psychiatric hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
Rehabilitation hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
Cancer hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes
((Washington rural (Peer Group 1)	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes))
All other Washington hospitals	Yes, applies to hospital outpatient services except radiology, laboratory, pathology, occupational therapy, and physical therapy	Yes

Hospitals are reimbursed only for the technical component of rates listed in the fee schedules, for outpatient radiology, pathology and laboratory services.

See chapter 296-23 WAC for rules on radiology, pathology, laboratory, physical therapy, occupational therapy, and work hardening services.

See WAC 296-23A-700 for rules on the prospective payment system for hospital outpatient services.

See WAC 296-20-132 and 296-20-135 for information on the conversion factor used for certain hospital outpatient services.

AMENDATORY SECTION (Amending WSR 00-06-027, filed 2/24/00, effective 3/26/00)

WAC 296-23A-0240 How does the department define and pay a new hospital? New hospitals are those open for less than one year prior to the implementation of the department's most recent hospital payment rates. The department will pay new hospitals according to the following table:

Hospital Type or Location	What Diagnosis Related Group (DRG) base price applies?	What Per Diem Payment Rates Apply?	What percent of allowed charges (POAC) factor applies?
Military, Veterans Administration, State Psychiatric, Health Maintenance Organization, Children's,	Exempt	Exempt	Paid 100% of allowed charges
Chronic Pain Management Program	Exempt, paid per department agreement	Exempt, paid per department agreement	Exempt, Paid per department agreement
((Washington Rural Hospital (Peer Group A)	Exempt	Washington statewide average per diem rates	Washington statewide average POAC))
Other Washington Hospital	Weighted median case-mix adjusted average cost per case for Washington DRG hospitals, except major teaching hospitals	Washington statewide average per diem rates	Washington statewide average POAC

A new hospital will be paid using its hospital-specific POAC within three years of receiving a provider account number(s) from the department.

AMENDATORY SECTION (Amending WSR 97-06-066, filed 2/28/97, effective 4/1/97)

WAC 296-23A-0480 Which hospitals does the department exclude from diagnosis-related-group (DRG) payments? The following hospitals are excluded from DRG payments:

- Military, Veterans Administration, state psychiatric facilities, health maintenance organizations (HMO), and children's hospitals will be paid their allowed charges.
- Department-approved chronic pain management programs will be paid according to department agreement or contract.
- ~~((Peer Group A hospitals, as defined by the department of health, will be paid using per diem rates.))~~
- Hospitals located outside of Washington will be paid a percent of allowed charges (POAC).
- Other hospitals, as determined by the department, may be excluded from DRG reimbursement rates due to concerns about access, case volume or other considerations. These facilities will be paid using the applicable POAC factor and per diem rates.

AMENDATORY SECTION (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

WAC 296-23A-0710 Definitions. "Alternate outpatient payment." A payment for proper and necessary services calculated using a method other than the APC method, such as the outpatient hospital rate or fee schedule.

"Ambulatory payment classification (APC) bill." An outpatient bill for hospital services that are grouped and paid using APCs.

"Ambulatory payment classification (APC) weight." The relative value assigned to each APC by CMS. For information on calculating the APC weights, please see 42 CFR, Chapter IV, Part 419, et al. Medicare Program; Prospective Payment System for Hospital Outpatient Services.

"Ambulatory payment classification (APC)." A grouping for outpatient visits which are similar both clinically and in the resources used.

"Ambulatory surgery centers (ASCs)." Ambulatory surgery centers as defined by the department. ASCs are excluded from the APC payment system.

"Blended rate." The dollar amount used to determine APC payments.

"Bundling." Including the costs of supplies and certain other items with the costs of APCs. Bundled services will not be paid separately.

"Cancer hospitals." Freestanding hospitals specializing in the treatment of individuals who have a neoplasm diagnosis.

"Children's hospitals." Freestanding hospitals specializing in the treatment of individuals less than fourteen years of age.

"CMS." Centers for Medicare and Medicaid Services, formerly the Health Care Financing Administration (HCFA).

"Correct coding initiative." A process to encourage hospitals to code the most appropriate diagnosis and procedure for the services rendered.

"Critical access hospitals." Critical access hospitals as defined by the department of health.

"Current procedural terminology (CPT)." A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, interventions performed by physicians; the American Medical Association (AMA) publishes it annually.

"Discount factor." The percentage applied to additional significant procedures when a claim has multiple significant procedures or when the same procedure is performed multiple times.

"Exempt services." Services and hospitals that have been identified by CMS and/or L&I as exempt from the APC-based payment system.

"Health care common procedure coding system (HCPCS)." Medicare's procedure coding system, which consists of Level 1 CPT Codes, Level 2 National Codes, and Level 3 Local Codes.

"Incidental services." Proper and necessary services that are integral to the delivery of the significant procedure or medical visit and are not separately reimbursable.

"Inpatient only procedures." Certain procedures designated by CMS as being of sufficient resource intensity that an inpatient setting is always required.

"Modifier." A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. Modifiers add clarification to procedures and can affect payment. Modifiers are listed in the current CPT and HCPCS manuals.

"Non-APC services." Services specifically excluded by CMS or by L&I from APC payment.

"Out-of-state hospitals." Any hospital not physically located within the state of Washington.

"Outpatient code editor." A prepayment analysis program designed to exclude certain diagnostic and procedure codes from being classified within the APC payment system.

"Outpatient prospective payment system (OPPS)." A payment system that groups hospital outpatient visits into APCs and multiplies the relative weight factor by the OPPS conversion rate to determine the appropriate payment.

"Outpatient services." Proper and necessary health care services and treatment ordinarily furnished by a hospital in which the injured worker is not admitted as an inpatient.

"Outpatient." A patient who receives proper and necessary health care services or supplies in a hospital-type setting but is not admitted as an inpatient.

"Partial hospitalization." Mental health services provided in an inpatient setting without the traditional inpatient overnight stay.

"Pediatric services." Proper and necessary health care services and treatment ordinarily furnished by a hospital in which the injured worker is under the age of fourteen.

~~("Peer group." Categories of hospitals adopted by the department of health for rate setting purposes. The categories are:~~

~~• Group 1— Usually rural hospitals.~~

~~• Group 2— Usually urban hospitals without a medical education program.~~

~~• Group 3— Hospitals with a medical education program.))~~

"Psychiatric hospitals." Freestanding hospitals specializing in the treatment of individuals with a mental health disease.

"Rehabilitation hospitals." Freestanding hospitals specializing in the treatment of individuals in need of rehabilitative services.

"Related encounters or related services." Multiple encounters which are:

- Provided within the same window of service; and
- By the same provider (hospital).

"Single visit." A single visit includes all related services that are combined for reimbursement when they occur with the same hospital during the window of service.

"Special programs." Programs specifically designated by the department.

"Transitional pass-through." Certain drugs, devices and biologicals, as identified by CMS that are entitled to a specified payment until CMS assigns and reimburses them under their own APC.

"Window of service." A single date of service. All services associated with the visit for that date constitute a single visit, even when those services are provided on different days.

AMENDATORY SECTION (Amending WSR 01-24-045, filed 11/29/01, effective 1/1/02)

WAC 296-23A-0750 What exclusions and exceptions apply to ambulatory-payment-classification (APC) payments for hospital services? (1) ~~((Peer Group 1 (rural) hospitals as identified by the Washington state department of health (DOH).~~

~~((2)))~~ (2) Critical access hospitals as identified by the Washington state department of health (DOH).

~~((3)))~~ (2) All out-of-state hospitals.

~~((4)))~~ (3) Military/veterans hospitals.

~~((5)))~~ (4) Psychiatric hospitals.

~~((6)))~~ (5) Rehabilitation hospitals.

~~((7)))~~ (6) Cancer hospitals.

~~((8)))~~ (7) Children's hospitals.

~~((9)))~~ (8) Ambulatory surgery centers.

~~((10)))~~ (9) Any outpatient service or special program identified by the department or by CMS as being a non-APC service.

~~((11)))~~ (10) Any inpatient-only procedures as identified by CMS.

~~((12)))~~ (11) Any APCs identified by the department as a non-APC service.

WSR 06-12-074
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 6, 2006, 10:14 a.m., effective September 1, 2006]

Effective Date of Rule: September 1, 2006.

Purpose: The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This rule will place abrasive blasting requirements from chapter 296-24 WAC into chapter 296-818 WAC, Abrasive blasting. Also, references were updated. There are no anticipated effects.

NEW CHAPTER:

- Chapter 296-818 WAC, Abrasive blasting.

NEW SECTIONS:

WAC 296-818-100 Scope.

- Added language to this section relating to what this chapter covers.

WAC 296-818-200 Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-818-20005 Dust hazards.

- Moved requirements relating to dust hazards from WAC 296-24-67509 to this section.

WAC 296-818-20010 Personal protective equipment.

- Moved requirements relating to personal protective equipment from WAC 296-24-67507 and 296-24-67515 to this section.

WAC 296-818-20015 Housekeeping.

- Moved requirements relating to housekeeping from WAC 296-24-67519 to this section.

WAC 296-818-300 Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-818-30005 Combustible organic abrasive.

- Moved requirements relating to organic abrasives from WAC 296-24-67509 to this section.

WAC 296-818-30010 Blast cleaning enclosures.

- Moved requirements relating to blast cleaning enclosures from WAC 296-24-67511, 296-24-67520, 296-62-11009, and 296-62-11013 to this section.

WAC 296-818-30015 Blast cleaning nozzles.

- Moved requirements relating to blast cleaning enclosures from WAC 296-24-67509 and 296-24-67519 to this section.

WAC 296-818-400 Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-818-40005 Construction.

- Moved requirements relating to construction of exhaust systems from WAC 296-24-67513 to this section.

WAC 296-818-40010 Explosion venting and wiring.

- Moved requirements relating to explosion venting and wiring from WAC 296-24-67509 to this section.

WAC 296-818-40015 Inspection and maintenance.

- Moved requirements relating to inspection and maintenance from WAC 296-24-67513 to this section.

WAC 296-818-500 Definitions.

- Moved definitions relating to abrasive blasting to this section.

Citation of Existing Rules Affected by this Order:

AMENDED SECTIONS:

WAC 296-62-11015 Abrasive blasting.

- Update a reference.

WAC 296-304-03005 Mechanical paint removers.

- Update references.

REPEALED SECTIONS:

WAC 296-24-675 Safe practices of abrasive blasting operations, 296-24-67501 Purpose, 296-24-67503 Application, 296-24-67505 Selection of abrasives and equipment, 296-24-67507 Definitions, 296-24-67509 Dust hazards from abrasive blasting, 296-24-67511 Blast cleaning enclosures, 296-24-67513 Construction and maintenance of the exhaust ventilation systems, 296-24-67515 Personal protective equipment, 296-24-67517 Air supply and air compressors, 296-24-67519 Operational procedures and general safety, 296-24-67520 Ventilation, and 296-24-67521 Appendix 1, move these sections to chapter 296-818 WAC. WAC 296-62-12007 Effective date, this section is no longer applicable.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 06-06-063 on February 28, 2006.

Changes Other than Editing from Proposed to Adopted Version:

WAC 296-818-30005 Combustible organic abrasive.

- Moved a bullet from WAC 296-818-30015 to this section. The bullet reads, "Bond and ground the blast nozzle to prevent the build up of static charges."

WAC 296-818-30015 Blast cleaning nozzles.

- Deleted the third subbullet and moved it to WAC 296-818-30005.

WAC 296-818-500 Definitions.

- Clarified the definitions of "Blast cleaning room" and "Exhaust ventilation system."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 14, Amended 2, Repealed 14; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 14, Amended 2, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, Amended 2, Repealed 14.

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 14, Amended 2, Repealed 14.

Date Adopted: June 6, 2006.

Gary Weeks
Director

Chapter 296-818 WAC

ABRASIVE BLASTING

NEW SECTION

WAC 296-818-100 Scope. This chapter applies to all abrasive blasting operations where an abrasive is forcibly applied to a surface using any of the following:

- Pneumatic pressure
- Hydraulic pressure
- Centrifugal force

References: Depending on your work processes, here are examples of other chapters you may need:
 Safety and health core rules, chapter 296-800 WAC
 Machine safety, chapter 296-806 WAC
 Respiratory hazards, chapter 296-841 WAC
 Respirators, chapter 296-842 WAC
 Lead, chapter 296-857 WAC
 Scaffolds, chapter 296-874 WAC
 Cadmium, chapter 296-62 WAC
 Part L, Electrical, chapter 296-24 WAC

NEW SECTION

WAC 296-818-200 General safety—Summary contents.

Your responsibility:

- To protect employees from hazards associated with their work environment
 - Dust hazards
WAC 296-818-20005
 - Personal protective equipment (PPE)
WAC 296-818-20010
 - Housekeeping
WAC 296-818-20015

NEW SECTION

WAC 296-818-20005 Dust hazards.

IMPORTANT:

• Abrasives and the surface coatings on materials blasted are shattered and pulverized during blasting operations. The

dust formed will contain particles that could result in the following hazards:

- Respiratory
- Fire
- Explosion

• Wet blasting methods minimize dust exposure, but dispersed droplets, mists, and dried residues may become airborne and create potential exposures.

You must:

• Evaluate the potential health hazards from abrasive blasting operations by considering the composition and toxicity of the abrasive material and the surface being abraded.

References: • For additional hazard assessment requirements, go to these separate chapters:

- Respirators, chapter 296-842 WAC
- The Safety and health core rules, chapter 296-800 WAC
- Personal protective equipment, WAC 296-800-16005.
- For requirements on the use of Combustible organic abrasive, go to WAC 296-818-30005.

You must:

• Keep dust concentrations below the permissible exposure limits found in a separate chapter, Respiratory hazards, chapter 296-841 WAC.

Note: When sampling for dust concentrations, place the sample collection device:

- In the breathing zone of the operator;
- AND**
- Outside the respiratory protection worn.

NEW SECTION

WAC 296-818-20010 Personal protective equipment (PPE).

You must:

- Supply and make sure personal protective equipment is worn.
- Follow the requirements in Table-1, Personal Protective Equipment (PPE).

Table-1: Personal Protective Equipment (PPE)

PROVIDE	WHEN
Abrasive Blasting Respirators	Operators work in any of the following situations: <ul style="list-style-type: none"> – Inside blast cleaning rooms – Where silica sand is used in manual blasting operations – Where concentrations of toxic dust exceed the permissible exposure limits found in a separate chapter: <ul style="list-style-type: none"> ■ Respiratory hazards, WAC 296-841-20020, Table-3 "Exposure Limits for Air Contaminants"

Table-1: Personal Protective Equipment (PPE)

PROVIDE	WHEN
	<p>Exemption:</p> <ul style="list-style-type: none"> • An abrasive respirator does not need to be worn if the operator is physically separated from the nozzle and blast by an exhaust ventilated enclosure. <p>Definition:</p> <p>Abrasive-blasting respirator A supplied air or a continuous flow respirator constructed to cover and protect the operator's head, neck and shoulders from rebounding abrasive.</p>
<p>Eye and Face protection to both of the following:</p> <ul style="list-style-type: none"> – Blasting operators – Personnel working near blasting operations 	Respirators worn during blasting operations do not provide eye and face protection
<p>Gloves and Aprons made of heavy canvas or leather;</p> <p>OR</p> <p>Equivalent protection</p>	Operators are exposed to the impact of rebounding abrasives

- Notes:**
- Use only respirators certified by NIOSH in 42 C.F.R. Part 84 for protecting employees from dusts, and other hazards produced during abrasive blasting operations, like:
 - Using a garnet sand to blast a concrete surface, resulting in crystalline silica dust
 - A filtering face piece may be used only for short, intermittent, or occasional dust exposures for any of the following tasks:
 - To protect the operator during abrasive blasting operations performed outside the enclosure or outdoors where nonsilica abrasives are used on materials with low toxicity
 - Clean-up
 - Dumping dust collectors
 - Unloading shipments of sand at receiving areas when the following controls are not feasible:
 - Enclosures
 - Exhaust ventilation
- OR**
- Other means
- Reference:**
- For additional requirements to help you fully protect employees, go to the following separate chapters:
 - The Safety and health core rules, chapter 296-800 WAC:
 - Personal protective equipment (PPE), WAC 296-800-160
 - Respiratory hazards, chapter 296-841 WAC
 - Respirators, chapter 296-842 WAC:
 - Respirator program, WAC 296-842-120
 - Specifications for air quality, WAC 296-842-200

NEW SECTION

WAC 296-818-20015 Housekeeping.

You must:

- Keep aisles and walkways clear of steel shot or similar abrasives that may create a slipping hazard.
- Prohibit the accumulation of dust on the floors or ledges outside blasting enclosures.
- Clean up dust spills promptly.

Note:

- Removal of accumulated dust should be done:
- With a high efficiency particulate air filter (HEPA), vacuum cleaner when the plant is not in operation;
- AND**
- By a person wearing a respirator approved for the existing conditions

Reference:

- For additional housekeeping requirements, see the Safety and health core rules, chapter 296-800 WAC, Housekeeping, WAC 296-800-220.

NEW SECTION

WAC 296-818-300 Operations—Summary contents.

Your responsibility:

- To follow these operational requirements
- Combustible organic abrasives
- WAC 296-818-30005
Blast cleaning enclosures
- WAC 296-818-30010
Blast cleaning nozzles
- WAC 296-818-30015

NEW SECTION

WAC 296-818-30005 Combustible organic abrasive.

IMPORTANT:

- This section applies to blasting operations where flammable or explosive dust mixtures may be present.

You must:

- Prohibit the use of combustible organic abrasives, except in automatic blast cleaning systems.
- Bond and ground the blast nozzle to prevent the buildup of static charges.

Note:

- Fine dust produced from combustible, organic abrasive is a fire and explosion hazard.

NEW SECTION

WAC 296-818-30010 Blast cleaning enclosures.

You must:

- Install adequate ventilation systems in blast cleaning enclosures that are able to do all of the following:
 - Control concentrations of airborne contaminants below the permissible exposure limits that apply
 - Provide a continuous inward flow of air at all openings in the enclosure during blasting operations
 - Minimize the escape of dust into adjacent work areas
 - Maintain visibility in blast cleaning rooms and cabinets
 - Rapidly clear dust from the air after blasting stops
 - Discharge exhaust so contaminated air does not do either of the following:
 - Present a health hazard to any worker; or
 - Reenter buildings in harmful amounts

- Make sure ventilation systems are designed and operated so employees are not exposed to excessive air velocities
- Make sure make-up air systems do not interfere with the effectiveness of the exhaust system, and are designed to do both of the following:
 - Replace exhausted air in ample quantities
 - Temper make-up (supply) air when necessary
- Do both of the following before opening the blast cleaning enclosure:
 - Turn the blast off
 - Run the exhaust system for a sufficient period of time to clear the air of dust particles
- Follow the requirements in Table-2, Blast Cleaning Enclosures.

Table-2: Blast Cleaning Enclosures

If you have	Then make sure
Air inlets and access openings	They are either baffled or arranged so the combination of inward airflow and baffles minimizes both of the following: <ul style="list-style-type: none"> – The escape of abrasive or dust particles into adjacent work areas. – Visible spurts of dust
Small access openings where dust might escape	Slit resistant baffles are installed in multiple sets at all small access openings, and do both of the following: <ul style="list-style-type: none"> – Regularly inspect them – Replace them when needed
An observation window in enclosures where hard, deep cutting abrasives are used	The window is made of safety glass protected by screening Notes: <ul style="list-style-type: none"> • Hard, deep cutting abrasives may shatter normal glass.
	<ul style="list-style-type: none"> • If the safety glass shatters, the protective screening will help contain the glass and protect employees from cuts and lacerations.
Small operator access doors	They are flanged and tight when closed, and open from both inside and outside the enclosure. Note: If you have a small operator access door and a large work access door, the large work access door may open or close from the outside only.

References: For more information on:

- Air velocities, refer to the following:
 - The latest edition of Recommended Industrial Ventilation Guidelines (ACGIH)
 - NIOSH 1976 Industrial Ventilation
- Exit routes, go to the Safety and health core rules, WAC 296-800-310.

NEW SECTION

WAC 296-818-30015 Blast cleaning nozzles.

You must:

- Make sure nozzles are all of the following:
 - Mounted on a support when not in use
 - Equipped with operating valves that are manually held open.

Note:

- To help prevent the buildup of static charges, pressurized tanks used to supply abrasive should be:
 - Connected to the manual control of the nozzle;
- AND**
- Have the relief valve or opening located so it can safely vent.

NEW SECTION

**WAC 296-818-400 Exhaust ventilation systems—
Summary contents.**

Your responsibility:

To make sure exhaust ventilation systems meet these requirements

- Construction
WAC 296-818-40005
- Explosion venting and wiring
WAC 296-818-40010
- Inspection and maintenance
WAC 296-818-40015

NEW SECTION

WAC 296-818-40005 Construction.

You must:

- Make sure exhaust systems are constructed, installed, inspected, and maintained to meet both of the following:
 - The American National Standards Institute (ANSI), Z9.2-2001 for:
 - Fundamentals Governing the Design and Operation of Local Exhaust Systems
 - The National Fire Protection Association (NFPA) 91-2004 for:
 - Exhaust Systems for Air Conveying of Vapors, Gases and Noncombustible Particulate Solids.

Reference: • Refer to the American National Standards Institute, ANSI Z9.4-1997 for information on the following:

- Exhaust Systems for Abrasive-blasting Operations, Ventilation, and Safe Practices for Fixed Location Enclosures.

NEW SECTION

WAC 296-818-40010 Explosion venting and wiring.

You must:

- Follow the requirements in Table-3 for flammable or combustible dust mixtures

Table-3: Explosion Venting and Wiring

If you have	Then
Flammable or explosive dust mixtures that may be present	Make sure the construction of equipment, including the exhaust system and all electrical wiring, meets both of the following: <ul style="list-style-type: none"> • The American National Standard Installation (ANSI) of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, NFPA 91. 2004. • The electrical requirements for Class II locations in WAC 296-24-95613, located in Part L of chapter 296-24 WAC.
	Make sure blast cleaning enclosures, the ducts, and the dust collector are constructed with either loose panels or explosion venting areas that meet all of the following: <ul style="list-style-type: none"> • Provides pressure relief in case of an explosion. • Are located away from occupied areas. • The Guide for Deflagations, NFPA 68. 2002.

NEW SECTION

WAC 296-818-40015 Inspection and maintenance.

You must:

- Make sure the exhaust ventilation system is fully operational by checking the static pressure drop at the exhaust ducts leading from the equipment at both of the following times:
 - When installation is completed
 - Annually after installation.
- Repair or clean exhaust systems when either of the following occur:
 - Dust leaks are found; or
 - The pressure drop gauge indicates a change exceeding 20 percent.
 - Use an abrasive separator to separate larger particles for reuse on installations where abrasive is recirculated.
 - Set up dust collecting equipment to do both of the following:
 - Empty and remove accumulated dust without contaminating work areas
 - Discharge the air used in blast cleaning equipment.

Note: Dispose fine dust from dry collectors by doing one of the following:

- Emptying and transporting the fine dust in enclosed containers
- Using a sluice with a wetting process to contain the dust.

NEW SECTION

WAC 296-818-500 Definitions.

Abrasive:

A solid granular substance used in abrasive blasting operations.

Abrasive blasting:

The forcible application of an abrasive to a surface using either:

- Pneumatic or hydraulic pressure;

OR

- Centrifugal force

Abrasive-blasting respirator:

A supplied air or a continuous flow respirator constructed with a shroud that covers and protects the head, neck, and shoulders.

Automatic blast cleaning systems:

A unit that has a blast cleaning chamber which usually has both of the following to provide a timed cleaning cycle:

- An automatic timer;

AND

- An automatic shutoff control

Baffles:

Partial enclosures in and around the emission sources which improve or enhance airflow at the hood.

Blast cleaning barrel:

A complete enclosure that rotates on an axis or an internal tread to tumble parts in order to expose various surfaces of the parts to an automatic blast spray.

Blast cleaning room:

An enclosed room where blasting operations are performed by an operator who works from inside the room using a blasting nozzle to direct the flow of abrasive material.

Blasting cabinet:

An enclosure where the operator stands outside using a blasting nozzle through an opening, or openings in the enclosure.

Dust collector:

A device in an exhaust ventilation system used to remove dust from air.

Exhaust ventilation system:

A system that removes contaminated air using the following:

- Enclosure or hood
- Duct work
- Dust collecting equipment
- Exhauster
- Discharge stack

Local exhaust ventilation:

The mechanical removal of contaminated air from the point where the contaminant is being generated or liberated.

Make-up air systems:

A ventilation system that controls the volume of outdoor air supplied to a building to replace air being exhausted.

Rotary blast cleaning table:

An enclosure where the pieces to be cleaned are placed on a rotating table and passed automatically through a series of blast sprays.

Tempered make-up air:

Air which has been conditioned by changing its heat content to get a specific desired temperature.

Ventilation:

The provision, circulation or exhausting of air into or from an area or space.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

WAC 296-304-03005 Mechanical paint removers. (1)

Power tools.

(a) The employer must ensure that employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools are protected against eye injury by goggles or face shields that meets the requirements of WAC 296-304-09005 (1) and (2).

(b) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(c) Portable electric tools shall be grounded in accordance with the requirements of WAC 296-304-08003 (1) and (2).

(d) In a confined space, the employer must provide mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum, or must protect employees by respiratory protective equipment that meets the requirements of chapter 296-842 WAC.

(2) Flame removal.

(a) The employer must ensure that when hardened preservative coatings are removed by flame in enclosed spaces, the employees exposed to fumes are protected by air line respirators that meet the requirements of chapter 296-842 WAC. Employees performing this operation in the open air, and those exposed to the resulting fumes, must be protected by a fume filter respirator that meets the requirements of chapter 296-842 WAC (~~(296-62-074)~~).

(b) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(3) Abrasive blasting.

(a) Equipment. Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) Hoses. Hose of a type to prevent shocks from static electricity shall be used.

(ii) Hose couplings. Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) Nozzles. Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) Dead man control. A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(b) Replacement. Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(c) Personal protective equipment.

(i) The employer must ensure that abrasive blasters working in enclosed spaces are protected by abrasive blasting respirators that meet the requirements of ~~((WAC 296-24-675))~~ chapter 296-818 WAC, Abrasive blasting and chapter 296-842 WAC.

(ii) The employer must ensure that abrasive blasters working in the open are protected as required in subsection (1) of this section.

Exception: When synthetic abrasives containing less than one percent free silica are used, the employer may substitute particulate or dust filter respirators that are approved by the National Institute of Safety and Health (NIOSH) and used according to chapter 296-842 WAC.

(iii) The employer must ensure that employees, including machine tenders and abrasive recovery workers, working in areas where unsafe concentrations of abrasive materials and dusts are present are protected by eye and respiratory protective equipment that meets the requirements of WAC 296-304-09005 (1) and (2) and chapter 296-842 WAC.

Exception: This requirement does not apply to blasters.

(iv) The employer must ensure that a blaster is protected against injury from exposure to the blast by appropriate protective clothing, including gloves that meet the requirements of WAC 296-304-09015(1).

(v) A surge from a drop in pressure in the hose line can throw a blaster off the staging. To protect against this hazard, the employer must ensure that a blaster is protected by a personal fall arrest system, that meets the requirements of WAC 296-304-09021. The personal fall arrest system must be tied off to the ship or other structure during blasting from elevations where adequate fall protection cannot be provided by railings.

PART L—ATMOSPHERES(§) AND VENTILATION(~~(-EMERGENCY WASHING)~~)

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-62-11015 Abrasive blasting. Abrasive blasting is covered in ~~((the General safety and health standards WAC 296-24-675, Safe practices of abrasive blasting operations (Part H-2)))~~ chapter 296-818 WAC, Abrasive blasting.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-12007 Effective date.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-675 Safe practices of abrasive blasting operations.

WAC 296-24-67501	Purpose.	WAC 296-17-622	Corrects 4101 to 4103.
WAC 296-24-67503	Application.	WAC 296-17-649	Removes sub for mechanical harvesting of shellfish.
WAC 296-24-67505	Selection of abrasives and equipment.	WAC 296-17-64904	Removes reference to 4808.
WAC 296-24-67507	Definitions.	WAC 296-17-66003	Adds references to 0101.
WAC 296-24-67509	Dust hazards from abrasive blasting.	WAC 296-17-677	Add business types to this classification.
WAC 296-24-67511	Blast cleaning enclosures.	WAC 296-17-680	Adds schools for deaf and blind.
WAC 296-24-67513	Construction and maintenance of the exhaust ventilation systems.	WAC 296-17-681	Adds schools for deaf and blind.
WAC 296-24-67515	Personal protective equipment.	WAC 296-17-694	Reword definition of shows, strikes two sub codes.
WAC 296-24-67517	Air supply and air compressors.	WAC 296-17-701	Add special note for clerical and sales.
WAC 296-24-67519	Operational procedures and general safety.	WAC 296-17-712	Clarify sales definition.
WAC 296-24-67520	Ventilation.	WAC 296-17-713	Clarify sales definition.
WAC 296-24-67521	Appendix 1.	WAC 296-17-715	Remove reference to mortgage brokers.
		WAC 296-17-738	Correct word "martial."
		WAC 296-17-777	Remove note about assignments

Effective January 1, 2007:

WAC 296-17-31013	Creates exception rule for construction estimators.
WAC 296-17-31018	Clarifies construction debris hauling.
WAC 296-17-513	Changes 3404 to 3402.
WAC 296-17-516	Removes subcode for building decorating.
WAC 296-17-557	Changes 5209 to 3402.
WAC 296-17-568	Changes 3404 to 3402.
WAC 296-17-57001	Changes 3404 to 3402.
WAC 296-17-580	Rewords metal goods description.
WAC 296-17-594	Changes 3404 to 3402.
WAC 296-17-595	Changes 3404 to 3402.
WAC 296-17-634	Creates sub for construction debris hauling.
WAC 296-17-651	Clarifies administrative duties of state government employees.
WAC 296-17-670	Changes 3404 to 3402.
WAC 296-17-67901	Clarifies job duties of blue collar state government employees.
WAC 296-17-704	Add door-to-door sales to vacuum and sewing machine stores.
WAC 296-17-72202	Strike chore services reported by HCQA.
WAC 296-17-724	Add building decorating.
WAC 296-17-739	Change 3404 to 3402.
WAC 296-17-763	Clarify description of duties of health care state government employees.

WSR 06-12-075

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed June 6, 2006, 10:17 a.m., effective July 7, 2006]

Effective Date of Rule: July 7, 2006 and January 1, 2007. See Citation of Rules below.

Purpose: This rule-making order will adopt changes to chapter 296-17 WAC, general reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance. The changes clarify definitions and rules. The order will create new classifications for health care workers, for clerical and administrative state government employees, and for construction company estimators. It creates new subclassifications for the metal goods industry and construction debris hauling. Five classifications are being repealed concerning metal goods and door-to-door sales. Minor amendments and housekeeping changes are being made to thirty-seven classifications and subclassifications.

Citation of Existing Rules Affected by this Order:

Amended Sections:

Effective July 7, 2006:

WAC 296-17-517	Removes word "decorative."
WAC 296-17-521	Clarifies wording regarding contractors at oil refineries.
WAC 296-17-536	Describes mobile food vendors.
WAC 296-17-618	Clarifies description of street vendors.

Repealed Sections:

Effective January 1, 2007:

- WAC 296-17-582 Repeal classification 3404 for metal goods.
- WAC 296-17-669 Repeal classification 5109 for metal goods.
- WAC 296-17-67601 Repeal classification 5208 for metal goods.
- WAC 296-17-67602 Repeal classification 5209 for metal goods.
- WAC 296-17-697 Repeal classification 6302 for door-to-door sales personnel.

New Sections:

Effective January 1, 2007:

- WAC 296-17-65802 Create new classification for construction estimators.
- WAC 296-17-67603 Create new class for administrative state government employees.
- WAC 296-17-72203 Create new classification for chore services reported by HCQA.

Statutory Authority for Adoption: RCW 51.16.035, 51.16.100.

Adopted under notice filed as WSR 06-08-086 on April 4, 2006.

Changes Other than Editing from Proposed to Adopted Version: (1) Classification 3402-88 changed to 3402-84 in WAC 296-17-580. (2) The changes in Classification 6303-21 in WAC 296-17-698 were pulled from this rule making and will be amended at another time.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 2, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 32, 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: June 6, 2006.

Gary Weeks
Director

AMENDATORY SECTION (Amending WSR 05-12-031, filed 5/24/05, effective 7/1/05)

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

***Example:** A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

***Example:** You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classi-*

fication for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to

pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? ~~((If your employees are cleaning a construction site where a wood frame building was erected, you would report their work time in classification 0510 "wood frame building construction." If your employees are cleaning a construction site where a nonwood frame building was erected, you would report their work time in classification 0518 "nonwood frame building construction." If your employees are cleaning other nonbuilding construction sites, you would report their work time in the same classification that applied to the construction work that generated the nonbuilding construction debris. For example, if you are doing site cleanup for a concrete contractor that was involved in pouring and finishing sidewalks and driveways, you would report the work time of your employees involved in this construction site clean-up project in classification 0217 "concrete flat-work."))~~ If your employees are collecting and removing construction site debris, you would report in classification 4305-

22. If your employees are collecting and removing nonconstruction debris such as household junk, garden waste, basement debris, furniture and appliances, you would also report in classification 4305-22.

(12) **What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site?** We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) **Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site?** Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) **If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification?** No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-31018 Exception classifications. (1) What are exception classifications?

In *WAC 296-17-31012* we discussed our classification policy. We described the process used to classify risk and stated that we assign the basic classification or basic classifi-

cations that best describe the nature of your company's business. While this policy is modeled after the policy used by private insurance carriers and is geared to administrative ease for you, we recognize that there are some duties or operations where your employees do not share the same general workplace hazards that your other employees are exposed to. To provide for those operations that are outside the scope of a basic classification, we have created three types of exception classifications listed below:

- Standard exception classifications,
- Special exception classifications, and
- General exclusion classifications.

(2) What are the standard exception classifications?

Standard exception classifications cover those employments that are administrative in nature and common to many industries. Employees covered by a standard exception classification cannot be exposed to any operative hazard of the business. If the language of the basic classification assigned to your business does not include these employments, you may be able to report them separately. The standard exception classifications are:

- Classification 4904 (*WAC 296-17-653*) "clerical office employment." This classification includes clerical, administrative, and drafting employees.
- Sales personnel classifications 6301 (*WAC 296-17-696*), 6302 (*WAC 296-17-697*), and 6303 (*WAC 296-17-698*) includes outside sales personnel and messengers.
- Classification 7101 (*WAC 296-17-754*) applies to corporate officers who have elected optional coverage. A corporate officer as used in these rules is a person who is an officer in the corporation, such as the president, who also serves on the corporation's board of directors and owns stock in the corporation.
- Classification 7100 (*WAC 296-17-75306*) applies to members of a limited liability company who have elected optional coverage.

Clerical office employees are defined as employees whose duties are limited to: Answering telephones; handling correspondence; creating or maintaining financial, employment, personnel, or payroll records; composing informational material on a computer; creating or maintaining computer software; and technical drafting. Their work must be performed in a clerical office which is restricted to:

- A work area which is physically separated by walls, partitions, or other physical barriers, from all other work areas of the employer, and
- Where only clerical office work as described in this rule is performed.

A clerical office does not include any work area where inventory is located, where products are displayed for sale, or area where the customer brings products for payment. Clerical office employees can perform cashiering and telephone sales work if they do not provide any retail or wholesale customer service that involves handling, showing, demonstrating, or delivering any product sold by the employer. Clerical office employees can make bank deposits, pick up and deliver mail at the post office, or purchase office supplies, if

their primary work duties are clerical office duties as defined in this rule.

Sales personnel are defined as employees whose duties are limited to: Soliciting new customers by telephone or in person; servicing existing customer accounts; showing, selling, or explaining products or services; completing correspondence; placing orders; performing public relations duties; and estimating. Although some of sales person's duties may be performed in a clerical office, most of their work is conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales." Sales personnel whose duties include customer service activities such as, but not limited to, the delivery of product, stocking shelves, handling inventory, or otherwise merchandising products sold to retail or wholesale customers are excluded from all standard exception classifications. Sales personnel with duties such as delivery and stocking of shelves are to be reported in the basic classification applicable to the business unless the basic classification assigned to the business requires another treatment.

Messengers are defined as employees whose duties are delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business. Classification 6303 "messengers" does not include delivering mail or packages to the employer's customer or as a service to the public. If a messenger is engaged in delivering mail or packages as a service to the public they are to be assigned to the basic classification of the business or classification 1101 as applicable.

Corporate officers duties in classification 7101 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. To qualify for this classification, a corporate officer must:

- Be a shareholder in the corporation,
- Be elected as a corporate officer and empowered in accordance with the articles of incorporation or bylaws of the corporation,
- Serve on the corporation's board of directors,
- Not have any exposure to any operative hazard of the business, and
- Not directly supervise employees who have any exposure to any operative hazard of the business.

Members of a limited liability company (LLC) duties in classification 7100 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. This includes only those members who have duties and authority similar to the exemption criteria of corporate officers in RCW 51.12.020.

Classification 6303 may apply to a corporate officer or member of a limited liability company whose duties are limited to outside sales activities as described in the sales personnel section of this rule. Under no circumstance is classification 4904 to be assigned to any corporate officer or member of a limited liability company. You cannot divide the work hours of an employee between a standard exception classification

and a basic classification unless it is permitted by another rule. If an employee works part of their time in a standard exception classification and part of their time in your basic classification, then all exposure (hours) must be reported in the highest rated basic classification applicable to the work being performed.

(3) What are the special exception classifications?

Special exception classifications represent operations found within an employer's business that are allowed to be reported separately when certain conditions are met. Assuming the conditions noted under each exception below have been met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees." These special exceptions are subject to a division of worker hours in connection with all other basic classifications unless specifically prohibited in an individual classification WAC rule.

Security guards - classification 6601 (*WAC 296-17-723*) will apply if the security guard:

- Is an employee of an employer engaged in logging or construction,
- Is for the purpose of guarding the employer's logging or construction sites,
- Is employed at the site only during the hours the employer is not conducting any other operations at the site,
- Has no other duties during their work shift as a security guard.

If all of the above conditions are not met, the security guard is to be reported in the basic classification applicable to the construction or logging operation being conducted.

Janitors - classification 6602 (*WAC 296-17-724*) will apply if:

- The janitorial/cleaning activities being performed are limited to the employer's clerical office,
- The clerical office meets the criteria described earlier in this rule, and
- The employer's office employment is assigned to be reported in classification 4904.

Construction: Superintendent or project manager - classification 4900 (*WAC 296-17-64999*) will apply if the superintendent or project manager:

- Is an employee of a licensed contractor engaged in construction,
- Has no direct control over work crews,
- Performs no construction labor at the construction site or project location.

If all of the conditions are not met, the superintendent or project manager is to be reported in the basic classification applicable to the construction project.

Construction: Estimator - classification 4911 (*WAC 296-17-65802*) will apply if the estimator:

- Is the employee of a licensed contractor engaged in construction, and
- Has no duties other than estimating during their work shift.

If these conditions are not met, the estimator is to be reported in the basic classification applicable to their employer's business or the construction project.

Log truck drivers - classification 5003 (*WAC 296-17-6600I*) will apply if the log truck driver has no other duties during their work shift that are subject to the logging classification 5001 (*WAC 296-17-659*).

(4) What are the general exclusion classifications?

General exclusion classifications represent operations that are so exceptional or unusual that they are excluded from the scope of all basic classifications. If you have these operations, we will assign a separate classification to cover them. You must keep accurate records of the work hours your employees work in these classifications. If you do not keep accurate time records for each employee performing work covered by a general exclusion classification, we will assign the work hours in question to the highest rated classification applicable to those hours. The general exclusion classifications are:

- Aircraft operations: All operations of the flying crew.
- Racing operations: All operations of the drivers and pit crews.
- Diving operations: All operations of diving personnel and ship tenders who assist in diving operations.
- New construction or alterations of the business premises.
- Musicians and entertainers.

A division of work time is permitted between a standard exception classification and flight crew operations, racing operations, or diving operations. If you fail to keep original time records that clearly show the time spent in the office or in sales work, we will assign all work hours in question to the highest rated classification applicable to the work hours in question.

Example: Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-516 Classification 0403.

0403-00 Sign: Erection, repair, and/or removal, including related painting and maintenance

Applies to contractors engaged in the erection, repair, and/or removal of signs, including related painting and maintenance. Signs include, but are not limited to, commercial business or personal property signs, advertisement billboards, poster panels erected at commercial or residential properties, private properties, buildings or structures, or open spaces. Signs may be made of wood, metal, plastic, glass, or neon tube. Free standing sign erection process begins with digging or drilling holes in which to stand or set poles or posts. The sign is attached to the pole or post prior to standing or is lifted with a boom or crane to be mounted and secured. Other signs are mounted and secured directly to buildings or structures. This classification includes the related electrical hook-up work to install neon and digital signs such as those located at banks and stores including the

maintenance, repair, and painting of signs at the customer's location or at the contractor's shop.

This classification excludes the installation or removal of highway, street, or roadway signs that specify roadway information (such as speed limits, road conditions, city and town mile destinations) which are mounted on overpasses or erected alongside the roadway which are to be reported separately in classification 0219; the placement of temporary signs which is to be reported separately in classification 4910; or the manufacturing of signs which is to be reported separately in the applicable classification.

0403-10 Sign painting or lettering outside buildings or structures, N.O.C.

Applies to contractors engaged in sign painting or lettering outside buildings or structures not covered by another classification (N.O.C.), and includes all contractor's shop operations. Generally, this classification involves specialty lettering or painting such as, but not limited to, business logos, addresses, business hours or phone numbers, murals or other artwork.

This classification excludes contractors engaged in the installation or removal of highway, street, or roadway signs that specify roadway information (such as speed limits, road conditions, city and town mile destinations) which are mounted on overpasses or erected alongside the roadway which are to be reported separately in classification 0219; striping parking lots and painting curbs (and numbering on curbs) which is to be reported separately in classification 0219; sign painting or lettering inside of buildings, including inside murals or other artwork, which is to be reported separately in classification 4109; exterior painting of buildings or structures which are to be reported separately in classification 0504; painting or lettering in connection with an automotive body shop which is to be reported separately in classification 3412; and the erection, repair or removal of outdoor signs which is to be reported separately in classification 0403-00.

~~**(0403-11 Street and building decoration: Hanging or removing flags or bunting**~~

~~Applies to establishments engaged in hanging or removing flags or bunting for conventions, celebrations, events, or similar decorations on the exterior or interior of buildings, structures, or streets. Buntings are strips of decorative cloth which may be used to span a roadway to promote events, as overhead streamers at an auto sales lot, or as a sign hung on a building to advertise grand openings.~~

~~This classification excludes the manufacture of flags or bunting which is to be reported separately in the applicable classification.)~~

AMENDATORY SECTION (Amending WSR 05-23-161, filed 11/22/05, effective 1/1/06)

WAC 296-17-517 Classification 0502.

0502-04 Carpet, vinyl, tile and other floor or counter top covering: Installation or removal

Applies to contractors engaged in the installation or removal of floor or counter top coverings such as, but not limited to, wall to wall carpet, vinyl, laminate, tile, or artificial turf in residential or commercial settings. Work contem-

plated by this classification includes, but is not limited to, the installation and/or removal of foam or rubber padding, floor coverings such as rugs or carpet, tack strips, door strips, sub-flooring (particle board or plywood), linoleum, vinyl, base board or door strips, and hauling existing floor covering debris away. This classification also includes the installation of clay or ceramic tiles on counter tops and backsplashes.

This classification excludes contractors engaged in the installation of counter tops as part of an interior finish carpentry or cabinetry contract which is to be reported separately in classification 0513; the installation of hardwood floors which is to be reported separately in classification 0513; the installation of ((decorative)) brick, slate, marble or granite which is to be reported separately in classification 0302; installation of roofing tiles which is to be reported separately in classification 0507; and floor covering stores which are to be reported separately in the applicable classification.

0502-99 Carpet, vinyl, tile and other floor or counter top covering: Installation or removal (only to be assigned by the floor covering specialist)

Applies to floor covering contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" status for prime contractor liability.

Special note: Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-521 Classification 0508.

0508-00 Radio, television, cellular or water towers, poles and towers, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel, or wood radio, television, cellular or water towers, poles, towers and those towers which are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the foundation/excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place, and the installation, removal, service and/or repair of antennas, dish units and/or other transmitting/receiving apparatus to the structure. This classification also includes the delivery of material and supplies to the job site when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported

separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work. This classification includes specialty contractors who install, remove, service or repair antennas, dish units and/or other transmitting/receiving apparatus to a structure covered by this classification.

0508-01 Smokestack: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or concrete smokestacks. These structures are part of an industrial complex and facilitate the discharge of combustion vapors, gases, or smoke. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, installation of scaffolding, raising segments into place with a crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of any apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work.

0508-02 Windmill and silo: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or wood windmills or silos. Windmills use the force of wind passing around the rotor blades to turn turbines and produce electric power. These may be built individually or in groups known as "wind farms." Additional apparatus and storage batteries are housed in separate buildings nearby. Silos are large cylindrical structures used to store grain or fodder (silage). They are filled through the top by means of a conveyor. Within the structure, augers and pumps can move the grain to blend, aerate, or feed it out the chute. Work contemplated by this classification includes, but is not limited to,

clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work.

0508-03 Oil still or refinery: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of oil stills or refineries. These facilities are basically composed of multi-story storage tanks, chimneys, pipelines, separating apparatus and steam generating systems. They receive unprocessed petroleum (crude oil) and convert it into usable products such as gasoline, kerosene, wax, grease and chemical feed stocks. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation and other concrete, on-site fabrication and assembly of parts, erecting framework, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus in an oil still or refinery when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery or apparatus by a specialty contractor which is to be reported separately in classification 0603; plant maintenance contract work as described in classification 0603; preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of control or pump houses and other buildings not part of the main processing plant which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work (~~and plant maintenance contract work which is to be reported separately in classification 0603~~).

0508-04 Blast furnace and metal burners: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of blast furnaces and metal burners. These are tall, very heavy gauge, cylindrical steel structures in which heated air and combustible fuels are combined to produce the heat necessary to separate the usable material in metal ores from the waste products. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, installation of a brick lining, raising structural members by crane and welding or bolting into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of additional buildings as part of an ore reduction or metal producing facility which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-08 Elevated railway, tram, lift or similar conveyances: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of elevated railways, trams, lifts or similar conveyances. An elevated railway can be a full scale railroad or a smaller scale system such as a recreational monorail. For the purposes of this classification, trams are overhead cable cars, and lifts are similar to the typical ski lift. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting frames and supports (metal or concrete), installation of scaffolding, raising structural members by crane and welding or bolting them into place, and installing and securing tracks, cables or pulley systems. This classification includes the delivery of material and supplies to the job

site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; or the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-09 Exterior tanks, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of all types of exterior tanks not covered by another classification (N.O.C.). These tanks may be part of water storage and distribution systems, chemical or petroleum processing and storage operations, or other industrial applications. This classification includes the erection or construction of tanks that are elevated on structural piers and those that rest on the ground. These tanks may be constructed singly or in groups known as "tank farms" which are common to the petroleum industry. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, and raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-11 Crane or derrick: Installation, construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the installation, construction or erection, dismantling, maintenance or repair of nonmobile cranes and derricks for commerce and industrial use. Cranes and derricks can be very similar in that they are both defined as machines for hoisting and moving heavy objects through the use of stationary or movable booms equipped with cables. An object, sometimes weighing many tons, can be secured to the cables and moved into position along the length of a stationary boom or to another location within the reach of a movable boom. A derrick, however, can also be a permanent framework over an opening, such as an oil-drilling operation, to support boring equipment. The cranes included in this classification are those that are permanently installed at a marine port, cargo handling facility or an industrial facility to move supplies, cargo containers, or heavy objects (vertically or horizontally) that are being assembled and must pass through the length of a building to complete the process. Work contemplated by this classification includes, but is not limited to, the placement of forms and reinforcing steel for a foundation (in the case of some structures described above, the additional reinforcing required to support the crane is usually contemplated in the plan for the building's foundation where the crane is being anchored), on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by hoist and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the operation of mobile cranes which is to be reported in classification 3506, the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; and delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-12 Water cooling towers or structures - metal or wood: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of metal or wood water cooling towers or vertical structures. These structures are usually part of an industrial complex in which water is used as a cooling element in a manufacturing process. The water, which absorbs heat from the machinery being cooled, can be circulated and reused after it has been channeled through a cooling tower to be chilled sufficiently. A common design allows the hot water to tumble down numerous open louvers or steps to lower its temperature. These towers are often composed of prefabricated parts which are delivered to the site and then assembled by bolting or welding together, then the necessary motors, pipes, fans and pumps are

installed. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding, bolting or otherwise fastening them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of other related buildings at the project site which is to be reported separately in the applicable construction classification.

Special notes: This classification does not allow separate reporting of excavation or foundation irrespective of who performs the work. Construction of a water cooling structure that uses a horizontal rather than tower-like design is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-618 Classification 3905.

3905-00 Restaurants, N.O.C.

Applies to establishments engaged in restaurant operations not covered by another classification (N.O.C.). These establishments are "traditional, family or full service" restaurants that provide sit-down services, or cafeteria or buffet style meals. This classification includes the preparation and service of food and beverages. Establishments in this classification may serve beer and wine; however, they are prohibited from selling spirits or hard liquor. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in conjunction with the restaurant.

This classification excludes establishments engaged in operating restaurants or lounges that sell spirits or hard liquor which are to be reported separately in classification 3905-07, and catering services that are not part of the restaurant operation which are to be reported separately in classification 3909.

Special note: Traditional, family or full service restaurants are establishments where wait persons bring customers a menu, take orders, and deliver prepared meals to the customer's table or where customers choose from a variety of food items from a buffet or cafeteria style service. Such

establishments will generally use nondisposable eating utensils and plates to serve food as opposed to throw away paper plates and plastic eating utensils. Includes establishments where orders are placed at the counter, and the food or drink is delivered to your table. Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-01 Food, drink, and candy (~~(vending)~~) vendors or concessionaires (~~(at theatres, parks, tracks, and exhibitions)~~)

Applies to (~~(establishments)~~) street vendors and businesses engaged in operating food, drink or candy concessions at places such as, but not limited to, ball parks, race tracks, theaters and exhibitions. This classification is applicable only to concession operations which are operated independent from the facility or event at which the concession service is being provided. These independent vendors selling food items are not employees of the facility or site where the event or exhibition is taking place. Vendors subject to this classification sell a variety of food, snack and beverage items from booths, mobile push carts, mobile stands, carrying boxes, or trays.

This classification excludes food and beverage operations (concession stands) operated in connection with an event or facility by employees of the event sponsor or facility operator which are to be reported separately in the classification applicable to the event or exhibition; (~~(street)~~) vendors (~~(or)~~) and route food services, operating in a truck or van moving from place to place throughout the day, which are to be reported separately in classification 1101; vendors of non-food items which are to be reported separately in the applicable classification; and vending machine service companies that replenish food, snack and beverage products which are to be reported separately in classification 0606.

3905-03 Commissaries and restaurants with construction, erection, logging or mine operations

Applies to commissary or restaurant operations conducted *exclusively* in connection with a construction, erection, logging or mining camp operation. This classification is limited to food preparation services provided at a camp site or at a mess hall used to feed employees of the construction, logging, erection, or mining company. The foods prepared and served are not intended for, or offered to, the general public.

Special note: The purpose of this classification is to provide employees engaged in the food preparation activity with a classification representative of the work being performed, even though such activities may be occurring at or adjacent to the construction, logging, erection or mining site as provided for in the general reporting rule covering general inclusions.

3905-04 Eating establishments, N.O.C. such as public lunch counters in stores

Applies to establishments not covered by another classification (N.O.C.) engaged in operating lunch counters and restaurants within a retail store location. Use of this classifi-

cation is limited to employees of an employer who also operates the retail store where the food service is located.

3905-06 Taverns

Applies to establishments engaged in the operation of a tavern. A tavern is primarily engaged in the sale of beer, wine, and alcoholic beverages for on-premises consumption, and may also provide a variety of foods ranging from peanuts and pretzels to hot food dishes. Typical occupations include, but are not limited to, bartenders, waiters, waitresses, cooks, busboys, dishwashers, and managerial staff. Beer may also be sold by the keg with the rental of necessary taps and pumps. This classification includes the operation of a "beer garden" at special events such as, but not limited to, fairs or race meets, and the operation of a card room in connection with the tavern.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a tavern are to be reported separately in classification 6605.

3905-07 Restaurants serving spirits or hard liquor

Applies to establishments engaged in the operation of a restaurant having a license to sell spirits or hard liquor, beer and wine in connection with their food preparation and service. This classification includes the preparation and service of food and beverages at sit down restaurants and lounges. Such establishments have extensive cooking facilities and equipment to prepare full meals. Typical occupations covered by this classification include, but are not limited to, bartenders, hostesses, waiters, waitresses, valet parking attendants, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in connection with the restaurant.

This classification excludes establishments engaged as a restaurant without a license to sell spirits or hard liquor which are to be reported separately in classification 3905-00; taverns which are to be reported separately in classification 3905-06; catering services which are not part of a restaurant operation which are to be reported separately in classification 3909; musicians who are to be reported separately in classification 6605; and entertainers such as dancers who are to be reported separately in classification 6620.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-08 Pizza parlors

Applies to establishments engaged in operating a pizza parlor or restaurant. Establishments subject to this classification specialize in the preparation and sales of pizza (but may also provide other foods) and beverages such as wine, beer, alcoholic beverages, or soft drinks for on-premises consumption. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwasher, cash-

iers, and managerial staff. This classification also includes establishments that deliver pizza to customers, or where customers can pick up already prepared pizza at the shop, but where no customer seating is provided.

This classification excludes U-bake pizza operations which are to be reported separately in classification 6403.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a pizza parlor are to be reported separately in classification 6605.

3905-09 Fast food drive-ins, N.O.C.

Applies to establishments engaged in the operation of fast food drive-ins or restaurants. These establishments serve easily prepared foods quickly and nonalcoholic beverages which can be eaten on the premises or picked up by customers at a counter or a drive through window. Fast food establishments offer a variety of menu items such as, but not limited to, hamburgers, french fries, tacos, sandwiches, fried chicken, hot dogs, fish and chips. Such establishments will generally use disposable eating utensils and throw away plates.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101 and full service restaurants which are to be reported separately in classification 3905-00.

3905-11 Soft drink lounges

Applies to establishments engaged in operating soft drink lounges. These types of establishments may provide entertainment such as dancing for an adult audience or a place where youths under the age of 21 can dance or listen to music. These lounges do not sell alcoholic beverages. This classification includes the preparation and service of light snacks and hors d'oeuvres, such as chips, peanuts, pretzels or finger sandwiches.

This classification excludes entertainers such as exotic dancers who are to be reported separately in classification 6620 and musicians who are to be reported separately in classification 6605.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a lounge are to be reported separately in classification 6605 or 6620 as applicable.

3905-12 Ice cream parlors

Applies to establishments engaged in the operation of an ice cream parlor or frozen yogurt shop. These specialty shops offer a limited menu, usually confined to ice cream and frozen yogurt offered in individual servings, various size containers, and specialty items. Special occasion ice cream cakes may be ordered and picked up at a later date by the customer. These establishments usually provide customer seating.

This classification excludes (~~street~~) vendors and/or route food services, operating in a truck or van moving from place to place throughout the day, which are to be reported

separately in classification 1101, and vendors selling ice cream from a booth, push cart, mobile stand or tray which are to be reported separately in classification 3905-01.

3905-13 Candy, nut, and popcorn retail stores with on-premises manufacturing

Applies to establishments engaged in operating candy, nut or popcorn stores where some or all the products sold are manufactured on the premises. Establishments in this classification may sell a variety of candies, nuts, or popcorn, or may specialize in one or two products. They may also sell their products in gift wrapped packages.

This classification excludes establishments engaged in selling candy, nuts, or popcorn, *that do not manufacture* any product on the premises, which are to be reported separately in classification 6406, and establishments primarily engaged in the wholesale manufacturing of candy which is to be reported separately in classification 3906.

3905-14 Espresso/coffee stands and carts

Applies to vendors operating espresso or coffee stands or carts. Products sold include, but are not limited to, coffee, espresso, lattes, Italian sodas, soft drinks, pastries and pre-packaged items. These types of vendors *do not prepare food*. This classification is distinguishable from retail coffee, tea or spice stores in that coffee stands or carts in classification 3905 sell only ready-to-serve products; they do not sell packaged coffee, tea or spice items.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-622 Classification 4103.

4103-01 Newspaper publishing

Applies to establishments engaged in publishing daily or periodic newspapers. This classification includes the printing, distribution and general maintenance activities of the newspaper. The printing operation usually consists of one of three processes: Offset lithography, letterpress, or flexography. After the papers are printed, they are cut, folded and stacked either manually or by computer-operated machinery. Route managers then distribute the papers to door-to-door carriers or independent route delivery drivers. Typical occupations covered by this classification include bindery workers, press operators, freight handlers, machine feeders, production helpers, maintenance workers and drivers.

This classification excludes photo composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing, proofreading, camera work and automated platemaking which is to be reported separately in classification 4904; outside reporters, photographers, sales personnel, advertising staff and circulation solicitors who are to be reported separately in classification 6303; and establishments engaged in printing operations for newspapers published by other firms which are to be reported separately in classification 4101.

Special note: ~~((Newspapers without any printing operations are governed by the general reporting rule covering~~

~~businesses described by a standard exception classification.)) Employees of an employer subject to this classification who have both photographic composition/prepress work duties and duties which are subject to this classification ~~((4101)) (4103)~~ are to be reported separately in classification ~~((4101)) 4103~~ without a division of work hours.~~

Newspapers without any printing operations are governed by the general reporting rule covering businesses described by a standard exception classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-634 Classification 4305.

4305-06 Garbage works or landfill: Reduction or incineration

Applies to establishments engaged in the disposal of refuse by processing or destruction, or in the operation of incinerators, landfills or other sites for disposal of such materials. Sanitary landfilling involves spreading typical household waste, in thin layers, compacting them to the smallest practical volume, and covering them with soil each working day in a manner that minimizes environmental impact. Sanitary landfills must have permits issued by a state regulatory program. Also included in this classification are solid waste landfills which are designed to accept construction debris such as plasterboard, cement, dirt, wood, and brush. Compactors may be used to compact the trash before it is discarded in the landfill. Incinerator operations reduce the volume of refuse with the remaining material and ashes being discarded in a landfill. Front end loaders are frequently used to feed the refuse into the incinerator. This classification includes cashiers collecting fees from customers, incidental recycling or sorting operations conducted in connection with a landfill or garbage works operation by employees of an employer subject to this classification, and establishments that only sort refuse. (Refuse sorting centers are distinguished from "buy back centers" in that "buy back centers" collect recyclable materials which they sell to others while refuse sorting centers collect and dispose of materials.)

This classification excludes establishments engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 4305-18; cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 0803; counties and taxing districts engaged in operating garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501; establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and buy back (recycle) center operations that include the collecting, buying from customers, sorting and the baling and sales of materials which are to be reported separately in classification 2102.

4305-18 Solid waste, refuse or ashes collecting

Applies to establishments engaged in collecting and removing waste from private homes, commercial establishments, industrial facilities, and other sites. Refuse may be picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside garbage or transport metal dumpsters for commercial businesses. This classification also includes the curbside collection of recyclable material when performed by employees of an employer subject to this classification. Garbage collection companies have contracts to dump refuse at landfills or local transfer stations where refuse is compacted and later transferred to a landfill. Independent owners may also contract to run the services for a county or city. This classification also includes establishments engaged in mobile paper shredding services. A truck, similar to a small moving van, is outfitted with a paper shredder. Empty bins or cans are left at establishments such as banks and law offices which need to have documents shredded, the filled containers are picked up either on a regular basis or on call, and the paper shredded on-site. The shredded paper is delivered to recyclers or other businesses who use shredded paper.

This classification excludes establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06; counties or taxing districts engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501; cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycling services which are to be reported separately in classification 0803; establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and recycle ("buy-back") center operations that include the collecting, buying from customers, sorting, and the baling of materials which are to be reported separately in classification 2102.

4305-20 Hazardous waste and toxic material processing or handling, N.O.C.

Applies to establishments engaged in the *processing or handling* of hazardous/toxic materials not covered by another classification (N.O.C.), including the *processing* of medical or septic tank waste, drug lab or hazardous spill *cleanup* (excluding oil spill cleanup on land), and *reprocessing or handling* of low-level radioactive materials. This classification is distinguished from classification 3701-27, in that 4305-20 applies to the *processing or cleanup* of hazardous/toxic materials while 3701-27 includes the *identifying and repackaging for disposal* of such materials as drugs, pesticides, chemicals, and toners. Hazardous waste can be defined as any material that contains hazardous elements in amounts high enough to pose a significant threat to human health and the environment and therefore should be isolated. Hazardous characteristics include the ability to bioconcentrate, ignite, corrode, react with water or other materials, or

show toxicity such as toxic metals including lead, cadmium and mercury; organic solvents such as benzene and trichloroethylene; and toxic materials such as asbestos.

This classification excludes establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06; establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations, which are to be reported separately in classification 4305-18; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; soil remediation, including oil spill cleanup on land, which is to be reported separately in classification 0101; asbestos abatement, all operations, which is to be reported separately in classification 0512; processing of waste oils, solvents, antifreeze, paints, and other hazardous materials, which is to be reported separately in classification 3407; and hazardous/toxic material repackaging for disposal, including drugs, pesticides, chemicals, and toners, which is to be reported separately in classification 3701.

4305-21 Tire dumps or collection centers

Applies to establishments engaged in operating tire dumps or collection centers. The primary source of used vehicle tires are tire retailers who remove the tires from their customers' vehicles when replacement tires are sold. Occasionally community or charitable groups will hold a fund raising event where the public can drop off their used tires for a fee. Operations include, but are not limited to, picking up and hauling the used tires to a location where the tires can be stored or manually sorted into those with enough tread to be used on the highways; those casings suitable for retreading (either of which have a resale value); and those with no resale value which are hauled to an appropriate disposal site. This classification includes drivers as well as workers involved in the sorting operations.

4305-22 Debris removal: Construction sites or nonconstruction debris N.O.C.

Applies to establishments engaged in the collecting and removing of construction site debris left by construction crews. The debris may consist of scrap lumber, metal, wire, drywall, carpet and any other materials used in the construction of residential or commercial projects. This classification also includes the collecting and removal of nonconstruction debris. This includes but is not limited to, basement debris, household junk, garden waste, furniture and appliances. The debris is loaded into dump trucks, utility trucks, dump trailers, or roll off dumpsters then transferred to a landfill or local transfer station.

This classification excludes establishments engaged in residential or commercial construction that remove and haul their own debris which is to be reported in the construction classification applicable to the work being performed; establishments engaged in garbage works, landfill reduction or incineration operations which are to be reported separately in classification 4305-06; establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations which are to be reported separately in classification 4305-18; establishments engaged in hazardous waste and toxic material processing or

handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials which are to be reported separately in classification 4305-20; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and establishments engaged in pre-occupancy cleanup of newly constructed residential or commercial structures which includes washing windows, vacuuming carpets, dusting woodwork, doors, cabinets, washing floors and fixtures which are to be reported separately in classification 6602-03.

AMENDATORY SECTION (Amending WSR 00-14-052, filed 7/1/00, effective 7/1/00)

WAC 296-17-649 Classification 4808.

4808-01 Farms: Diversified field crops

Applies to establishments engaged in growing a variety of grain, vegetable, or grass crops during a single season. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

Alfalfa	Garlic	Rye
Barley	Grain	Sugar Beets
Beans, Dry	Grass Seed	Timothy
Clover	Hay	Wheat
Corn	Peas, Dry	

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: This classification differs from classification 4802 "vegetable farm operations" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. See clas-

sification 4802-12 for additional information. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-02 Farms: Alfalfa, clover and grass seed

Applies to establishments engaged exclusively in raising alfalfa, clover, and grass crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale.

This classification excludes establishments engaged in grading, sorting, and packaging seeds; or selling baled alfalfa or clover who are not engaged in growing operations which are to be reported separately in classification 2101; establishments engaged exclusively in grain or seed storage who are not engaged in growing operations which are to be reported separately in classification 2007; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-04 Farms: Hay

Applies to establishments engaged exclusively in raising hay or straw grass for sale, and includes the raising of such crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where

a small stock of products not produced by the operation subject to this classification may also be offered for sale.

This classification excludes establishments engaged in grading, sorting, and packaging seeds, or selling baled hay who are not engaged in growing operations which are to be reported separately in classification 2101 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-06 Farms: Cereal grain

Applies to establishments engaged in growing cereal grain crops. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands or operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Typical cereal grain crops include the following:

- Barley
- Corn
- Rye
- Wheat

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: See classification 4802-12 for additional information relative to corn. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-07 Potato sorting and storage

Applies to establishments engaged in storing potatoes in storage warehouses or cellars. Work contemplated by this classification is limited to sorting the good potatoes from

damaged ones or from debris such as vines or rocks, piling them into the storage area by size, and storing them until they are taken to processing or packing plants. Sorting may be done either in the field or at a storage warehouse. This classification also includes potato digging and piling when performed by employees of an employer engaged in storing potatoes but who is not engaged in growing potatoes.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; potato chip manufacturing which is to be reported separately in classification 3906; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-08 Custom hay baling

Applies exclusively to a specialist farm labor contractor engaged in mowing, turning, and baling hay owned by others. This classification also includes the incidental loading of hay onto trucks and stacking of hay in a barn or warehouse when performed by employees of a specialist farm labor contractor engaged in mowing, turning, and baling hay for others.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

~~**(4808-10 Farms: Shellfish—mechanical harvesting**~~

~~Applies to establishments engaged in the propagation of shellfish for sale and includes the subsequent harvest of shellfish by means of mechanical dredging operations. Work contemplated by this classification includes spawning of shellfish, seeding in controlled tanks, placement of shellfish into deep water growing beds, harvesting, and processing. Harvesting, processing, and packing of shellfish by a farm labor contractor is included in this classification provided that the shellfish being harvested were grown by an establishment subject to this classification. This classification includes the sale of shellfish at roadside stands operated at or near the business location and store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Businesses operating multiple retail locations may qualify to have those activities reported separately if all the conditions of the general reporting rule covering the operation of a secondary business have been met.~~

~~This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation which are to be reported separately in classification 3304 and contractors hired by a shellfish grower to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.~~

~~**Special note:** The distinction between establishments assigned to classification 4808 and those which are to be reported separately in classification 4805 is in the harvesting process. Establishments subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools while those assigned to classification 4808 are engaged in mechanical harvesting activities by way of dredging operations. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.)~~

4808-11 Custom farm services by contractor

Applies exclusively to contractors engaged in supplying and operating agricultural machinery and equipment at their customer's locations. Work contemplated by this classification involves preparing fields for crops, planting and cultivating crops, fertilizing, and harvesting operations using machinery and equipment such as, but not limited to, tractors, plows, fertilizer spreaders, combines, reapers, potato diggers, boom loaders and pickers. Contractors subject to this classification are generally not responsible for the overall care of the crops, but are merely hired to provide specified services, which involve the use of machinery and employee equipment operators. This classification also includes seasonal agricultural produce hauling from the field to a processing or storage plant when performed by employees of an employer not engaged in the related farming operations associated with the crop being hauled.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-64904 Classification 4812.

4812-00 Farms: Fin fish and shell fish hatcheries

Applies to establishments engaged in hatchery operations for the raising of fin or shellfish, or their eggs. Work contemplated by this classification includes, but is not limited to, spawning of larvae, growing and testing algae (food for shellfish in larvae stage), seeding of shells in tanks, loading of seeded shells for shipment or transportation to natural waters, spawning fin fish, harvesting, and management of water flow temperature and exchange rate, and laboratory work when performed by employees of an employer subject to this classification. The term "harvest" includes the sale of seeded shells, larvae, fish eggs, and whole fish.

This classification excludes the placement of seeded shells or larvae into natural waters, harvesting of mature shellfish or the related processing and packaging of shellfish which are to be reported separately in classification 3304(;) or ~~4805((-or 4808))~~ as applicable, and contractors hired by a farm operator to install, repair or build any hatchery equip-

ment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: See classifications 4805 (~~and 4808~~) for related information. The farm labor contractor provision is not applicable to this classification.

NEW SECTION

WAC 296-17-65802 Classification 4911.

4911-00 Construction estimators

Applies to employees of construction or erection contractors who work as cost and materials estimators preparing bids for contracts away from their employer's business offices. Employees covered by this rule may have exposure to the hazards of job sites, customer's premises, and/or undeveloped land. This classification is restricted in that employees reported in it cannot have any other duties other than construction estimating during their work shift or work day. Any employee working as an estimator and having any construction-related duties during the same work shift or day is to be reported separately in the applicable construction or erection classification for that entire work shift.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-66003 Classification 5005.

5005-00 Logging and/or tree thinning - mechanized operations

(to be assigned only by classification services staff)

Applies to establishments engaged in mechanized logging or tree thinning operations. For purposes of this classification, mechanized logging is defined as the entire process of felling, removal (skidding), yarding, processing, delimiting, bucking and loading of trees/logs by machine. This classification can be used by a logging contractor only if the entire side is being logged using methods and equipment described in this rule. If any portion of the side is being logged by conventional methods the entire operation must be reported in classification 5001 - Logging, N.O.C. or 0101 Logging Machine Operators. For example, an employer that subcontracts to fell trees with a feller/buncher or processor but is not involved in the removal (skidding) of the trees, the processing (delimiting and bucking) of the trees and the loading of trees is excluded from classification 5005 and is to be reported in classification 5001 - Logging, N.O.C. or 0101 Logging Machine Operators. Any employer whose operation includes any manual felling, removal, processing, or loading of trees is excluded from classification 5005 and is to be reported in classification 5001 - Logging, N.O.C. Work contemplated by this classification includes the falling of trees with a machine such as a feller buncher or processor; skidding logs to the landing with use of a grapple skidder or forwarder; delimiting logs with a mechanized delimeter such as a stroke delimeter, processor, CTR or harvester; and loading logs onto log trucks with a mechanical loader or shovel. Equipment used by employers subject to this classification will consist of the following:

Feller/buncher - used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Processor - used to fell trees, delimb them, buck tree to desired log length and stack the bunches for removal to the landing where they will be segregated by general grade and loaded onto log trucks. A processor is sometimes used at the landing to delimb trees and buck them to log length, especially when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Grapple skidder - is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to both the skidder and the bulldozers as a tractor. The two are distinguished from one another in that the skidder is a tire-driven tractor and the bulldozer is a track-driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation.

Forwarder - is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pick up by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation.

Harvester - is used at the landing of the logging side to delimb trees and buck trees to desired log length. This machine can also be used to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Loader - is used at the landing to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

This classification excludes log hauling which is to be reported separately in classification 5003, logging road construction which is to be reported separately in classification 6902, logging machine operators which are to be reported separately in classification 0101, and logging operations which are to be reported separately in classification 5001.

Special notes: If any portion of the logging contract is performed manually or by hand, the establishment does not qualify for this classification. If any portion of the logging contract is subcontracted out to another business and is performed manually or by hand, then none of the businesses involved in the logging contract will qualify for this classification and are to be reported separately in classification 5001 or 0101.

All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS).

See classification 5206 (WAC 296-17-675) for permanent shop/yard operations.

AMENDATORY SECTION (Amending WSR 05-12-031, filed 5/24/05, effective 7/1/05)

WAC 296-17-701 Classification 6306.

**6306-00 Stores: Furniture - wholesale or retail
Stores: Billiard or pool table - wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique household furniture. This classification also includes the sale of related items such as, but not limited to, lamps, bedding, pillows, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with a furniture store operation. This classification includes the delivery and the incidental repair of merchandise sold. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and is readily available for sale and delivery to the customer. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, a furniture store could bid on a job to carpet all units of an apartment complex. If the carpet is ordered from the factory as opposed to carpet carried at the store and in the stores inventory, then the installation is to be reported separately in classification 0502. This classification also applies to stores that sell billiard or pool tables.

Special note: Care should be exercised when considering this classification for antique or used furniture stores since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6306-01 Stores: Furniture - rental

Applies to establishments engaged in the rental of new, used, or antique household furniture. This classification also includes the sales of related items such as, but not limited to, lamps, bedding, pillows, framed pictures, art pieces and sculptures when sold in connection with a furniture rental store operation. This classification includes the delivery and the incidental repair of merchandise rented. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. This classification also applies to establishments that provide rent-to-own purchasing options, and to establishments engaged in the sale or rental of hospital beds, motorized wheelchairs and similar patient appliances.

Special note: Care should be exercised when considering this classification for an antique or used furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6306-02 Stores: Appliance - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of gas, electric, or propane household appliances. Household appliances include, but are not limited to, refrigerators, freezers, stoves, range tops, trash compactors, washing machines, clothes dryers, television consoles, big screen televisions, and television antennas or satellite dish receiving units. Appliance stores will routinely carry smaller appliances which are generally referred to as counter top units which include, but are not limited to, mixers, blenders, microwave ovens, toasters and espresso machines and are included in this classification when sold in connection with the appliance store operation. This classification covers the sale of primarily new appliances although establishments subject to this classification accept trade-ins and sell some used appliances. Also included is the incidental repair of appliances sold by the appliance store, parts departments employees, and the delivery of products sold. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an appliance store could bid on a job to supply appliances for all units of an apartment complex. If the appliances are ordered from the factory as opposed to items carried at the store and in the stores inventory then the installation is to be reported separately in classification 0607. Establishments engaged in the sale of commercial appliances may be assigned to this classification provided such establishments operate a bonafide store operation. Generally, however, commercial appliances such as those used to equip bakeries and restaurants are factory ordered items which are made to a customer's specifications from a manufacturer's representative.

Special note: Care should be taken when considering this classification for an antique or used appliance store since such establishments are primarily engaged in reconditioning appliances (service and repair) for resale and are to be reported separately in classification 0607.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6306-03 Stores: Piano or organ - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new pianos and organs. This classification includes all operations associated with the store including service, repair, and delivery. It is common for stores subject to this classification to carry other musical instruments such as, but not limited to, guitars, drums and wind instruments as well as provide instructions on the use of instruments.

This classification excludes establishments engaged exclusively in piano tuning which are to be reported separately in classification 4107; stores that sell musical instruments other than pianos or organs which are to be reported separately in classification 6406; and establishments engaged in the reconditioning of organs and pianos accompanied by the related sales of reconditioned pianos and organs which are to be reported separately in classification 2906.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6306-06 Stores: Office furniture - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique office furniture. This classification also includes the sales of related items such as, but not limited to, lamps, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with an office furniture store operation. This classification includes the delivery of furniture and related items, and the incidental repair of office furniture items sold by the office furniture store such as upholstery repair and cleaning. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and readily available for sale and delivery to the customer. The contract installation of any merchandise that must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an office furniture store could bid on a job to supply modular desk units for a large office complex. If the desk units are ordered from the factory as opposed to units carried at the store and in the stores inventory, then the installation is to be reported separately in classification 2002.

Special note: Care should be exercised when considering this classification for an antique or used office furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing or upholstery work.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 00-14-052, filed 7/1/00, effective 7/1/00)

WAC 296-17-712 Classification 6408.

6408-03 Dealers: Farm machinery/implement

Applies to establishments engaged in the sale, lease, and/or rental, of new or used farm machinery and implements. This classification also applies to the service, repair and/or demonstration of those items by the dealer either on their premises or at the customer's site. For purposes of this classification the term farm machinery refers to engine-powered machinery such as, but not limited to, tractors, combines, and swathers, riding mowers, sprayers, pumps, and generators. Implements include, but are not limited to, plows, discs, balers, or rakes which are attached to and/or powered by farm machinery. The variety of merchandise varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. In addition to parts for the machinery or implements, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes lot sales and lot personnel, service managers and employees, parts department employees who have exposure to the service/repair shop or duties related to the sale of farm machinery or implements, towing service for in-shop repairs, delivery of merchandise to the customer, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of farm machinery or implements may be reported separately in classification 6309.

This classification excludes establishments that repair and/or service farm type tractors, *but who are not involved in the sale of them*, which are to be reported separately in classification 6409; store operations of dairy equipment and supply dealers which are to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification ((5409)) 3402.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6408-03 have an inventory of parts or accessories which they use in the service or repair of farm machinery or implements, or maintain as a convenience to their customers. *Only* those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 00-14-052, filed 7/1/00, effective 7/1/00)

WAC 296-17-713 Classification 6409.

6409-00 Dealers: Machinery/equipment, N.O.C.;
Service/repair garages: Machinery/equipment, N.O.C.

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment includes, but are not limited to, semi trucks, diesel tractors, buses, construction equipment, concrete barriers and other flagging equipment used in construction projects, logging equipment, transportation equipment, freight hauling equipment, well drilling equipment, power generators, and industrial or manufacturing machinery. Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer. The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines, motors, or transmissions, resurfacing heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes lot sales and lot personnel, service managers and employees, parts department employees who have exposure to the service/repair shop or duties related to the sale of machinery/equipment, towing service for in-shop repairs, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of machinery/equipment may be reported separately in classification 6309. This classification also includes the rental and installation of temporary fences.

This classification excludes farm machinery and equipment dealers who are to be reported separately in classification 6408; store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407; the installation of industrial plant equipment which is to be reported separately in classification 0603; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification ((5409)) 3402.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6409-00 have an inventory of parts or accessories which they use in the service or repair of machinery or equipment, or maintain as a convenience to their customers. *Only* those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 04-18-025, filed 8/24/04, effective 10/1/04)

WAC 296-17-72202 Classification 6511.

6511-00 Chore services/home care assistants

Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to supported living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the home care quality authority who are to be reported separately under classification 6511-01.

~~**(6511-01 Home care services/home care quality authority (HCQA))**~~

~~Applies to persons who are employed by ill, disabled, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but not be limited to: Personal care such as assistance with dressing, feeding, personal hygiene to facilitate self-care; household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and/or delegated tasks of nursing under RCW 18.79.260 (3)(e).~~

~~**Special note:** Premiums are paid by the home care quality authority (HCQA) on behalf of the persons who provide the home care services.)~~

NEW SECTION

WAC 296-17-72203 Classification 6512.

6512-00 Home care services/home care quality authority (HCQA)

Applies to persons who are employed by ill, disabled, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but not be limited to: Personal care such as assistance with dressing, feeding, personal hygiene to facilitate self-care; household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and/or delegated tasks of nursing under RCW 18.79.260 (3)(e).

Special note: Premiums are paid by the home care quality authority (HCQA) on behalf of the persons who provide the home care services.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-724 Classification 6602.

6602-02 Contract window washing services

Applies to establishments engaged in contract window washing services not done in connection with a janitorial service. These establishments specialize in cleaning both interior and exterior windows in residential and commercial, single and multistory buildings.

This classification excludes establishments engaged in residential cleaning which are to be reported separately in classification 6602-04 and establishments engaged in both commercial and residential cleaning which are to be reported separately in classification 6602-03.

6602-03 Janitorial cleaning services, N.O.C.

Applies to establishments engaged in providing general interior cleaning services for commercial businesses or for combined commercial and residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances, and replacing light globes, paper or linen towels. This classification includes window washing when performed by the janitorial service employees in conjunction with a general house cleaning contract, it also includes the cleaning of swimming pools, spas and hot tubs. Fire restoration, which includes cleaning smoke or water damaged buildings, drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, cleaning personal contents of the home or business such as linens, dishes, drapes, and other general cleaning tasks, are included in this classification.

This classification excludes establishments engaged exclusively in contract window washing services which are to be reported separately in classification 6602-02, and establishments engaged in residential cleaning which are to be reported separately in classification 6602-04.

Special note: Care should be exercised with companies specializing in fire restoration or water damage related work. These companies may be general contractors who will not only do the clean up work, but will also do repairs such as, but not limited to, repair or replace cabinets, doors, and fixtures, patch drywall, paint, and replace windows. Construction-related tasks, when performed by a company doing the clean up work, are to be assigned the appropriate construction classification. Each contract should be reviewed to determine the proper classification assignment. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy cleanup are to be reported in the applicable construction classification.

6602-04 Janitorial cleaning services - residential

Applies to establishments engaged in providing general interior janitorial cleaning or services to residential customers. General cleaning services include, but are not limited to,

washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances. This classification includes window cleaning when performed in connection with a general house cleaning contract.

This classification excludes establishments engaged exclusively in contract window cleaning which are to be reported separately in classification 6602-02 and establishments engaged in commercial or combined commercial and residential cleaning which are to be reported separately in 6602-03.

6602-05 Janitors, N.O.C.

Applies to the janitorial staff assigned to clean the clerical and administrative offices of establishments whose principle business undertaking is other than providing janitorial services *and* who are eligible to report their clerical employees in classification 4904. *This classification is applicable only to janitors who clean the office area.* Janitors who clean outside the office area such as a shop, warehouse, or retail store area, are excluded from this classification and are to be reported separately in the classification applicable to the employer's business.

Special note: See the special exception section of the general rules for a complete description of these requirements.

6602-08 Pest control

Applies to establishments engaged in pest control services for others. These establishments offer inspection for, and elimination of, unwanted pests in buildings and other wooden structures. Pests include, but are not limited to, termites, carpenter ants, fleas, ticks, mice, ants, cockroaches, and bees. This classification applies to all operations of elimination services such as, but not limited to, spraying liquid or aerosol pesticide, dusting with powder, setting out traps or bait, applying pesticides to the soil to creating a chemical barrier around the base of a structure, digging trenches around foundations, and drilling holes through masonry surfaces in order to pour or pump chemicals into the infected areas. Establishments may also offer inspection and certification services for customers seeking mortgage approval.

This classification excludes any structural repairs which are to be reported separately in the appropriate construction classification.

6602-10 Portable cleaning and washing, N.O.C.

Applies to establishments engaged in cleaning and washing services not otherwise classified (N.O.C.). This classification contemplates cleaning and washing, by means of portable spray or steam power units, machinery, equipment, automobiles, trucks, recreational vehicles, mobile homes, walk-in freezers, and shopping carts. This classification also applies to the cleaning or removal of snow from roofs, gutters or downspouts of one-story buildings.

This classification excludes establishments engaged in cleaning buildings or structures, cleaning or removing snow from roofs, gutters, and downspouts on multistory buildings, which are to be reported separately in classification 0504.

6602-12 Street and building decoration: Hanging or removing flags or bunting

Applies to establishments engaged in hanging or removing flags or bunting for conventions, celebrations, events, or similar decorations on the exterior or interior of buildings, structures, or streets. Buntings are strips of decorative cloth which may be used to span a roadway to promote events, as overhead streamers at an auto sales lot, or as a sign hung on a building to advertise grand openings.

This classification excludes the manufacture of flags or bunting which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-738 Classification 6707.

6707-00 Football teams, N.O.C.

Contact sports, N.O.C.

Applies to players, coaches, referees, and managers employed by a professional football team that is *not a member of the National Football League (NFL)* and professional wrestlers, roller derbies, and professional (~~marital~~) **martial** arts competitors and their managers, coaches and referees.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the playing field/stadium and care of the facility in which the team organization is housed who are to be reported separately in classification 6706, and officials of community or school amateur sporting events are to be reported separately in classification 6103.

Special note: Teams that are members of the NFL, including players, coaches, referees, and managers, are to be reported separately in classification 7102.

6707-01 Hockey teams

Applies to players, coaches, referees, and managers employed by a professional hockey team.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the arena/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706 and officials of community or school amateur sporting events are to be reported separately in classification 6103.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-536 Classification 1101.

1101-04 Automobile delivery or repossessing

Applies to establishments engaged in delivering or repossessing individual automobiles for others. Generally, a client will contact the service company and arrange for a car to be delivered to a specific destination or request that a car of which they (client) is the legal owner, be repossessed and delivered to a specific location. In either case, a driver, not a motorized transportation service, does the delivery. Duties of employees subject to this classification are generally limited to unlocking vehicles and driving. It is common on long dis-

tance deliveries for the service company to use more than one driver. This classification also applies to drivers of sound trucks.

This classification excludes operation of tractor/trailer combinations to transport vehicles which is to be reported separately in classification 1102 or classification 1109, depending on the method of transporting.

1101-06 Delivery by retail and wholesale stores and distributors, N.O.C.

Applies to employees of retail and wholesale stores engaged in inter-store delivery, customer merchandise delivery when excluded from the store classification, and delivery not covered by another classification (N.O.C.). Employees subject to this classification are generally involved in loading and unloading delivery vans or trucks and driving from store to store, or from a store to a customer's location. Drivers may or may not have designated routes or delivery areas. This classification is not applicable to establishments engaged in general trucking services which are to be reported separately in classification 1102. Classification 1101 is distinguishable from delivery operations reported in classification 1102 in that businesses covered by classification 1102 generally do not own the merchandise they are transporting.

1101-09 Parcel delivery companies for delivery of small parcels

Applies to establishments engaged in the delivery of small parcels for others. Establishments subject to this classification may offer overnight express services, but usually do not deliver packages that exceed 150 pounds. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading delivery vehicles. This classification also applies to contract mail delivery route drivers and contract hauling of mail between post offices.

This classification excludes the delivery of bulk freight such as that delivered by trucking companies which are to be reported separately in classification 1102.

1101-14 News agents or distributors of magazines, periodicals and telephone books - no retail dealers

Applies to establishments engaged in the distribution of newspapers, periodicals, and telephone books. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading the vehicles, stocking shelves, and removing old periodicals from shelves.

1101-17 Driver delivery sales, N.O.C.

Applies to establishments engaged in route sales of a wide variety of merchandise not covered by another classification (N.O.C.), including, but not limited to, hand tools, automotive supply, and household items. Sales personnel deliver products, show samples and solicit further orders. They may also call on new customers along their route. The classification also applies to establishments or employees known as merchandisers who deliver products to their customer's place of business then perform related merchandising functions such as taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves or the premises, and/or assembling temporary displays which are usually made of lightweight material such as cardboard or plastic and used for promotional or seasonal

goods. These merchandisers often deal in products such as, but not limited to, greeting cards, over-the-counter medications, and grooming products.

This classification excludes employees of establishments who provide merchandising services, but who do not deliver products to the customer's place of business, who may be reported separately in classification 0607; and establishments engaged in the set up or removal of advertising or merchandise displays that involve more than incidental assembly of seasonal or promotional exhibits which are to be reported separately in classification 0607.

Special note: The distinguishing factor between merchandising employees who are to be reported in classification 1101-17 and those who may be reported in classification 0607 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.

1101-19 Route food services

Applies to establishments engaged in route food services where prepackaged, prepared food is sold, or where food may be prepared in the mobile unit for immediate sale by employees of the route food service. Duties include, but are not limited to, driving, food preparation, loading and unloading the vehicle, and cashiering. Typical route food services include, but are not limited to, traveling coaches that sell beverages and prepared pastries or snack items at various locations during a given work day, ice cream wagons, refrigerated trucks that sell specialty prepackaged foods to route customers, or mobile "short-order" food services that sell fast foods at special events or at locations where hot food may not be available.

This classification excludes food preparation at a fixed location for the route food vehicles which may be reported separately in classification 3905 or as applicable, food vendors operating from a push cart or mobile stand and food vendors who operate from a truck or van but who do not move from place to place throughout the day who are to be reported separately in classification 3905.

1101-20 Computer tape or accounting records delivery service

Applies to establishments engaged in picking up and delivering computer tape, accounting records, or similar financial records to or from storage centers to customer locations. Delivery drivers in this classification often work in metropolitan areas and drive small cars or bicycles.

1101-21 Errand service

Applies to establishments engaged in providing errand services for others. Types of errands include, but are not limited to, shopping services, delivery of food, beverages or other commodities, and delivery of body fluid samples to laboratories. Vehicles used by these services are typically small cars or bicycles. This classification also applies to the distribution of sample merchandise by vehicle.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-677 Classification 5301.

5301-10 Accounting or bookkeeping services

Applies to establishments engaged in providing general accounting or bookkeeping services to others. Types of services contemplated by establishments subject to this classification include, but are not limited to, auditing, tax preparation, medical or dental claims processing and billing, and/or advisory services. This classification includes all employments such as, but not limited to, clerical office, outside sales, and personnel who travel from one office to another.

This classification excludes establishments engaged primarily in management consultant services that are not otherwise classified, which are to be reported separately in classification 5301-12.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-11 Law firms

Applies to establishments engaged in providing legal services to others. Law firms may specialize in one or more areas of law. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

Special note: This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-12 Management consultant services, N.O.C.

Applies to establishments engaged in providing management consulting services not covered by another classification (N.O.C.). Management consultants typically will observe and analyze organizational structures, work processes or work flows, mail distribution, computer or communication systems, and planning or development of related business needs. After a thorough analysis, consultants usually prepare a written report for the customer which identifies problem areas and/or recommends improvements to processes or equipment. Consultants may remain to oversee the implementation of the recommended improvements. Consultants subject to this classification do not sell any product they have recommended although they may act as an agent for their client in purchasing the product. Consulting projects vary from client to client depending upon the contract. Included within this classification are businesses that provide similar consultative services such as, but not limited to, advertising agencies, employer representative organizations, public relations companies, mortgage brokers and financial advisers who do not make purchases on behalf of their clients. This classification includes clerical office staff, outside

sales personnel and other staff who travel from one office to another.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-13 Credit bureaus; collection agencies

Applies to establishments that are licensed to provide collection and/or credit investigation services to others. Services include, but are not limited to, the collection of NSF checks or delinquent debts owed to clients of the collection agency and checking the credit backgrounds of their client's potential customers. If debts are not collected, the service agency may initiate legal proceedings against the debtor. This classification includes clerical office and outside sales personnel, other staff who travel from one office to another, and process servers, although collection agencies subject to this classification generally employ process servers of other businesses to deliver legal documents.

This classification excludes establishments engaged in providing process serving services which may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met.

5301-14 Employment agencies

Applies to establishments that are licensed to provide employment services for others. Clients of employment agencies may be persons seeking employment or companies looking for employees. Employment agencies usually conduct preliminary interviews with candidates for positions prior to referring them to their client companies for interviews. Generally, establishments subject to this classification place people in permanent positions. This classification includes clerical office and outside sales personnel, and staff who travel from one office to another.

This classification excludes employees of a temporary help agency who are assigned to work in the administrative or branch offices of the agency who are to be reported separately in classification 7104 and employees of a temporary help agency who are assigned on a temporary basis to its customers who are to be reported separately in the appropriate temporary help classification.

5301-15 Court reporting services

Applies to establishments engaged in providing court reporting services to others. Court reporters record verbatim testimony presented in court proceedings, depositions, public hearings or meetings. The most frequently used method to record testimony is by stenotype machine, although it may be recorded by voice recording on audio tape, or by manual shorthand. Transcription of the recorded material may be performed by the court reporter or by "note readers" or typists. The majority of court reporters today use computer-aided transcription systems. Court reporters may also offer notary public services for their clients. This classification includes clerical office and staff who travel from one office to another.

5301-16 Service and professional organizations

Applies to establishments engaged in protecting or furthering the interest of their members and/or the general public. Many of these operate as nonprofit organizations. Service and professional organizations may perform one or many of the following activities: Maintain a membership directory; collect membership dues; publish a newsletter; sponsor educational training programs; administer certification tests; provide job placement assistance; award scholarships; offer insurance programs; research and interpret local, state, and federal regulations and apprise members of the results; manage promotional marketing programs; organize fund raising campaigns; perform charitable community services; sponsor athletic leagues and tournaments; host conventions; disburse funds; perform collective bargaining; arbitrate disputes; provide counseling, adoption, and advocacy services; lobby the legislature; compile, review, and disseminate informational data; operate a tourist information center; issue vehicle license registrations, plates, decals, and certificates of title. Also included in this classification are Economic Development Councils, Boards, or Associations. These nonprofit organizations provide economic consulting services and related statistics to government and industry in the promotion of economic stability, and recruit businesses who will create jobs and provide loans from the grant funds they manage. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

This classification excludes labor unions and employee representative associations which are to be reported separately in classification 6503, and the collection of donated items by truck which is to be reported separately in classification 1101.

Special note: If a charitable organization subject to classification 5301 operates a retail store for the sale of donated items, the collection of those items by truck, and all store operations, are to be reported separately in classification 6504.

5301-18 Telephone answering services

Applies to establishments engaged in providing telephone answering services for others. Customers include, but are not limited to, medical professionals, attorneys, private businesses, and individuals. Most answering services today use computerized communications systems to identify company names when answering calls for various companies, obtain correct information about the company to respond to questions, record and relay accurate messages in a timely manner. Related services often offered by telephone answering service companies include, but are not limited to, voice mail or paging, rental of office space, telemarketing, dispatching, monitoring alarm systems, placing reminder calls, and scheduling appointments for customers. This classification includes clerical office personnel and staff who travel from one office to another.

5301-19 Travel agencies

Applies to establishments engaged in providing travel arrangement services for others. Travel agencies coordinate all types of travel arrangements for their clients through air, cruise, train, or bus lines, hotels, motels, or resorts, car rental agencies, travel insurance companies, and related travel pro-

viders. Services vary and could include delivery of tickets and itineraries to clients, booking reservations and selling tickets for tours, excursions, or other entertainment events, or arrangement of special needs for disabled or elderly travelers. This classification includes clerical office and sales staff who travel from one office to another.

5301-21 Word processing or secretarial services

Applies to establishments engaged in providing word processing or secretarial services to others. Services include, but are not limited to, desktop publishing, dictation and transcription services, typing/compiling reports, proposals, resumes, or correspondence, sending faxes, and making copies of documents. A pickup and delivery service may be offered. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending WSR 00-14-052, filed 7/1/00, effective 7/1/00)

WAC 296-17-694 Classification 6208.**6208-00 Amusement parks; exhibition caves or caverns**

Applies to establishments engaged in providing amusement parks to the public or in the operation of cave or caverns for exhibition purposes. Establishments subject to this classification are located on a permanent site and usually offer a variety of activities such as, but not limited to, amusement rides, water slides, miniature golf, and games such as tossing rings, throwing balls, and shooting air rifles. There may be one or more separate arcade areas located within the park. This classification includes rides, ticket sellers, gate attendants, food and beverage operations, care, custody and maintenance of the above facilities and operations similar to a traveling carnival.

This classification excludes set up, tear down and delivery of amusement park rides, games and food booths which are to be reported separately in classification 6207.

6208-01 Ranges: Archery, ball, dart, golf, firearms shooting

Applies to establishments engaged in operating indoor or outdoor archery, ball, dart, golf, and firearms shooting ranges. Golf driving ranges subject to this classification are operated separately from a golf course. If the driving range is operated in conjunction with a golf course, then the entire establishment is to be reported separately in classification 6206. Ball ranges (batting cages) are establishments set up to provide batting practice. Archery ranges are permanent establishments that provide targets for practice. If these operations are conducted in conjunction with an amusement park, then the entire operation is to be reported separately in classification 6208-00. This classification includes ticket sellers,

food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses which are to be reported separately in classification 6208-07, and ranges that use air rifles which are to be reported separately in classification 6208-10.

6208-03 Boat rental facilities

Applies to establishments engaged in renting row boats, paddle boats, rubber rafts or similar water craft for recreational purposes when the water is part of a park. This classification includes the operation of bumper boat amusement rides if that is the sole function of the establishment. If the bumper boats are operated as part of an amusement park, the entire establishment is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

6208-04 Fairs, shows and exhibitions, N.O.C.

Applies to establishments or community organizations engaged in managing, sponsoring and conducting fairs, shows and exhibitions not covered by another classification (N.O.C.). ((These are usually annual events sponsored by a town or community.)) Events may include, but not be limited to, community fairs, animal (pet or livestock), flower, art, and trade shows. Many of the exhibitors and concessionaires are independent businesses that rent space at the ((fair)) site. Work contemplated by this classification includes ((ticket sellers)), but is not limited to, coordinating exhibitors, arranging for a facility and utilities, selling tickets, judging entries, security personnel, helping to set up and tear down booths, the showing of animals in an arena, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes all raising or care of animals which are to be reported separately in the applicable classifications.

~~((6208-05 Shows—animal~~

~~Applies to establishments engaged in managing, sponsoring and conducting animal shows such as pet or livestock exhibitions. Employments contemplated by this classification include, but are not limited to, ticket sellers, judges, security personnel, and the showing of the animals in the arena when performed by employees of employers subject to this classification. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes all raising or care of animals which are to be reported separately in the applicable classification.~~

6208-06 Shows—flower, art

Applies to establishments engaged in managing and conducting art or flower shows. The sponsors are usually responsible for the set up and tear down of the exhibition. The exhibitors and concessionaires are usually independent booth renters. Work contemplated by this classification includes, but is not limited to, coordinating exhibitors, arranging for a facility and utilities, permits or related needs, helping set up/tear down booths, judging, and security personnel. This

~~classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.))~~

6208-07 Miniature golf courses

Applies to establishments engaged in the operation of miniature golf courses. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses operated in conjunction with an amusement park which are to be reported separately in classification 6208-00.

6208-08 Kiddie rides at permanent locations

Applies to establishments engaged in operating kiddie rides at a permanent location. Ride attendants duties include, but are not limited to, selling tickets, directing patrons getting on and off the rides, keeping order among the patrons waiting to ride, and making sure all belts and safety devices are in the proper place and functioning. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-09 Race tracks

Applies to establishments engaged in the operation of race tracks such as, but not limited to, stock car, go cart, motorcycle, horse, and drag racing tracks. Employments contemplated by this classification include, but are not limited to, selling tickets, booking events, coordinating participants, and security. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes parimutuel clerks at a horse racing track and cashiers with no other duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; and the handling of horses or vehicles which is to be reported separately in the classification applicable to the work being performed.

6208-10 Shooting galleries for air rifles only; laser tag, war games, paint ball facilities

Applies to establishments engaged in operating shooting galleries for *air rifles only*. If the air rifle shooting gallery is operated in conjunction with an amusement park, the entire operation is to be reported separately in classification 6208-00. This classification also applies to laser tag, war games, and paint ball facilities. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes operations involving any firearms such as, but not limited to, pistol or rifle ranges, which are to be reported separately in classification 6208-01.

6208-11 Carnival operations, N.O.C.

Applies to those employees of an employer engaged in operating carnivals who are not covered by another classification (N.O.C.). These employees are generally employed as ride operators, game attendants, ticket sellers/takers, and traveling clerical workers. This classification includes operations care, custody and maintenance of the above facilities.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; employees engaged in driving and/or set up and tear down of all mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival who are to be reported separately in classification 6207; employees of carnival operations assigned to work in food booths who are to be reported separately in classification 3905; and employees of carnival operations assigned to work in souvenir or gift shops who may be reported separately in classification 6406 provided they have no other duties.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-704 Classification 6309.

6309-02 Stores: Gun - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hand guns and rifles. Gun stores subject to this classification will routinely sell related goods such as, but not limited to, knives, archery supplies, ammunition, cleaning kits, targets, target launchers, ammunition belts and specialty clothing. It is common for gun stores to repair guns for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory, or that are special ordered from the manufacturer. Gun stores are not generally involved in machining operations although some light machine work is contemplated by this classification. Gun stores in this classification can also make custom ordered guns. This term may be misleading in that a custom gun made by a gun store is simply the assembly of various components to produce the desired gun. Depending on the size and location of the store a related shooting range may be found on the premise. Whether the shooting range is operated in connection with the store operation or by an independent business unrelated to the gun store, it is to be reported separately in classification 6208. Establishments in classification 6309-02 are distinguishable from operations covered in classification 3402, in that gun stores subject to classification 6309 are not engaged in the manufacture of guns, which includes such operations as machining barrels, fabricating triggers, springs, bolts, levers, clips and handles, or in the mass assembly of gun components into finished goods.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-03 Stores: Bicycle - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of all types of bicycles. Bicycle stores subject to

this classification will sell related goods such as, but not limited to, helmets, pumps, carrier racks, water bottles, shoes, trailers, child carriers, and specialty clothing. It is common for bicycle stores to assemble new bicycles as well as tune and repair bicycles for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory or that are special ordered from the manufacturer. Bicycle stores subject to this classification will occasionally make a custom bicycle. This term may be misleading in that a custom bicycle may be nothing more than the assembly of various components to produce the desired bicycle, or it could be the actual cutting, bending, and welding of tube metal, or the cutting, rolling and heating of graphite reinforced plastic material. *Only* those custom bicycles that are assembled from components *manufactured by others* are to be reported in classification 6309 and *only* if such custom work is incidental to the primary sales of off-the-rack bicycles manufactured by others.

This classification excludes machining operations, frame welding, and establishments engaged in custom manufacturing or mass producing bicycles from nonfinished goods which are to be reported separately in the classification applicable to the bicycle frame material and process used to manufacture the finished units.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-06 Stores: Garden supply - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of homeowner type yard and garden tools, equipment, and supplies. Establishments subject to this classification will carry in their inventory and have available for immediate sale various garden tools and gloves, equipment, and supplies such as, but not limited to, rakes, shovels, post hole diggers (nonpower), hoes, wheel barrows, garden carts, edgers, weed wackers, lawn sprinklers, garden hose, lawn mowers, and chain saws. On a seasonal basis these establishments will routinely stock bags of various types of lawn, shrub and plant fertilizer, lawn seed, bags of potting soil, bags of beauty bark, flower bulbs, vegetable and flower seeds, and some bedding plants and small shrubs. This classification is distinguishable from nurseries in that nurseries sell plants, shrubs and trees that they have purchased from others or raised from seeds or cuttings, most of which are available for sale all year round. Nurseries typically sell soils and bark in bulk, but seldom sell lawn mowers, lawn tractors, edgers and similar items. Nurseries are further distinguishable from garden supply stores in that garden supply stores have a limited outside yard and are primarily composed of a store operation. Nurseries, on the other hand, have limited store operations and extensive yards where plants, shrubs, and trees are displayed and cared for, as well as extensive greenhouse operations. This classification also includes merchants who are engaged in the sale and/or hand packaging of agricultural seeds that have been processed by others.

This classification excludes the repair of tools and equipment sold which is to be reported separately in the classification applicable to the work being performed.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-07 Locksmiths

Applies to establishments engaged in servicing or repairing locksets. Establishments subject to this classification will have a small retail store where they sell new door locksets, repair customer locksets, rekey locksets, make duplicate keys, and sell home security items such as safes and alarm systems. In addition to store operations, this classification includes locksmith field work such as unlocking a car, removing a broken key from an ignition or door, and installing a replacement lockset in a door.

This classification excludes the installation of safes, new locksets, or dead bolt locks which is to be reported separately in classification 0607 and the installation of home security systems which is to be reported separately in classification 0608.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-08 Stores: Automobile, truck, motorcycle, or aircraft accessories or replacement parts - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of automobile, truck, motorcycle, or aircraft accessories or replacement parts. Most establishments subject to this classification carry a full line of parts ranging from batteries, wiper blades, ignition components, to engines, tires, and transmissions. However, this classification also applies to establishments that sell specialized product lines such as, but not limited to, batteries, electrical systems, or transmission parts. This classification covers only the store operation. Any vehicle, tire, or machine shop service is to be reported separately in the applicable repair or service classification. Care should be exercised when considering the assignment of this classification to an establishment engaged in vehicle service or repair as parts departments may be included in the service or repair classification. *Only* those vehicle service or repair establishments that have "full line" replacement parts stores are to be assigned to this classification and *only* when the classification that governs the repair or service permits, the parts department to be reported separately.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-09 Stores: Architectural and surveyor supplies - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of professional and technical measurement equipment used primarily by architects and surveyors. Products sold by establishments subject to this classification include, but are not limited to, plan holders, plotters, lettering systems, engineering software, CAD supplies, copiers and computer paper and films. This classification includes the *in-*

shop servicing or repair of products sold, such as replacing or adjusting parts.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-11 Stores: Stained art glass - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of stained art glass supplies. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, lead and leaded glass, crafts, light fixtures, terrarium parts, lamp shade parts, kits for picture frames, mirrors, books on stained glass, small grinders, glass cutters and other tools for making stained glass items.

This classification excludes the manufacture of stained glass and the fabrication and assembly of stained art goods which is to be reported separately in classification 3503 and stores that sell craft-making goods or hobby supplies which are to be reported separately in classification 6309-21.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-12 Stores: Wood stove and accessories - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of wood stoves, pellet stoves, fireplace inserts, and accessories. The majority of stoves today are produced from cast iron or steel plate and may be finished with enamel or paint. Stove stores subject to this classification will sell related accessories such as, but not limited to, noncombustible hearths and irons, wood holders, pellet scoops, stovepipes, metal chimneys, decorative brass legs and brass handles and bags of pellets. Some wood stove dealers may sell both stoves and spas as their main product lines. Stores that sell both are to be reported separately in classification 6309-14. This classification includes the set-up of wood stoves and heaters which can be operated as part of a display area or showroom in the store when performed by employees of this business.

This classification excludes the installation and repair of wood stoves, furnaces, air conditioning units and vacuum cleaner systems which is to be reported separately in classification 0307; masonry work which is to be reported separately in classification 0302; and chimney cleaning which is to be reported separately in classification 4910.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-13 Stores: Hardware variety, N.O.C., specialty hardware or marine hardware - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hardware related items. Operations contem-

plated by this classification include the receipt of merchandise purchased from unrelated business dealers or manufacturers, warehousing of inventory, stocking of shelves, cashiering, customer load out, assistance and delivery. Establishments subject to this classification cater to homeowners and, therefore, do not carry contractor quantities of products for sale. Hardware variety stores applicable to this classification are generally small retail stores (3,000 square feet or less). Hardware variety stores will have a wide assortment of products for sale ranging from paint and painting supplies, electrical and plumbing supplies, to hand or power tools, garden supplies, housewares, and hardware. For purposes of this classification the term "hardware" applies to nails, screws, bolts, hinges, staples, chain, and similar items. Classification 6309-13 is distinguishable from classification 2009 in that the quantity of products sold by hardware variety stores subject to classification 6309-13 is limited to homeowner quantities, the selection of product is limited, and they carry only a limited selection of lumber, if at all. Hardware variety stores may also carry seasonal plants. This classification also applies to specialty hardware or marine hardware stores.

This classification excludes hardware stores that sell lumber or building materials which are to be reported separately in classification 2009.

Special notes: Care should be exercised when assigning classification 6309-13 to a business. All other store and nursery classifications are to be considered before this classification is assigned. It is common for a nursery to have a substantial inventory of hardware and tools, just as it is common for farm supply stores to sell similar products, yet these types of businesses are covered in alternative classifications.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-14 Stores: Hot tub or spa - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hot tubs and spas. Most dealers subject to this classification have small store operations where a limited supply of spas and hot tubs are displayed. Some may have distribution centers where spas are shipped from the manufacturer and stored until delivered to a showroom or directly to a customer. The majority of spa units are portable and self-contained, which means the plumbing, pump, wiring, and controls are already in place and enclosed in the siding surrounding the tub. They are ready to use once the electricity is hooked up at the customer's site. The other type of spas are referred to as "shells," which are usually set in place in the ground, then the pump, plumbing, electrical wiring, and any surrounding rockery or structures built around it. Stores that sell spas and hot tubs also stock related items such as, but not limited to, spa or swimming pool chemicals and cleaners, brushes, replacement pumps and parts, filters, and spa accessories such as fragrances. Some may also sell other product lines such as swimming pool shells, wood or pellet stoves and related items such as, but not limited to, lawn furniture, barbecues, or water sports equipment. Operations contemplated by this classification include the receipt of tubs, spas, pools, pool liners, chemicals and other products from manufacturers

or unrelated companies, stocking shelves, setting up displays, cashiering, delivery of products to customer locations, instruction on testing and maintaining pool waters, and incidental pump repair in the store; it does not contemplate the repair or service of pumps or pools at customer's location. Establishments that sell both wood stoves and spas are to be reported in this classification. This classification also applies to establishments that rent hot tubs and deliver them to, and pick them up from, the customer's location.

This classification excludes establishments that sell only accessories for tubs or pools which are to be reported separately in classification 6406; establishments engaged in the sale of wood or pellet stoves, but do not sell spas, which are to be reported separately in classification 6309-12; and establishments engaged in the manufacture or installation of hot tubs which are to be reported separately in the classification applicable to the work being performed.

Special notes: Spa and hot tub dealers may be licensed contractors who build swimming or wading pools, in addition to the spas and hot tubs sold. Except for the in-store pump repair, all other electrical or plumbing installation or repair work, pump repair, landscaping, building of structures, pouring of concrete, and servicing of the pool waters are excluded from this classification and are to be reported separately in the classification applicable to the work being performed.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-15 Stores: Floor covering - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of floor coverings. Establishments subject to this classification sell a variety of floor coverings and related items such as, but not limited to, sheet vinyl, floor tile, ceramic wall or countertop tile, wood parquet, floor or area rugs, carpeting, window coverings, bathroom and kitchen accessories, and supplies to install products. Other stores may specialize in only one or a few of these products. Floor covering stores generally consist of a store operation where samples of all product types are displayed. Merchandise is usually ordered from the factory or distributor per customer specifications; however some goods are kept in stock and are available for immediate sale. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses and manufacturers, stocking shelves, cashiering, estimating floor covering needs from plans, blue prints and customer measurements, ordering special floor coverings from distributors or manufacturers, and delivering the product to customers.

This classification excludes all installation work and the manufacture of any product sold by floor covering stores, which is to be reported separately in the applicable construction, installation, or manufacturing classification.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-16 Pawn shops

Applies to establishments engaged in loaning money to others in exchange for collateral of new or used merchandise such as, but not limited to, jewelry, video equipment, and computers. It is common for pawn shops to sell new and used merchandise they have taken as collateral for defaulted loans. Operations contemplated by this classification include receiving merchandise from others, stocking of shelves, and cashiering.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-17 Stores: Sporting goods - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of a variety of sporting goods. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, and delivery. For purposes of this classification the term "sporting goods" includes, but is not limited to, baseball gloves, bats, balls, fishing poles, tackle, reels, tennis racquets, bicycle helmets, exercise equipment, and specialty clothing and shoes. A store may carry equipment and related items for a number of sports, or specialize in a particular sport such as skiing or fishing.

This classification excludes *stores that specialize in selling bicycles* and related items such as tire pumps, water bottles, locks, shoes and clothing, which are to be reported separately in classification 6309-03, *and stores that specialize in selling guns* and related items such as ammunition, hunting supplies, archery equipment, targets, knives, and clothing which are to be reported separately in classification 6309-02.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-18 Stores: Paint and wallpaper - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of paint and wallpaper supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, mixing paints and stains, warehousing, stocking of shelves, cashiering, and delivery of merchandise to customers. Establishments subject to this classification routinely offer pressure washer and spray units, and ladders for rent or sale which is included in this classification when such sales and rentals are conducted in connection with a paint and wallpaper store. This classification excludes establishments engaged in the rental of spray paint and pressure washer units which are to be reported separately in classification 1106.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-19 Stores: Sewing machines or vacuum cleaners - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new or reconditioned sewing machines or vacuum cleaners. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, demonstrating (~~or delivering~~) merchandise (~~to customers~~), providing instructions or sewing classes to customers, and in-store repair. This classification includes delivery of merchandise to customers and door-to-door sales personnel employed by the store. Sewing machine repair is generally limited and consists mainly of adjusting thread and stitch tensioners, aligning components (needle and foot), replacing electrical motor, lights and belts. Types of sewing machines include sergers, button holers, embroidery machines, and commercial machines such as those used by a tailor or an upholstery shop, but does not include industrial machines such as those used in feed and carpet mills.

This classification excludes fabric stores that may also sell sewing machines which are to be reported separately in classification 6406; and establishments engaged in the repair of industrial sewing machines which are to be reported separately in classification 3402 for shop operations and classification 0603 for field repairs. This classification excludes firms who employ only door-to-door sales personnel in this state which are to be reported in classification 6309-22.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-20 Stores: Custom framed art or U-frame - wholesale or retail; Art galleries

Applies to establishments engaged in the wholesale or retail sale of custom framed art such as, but not limited to, posters and pictures. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, cutting matte board, glass and frame material, assembling frames, mounting art, posters or pictures into custom made or premade frames and delivery of merchandise to customers. Custom frame manufacturing covered by this classification is distinguishable from other frame manufacturing covered in classifications 3404, 2909, and 3512 in that custom frame making contemplated in classification 6309-20 consists of cutting frame material purchased from others with a specialized saw and fastening the pieces together with a small air nailer or finish screws. Frame manufacturing operations in other classifications consist of extruding metal or plastic through dies to produce the desired frame material, or planing and molding the dimensional lumber to the desired appearance, cutting material in mass quantities, fastening frames together (mass production oriented) and boxing for shipment. U-frame operations consist of selling the various components such as, but not limited to, premade frames or precut unassembled frame kits, matte board, glass and prints to customers for customer assembly. This classification also includes establishments that operate art galleries, as the framing activities are similar.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-21 Stores: Hobby and craft - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hobby and craft supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, floral arrangement supplies, pottery supplies, art glass supplies, doll making supplies, jewelry components such as beads and wire, and artist supplies. It is common for establishments subject to this classification to also be involved in custom picture framing in connection with hobby or craft store operation.

This classification excludes the manufacture of hobby and craft goods which is to be reported separately in the classification applicable to the materials and processes and stores that specialize in the sale of stained art goods which are to be reported separately in classification 6309-11.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-22 Sales personnel: Door-to-door

Applies to sales personnel engaged in door-to-door sales of merchandise. Typically these sales are done in the homes of the customer, often by individual appointment or at a party given by the host in the home. Types of merchandise include, but are not limited to, coffee, tea, or other grocery items, mops, brushes, carpets or other household furnishings, candles, vacuum cleaners, books and magazines. Duties contemplated by this classification include showing samples or brochures describing items for sale, demonstrating merchandise, completing paperwork for orders, and driving. Sales persons usually have the products shipped directly from a distributor to the consumer. This classification also contemplates door-to-door sales employees who may deliver the sold products or who sell directly from stock kept in their vehicle. Door-to-door sales personnel are considered workers of the company employing them unless they meet the criteria as specified in RCW 51.08.195.

This classification excludes establishments engaged in motor route distribution of telephone books, periodicals, or newspapers which are to be reported separately in classification 1101-14.

Special note: Clerical and office employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-715 Classification 6502.

6502-00 Banks; credit unions; savings and loan associations

Applies to establishments engaged in providing banking and related financial services. Services include, but are not limited to, establishing and servicing checking and savings accounts, telephone, computer and in-person fund transfers, lending, vending certificates of deposit and savings bonds, providing financial consulting services and estate planning, and providing supplemental services such as automatic teller machines (ATMs) and credit cards, currency exchange, cashier and travelers checks, notary public services, and safe deposit box rentals. This classification includes clerical office and sales personnel.

This classification excludes establishments engaged in providing armored car or on-premises security which are to be reported separately in the applicable services classification.

6502-05 Mortgage companies; financial or investment companies, N.O.C.

Applies to establishments engaged in providing financial or investment services not covered by another classification (N.O.C.). This classification also applies to establishments engaged in extending credit in the form of mortgage loans by originating mortgage or real estate construction loans, selling mortgage loans to permanent investors, and servicing the loans, and to establishments that offer check cashing services. This classification includes clerical office and sales personnel and staff inspectors who authorize release of funds on construction loans.

This classification excludes mortgage brokers who are to be reported separately in classification ~~(s 4904 and 6303)~~ 5301. Mortgage brokers ~~((do not originate loans, but))~~ provide the service of finding lenders for people who need loans.

6502-06 Stock brokers

Applies to establishments engaged in brokering stocks and other related securities. Establishments subject to this classification act as agents in the buying, selling, or exchanging of securities such as, but not limited to, stocks, mutual funds, annuities, bonds and commodity contracts for their clients. Their "full-service" usually extends to financial planning advice, arranging for IRA and KEOGH accounts, money market accounts, tax free bonds, and related financial investments. This classification also includes "investment bankers" who are primarily engaged in originating, underwriting, and distributing securities, buying and selling commodity contracts for their own account or for the account of others, and buying, selling, or trading in stocks, stocks options, bonds, or commodity contracts. This classification includes clerical office and sales personnel.

6502-07 Escrow companies

Applies to establishments engaged in providing escrow and/or title search services to the general public. They may be known either as "escrow companies" or "title companies." An escrow company is a third party who holds in custody a written agreement such as a deed or bond (escrow) which

does not become effective until certain conditions are fulfilled by the grantee. Title companies conduct title searches to ensure there are no liens against property; if there are no liens, they issue a title insurance policy; if there are liens they make them known to potential buyers. Establishments subject to this classification typically provide both escrow and title search services which include the issuance of title insurance, collection and disbursement of funds for which they are custodians, providing closing of documents for the purchase of real estate, and preparing and filing the documents at the appropriate municipal offices. This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-777 Classification 7307.

7307-00 Farms: Christmas tree

Applies to establishments engaged in operating Christmas tree farms. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning, harvesting, baling, packing, delivering trees, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also applies to wholesale Christmas tree operations. Retail tree sales conducted at a farm location, as in the case of a U-cut tree operation, or at a seasonal sales lot away from the farm *may* be reported separately provided the conditions in classification 4805-09 have been met.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special notes: Establishments assigned to classification 4805-09 should report hours in this classification *only* during the fourth quarter of each year since these sales are confined to the Christmas season. Special care should be exercised when assigning this classification as work covered by classification 5004 is similar in nature.

The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as planting trees, pruning, or harvesting. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7307-01 Tree farms, N.O.C.

~~((to be assigned only by classification services staff))~~

Applies to establishments engaged in operating tree farms not covered by another classification, (N.O.C.) such as, but not limited to, cottonwood tree farms. Operations contemplated by this classification include, but are not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning trees, and maintaining or installing sprinkler systems when performed by employees of an employer subject to this classification.

This classification excludes harvesting of trees which is to be reported separately in the appropriated logging classification based on the method of harvest; contractors engaged in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301; and contractors hired by a tree farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as planting trees, pruning, or harvesting. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-697 Classification 6302.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-513 Classification 0307.

0307-01 Furnaces and heating systems: Installation, service or repair

Applies to contractors engaged in the installation, service, or repair of furnaces and heating systems, including duct work, in all types of residential and commercial settings. These services are generally performed by furnace contractors, heating and ventilation contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to, gas or electric furnace units, heater units, heat pumps, air purification systems, fireplace inserts or units, hot water tanks, thermostats, flat sheets of metal, vents, preformed or bent venting duct and pipe, vent collars and reels, fittings, galvanized pipe, insulation wrap, concrete pads and gas logs. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification ~~((3404))~~ 3402 for the shop fabrication work. When a contractor's

business is assigned classification ((3404)) 3402 for shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal fabrication shops which are to be reported separately in classification ((3404)) 3402; duct cleaning work which is to be reported separately in classification 1105; installation or repair of ventilation, air conditioning and refrigeration systems which is to be reported separately in classification 0307-04; or the installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell furnace and heating system materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a furnace and heating systems contractor are included in classification 0307. Classification 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

0307-04 Ventilating, air conditioning and refrigeration systems: Installation, service or repair, N.O.C.

Applies to contractors engaged in the installation, service, or repair of ventilating, air conditioning and refrigeration systems not covered by another classification (N.O.C.), including duct work at the job site in all types of residential and commercial settings. These services are generally performed by heating and ventilation contractors, refrigeration contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to, air conditioning units, refrigeration systems, air purification systems, hoods and protective metal covers, hot water tanks, flat sheets of metal, vents, preformed or bent duct portions, vent collars and reels, thermostats, fittings, galvanized pipe, insulation wrap, and concrete pads. This classification includes the installation or repair of built-in vacuum systems and air (pneumatic) tube systems, such as those at drive-up teller windows. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification ((3404)) 3402 for the shop fabrication work. When a contractor's business is assigned classification ((3404)) 3402 for shop operations, then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal fabrication shops which are to be reported separately in classification ((3404)) 3402; installation or repair of furnace or heating systems which is to be reported separately in classification 0307-

01; and the installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell ventilating and air conditioning equipment and materials, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a ventilating and air conditioning contractor are included in classification 0307. Classification 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

0307-05 Wood, pellet, or gas stove: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of wood, pellet or gas stoves in all types of residential and commercial settings. Work contemplated by this classification includes the fabrication, installation and duct work performed at the job site. Materials include, but are not limited to, wood, gas or pellet stoves, inserts, heater units, protective metal covers or hoods, gas fireplace logs, preformed or bent venting duct and pipe, or vents and vent collars. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the installation site are to be assigned classification ((3404)) 3402 for the shop fabrication work. When a contractor's business is assigned classification ((3404)) 3402 for the shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes wood stove and accessory stores which are to be reported separately in classification 6309; stove manufacturing which is to be reported separately in classification 5209; sheet metal fabrication shops which are to be reported separately in classification ((3404)) 3402; brick or masonry work which is to be reported separately in classification 0302; and the installation or repair of furnace or heating systems which is to be reported separately in classification 0307-01.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell wood stove installation materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a wood stove installation contractor are included in classification 0307. Classifications 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification

6303 provided the conditions of the standard exception general reporting rule have been met.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-557 Classification 2004.

2004-21 Iron or steel merchants; wire rope and cable dealers

Applies to establishments engaged as iron or steel merchants or as dealers of wire rope, cable, or metal conduit. This classification includes the merchandising of nonferrous metals such as, but not limited to, copper, brass, or aluminum. This classification is distinguished from scrap metal dealers in classification 0604 who deal primarily in used metal as opposed to merchants in classification 2004 who sell new goods. Iron or steel merchants receive metal in the form of beams, sheets, plates, bars, rods, pipe, rounds, channels, angles, tubes, or coils from the mills which they unload with overhead cranes, and store them in their shop or yard. Using power equipment such as shearers, hacksaws, drills, benders, and cutting torches, they are cut, sheared, and formed to customer specifications. Wire rope and cable dealers use coilers to wind the wire rope or cable from large spools onto smaller spools, and use saws or other cutting tools to cut it to length and large hydraulic presses to attach sockets, pulleys and other hardware to wire rope to form rigging used by the fishing, logging, and construction industry.

This classification excludes scrap metal and junk dealers which are to be reported separately in classification 0604, and rebar fabricators which are to be reported separately in classification ((~~5209~~)) 3402.

AMENDATORY SECTION (Amending WSR 05-12-031, filed 5/24/05, effective 7/1/05)

WAC 296-17-568 Classification 2903.

2903-00 Wood chip, hog fuel, bark, bark flour, fire log and lath: Manufacturing

Applies to establishments engaged in the production of products such as, but not limited to, wood chips, hog fuel, bark, bark flour, fire logs, kindling, excelsior, particleboard, and similar wood by-products.

Wood chips are small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;

Hog fuel is made by grinding waste wood in a hog machine, is larger and coarser than wood chips, and is used to fire boilers or furnaces, often at the mill or plant at which the fuel was processed;

Bark is the outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;

Bark flour is finely ground bark used as a filler or extender in adhesives;

Fire logs are made by forming sawdust into a log about 15 inches long and are used for fuel;

Lath is a narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;

Excelsior is the curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products;

Particleboard is a panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

The degree of manual labor required to make these products varies depending upon the size of the operation and sophistication of the equipment. Raw materials include, but are not limited to, logs, mill waste, bark, sawdust, or chips. Machinery includes, but is not limited to, rip saws, cut-off saws, loaders, debarkers, hog chippers, hammer mills, conveyors, sorting screens, and storage bunkers. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. The operation of portable chipping or debarking mills is included in this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-06 Wood furniture stock: Manufacturing

Applies to establishments engaged in the manufacture of wood furniture stock such as, but not limited to, tabletops, table or chair legs, chair backs or seats, panels for beds, turning squares (bolts of wood which are shaped on lathes into furniture legs) and furniture squares (standard sized - usually 2" x 2" -pieces of wood used in constructing frames of upholstered furniture). Stock may be mass produced or custom. Raw material includes dimensional lumber from hardwoods such as, but not limited to, ash or alder. If the lumber is not presurfaced, it is sanded and/or planed. It is cut to desired width and thickness with a rip saw; and cut to desired length with a cut-off saw. Pieces may be beveled with a table saw, bored with a horizontal boring machine, molded or shaped, and joints formed using a mortise, tenon or jointer. Finished stock is banded and/or palletized and usually shipped unfinished and unassembled to furniture manufacturing plants. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; manufacture of wood furniture and caskets which is to be reported separately in classification 2905; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-08 Wood door, jamb, window, sash, stair, molding and miscellaneous millwork: Manufacturing, prehang-ing or assembly

Applies to establishments engaged in the manufacture, prehang-ing or assembly of wooden doors, door components,

jambes, windows, sashes, stairs, mantels, moldings, turnings, and miscellaneous millwork such as, but not limited to, shutters, door and window grilles, skylights, pillars, wainscot, and similar architectural ornaments. Doors manufactured in this classification may be for residential or commercial use, such as, but not limited to, garage, closet, warehouse, interior and exterior; they may be odd-size or standard, panel, solid, louver, hollow core, sliding, bifold and overhead. Component parts for stairs include, but are not limited to, risers, tread, balusters, hand rails, and newel posts. Fireplace mantels include both the shelf and the complete ornamental facing surrounding the firebox. Moldings include, but are not limited to, picture moldings, chair rails, quarter round, coves, and architectural molding and base. Raw materials include, but are not limited to, cut stock lumber, plywood, veneer, particleboard, cardboard, plastic laminates, glue, hardware, glass, and metal. Cutting and fitting of glass and metal components for doors and windows is an integral phase of the manufacturing process and is included within the scope of this classification. Machinery includes, but is not limited to, various types of saws (table, panel, rip, cut-off, radial arm, trim, circular, band, jig, and miter), molders, shapers, routers, planers, finger jointers, mortises, tenons, lathes, presses, various types of sanders, drill presses, hand drills, boring machines, pneumatic nail, screw and staple guns, spray guns, chisels, air compressors, glue spreaders, drying ovens, overhead vacuum lifts, conveyor systems, fork lifts, and pallet jacks. Some door manufacturers have "door machines" which route impressions in jambes and blanks for hinge placement, and bores holes in the blank for knobs and locks; some have computerized overhead vacuum lights, electronic gluers, hydraulic lift pits, or electronically controlled saws. Prehanging doors involves boring holes in door blanks for knobs and locks, routing impressions into the blanks and jambes for hinge replacement, mounting hinges, trimming door and jamb replacements to exact size. Finishing the products with stain, paint, oil, or lacquer is included in this classification when done by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops, and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; the manufacture of metal doors, jambes, windows, and sashes which is to be reported separately in classification ((3404)) 3402; and sawmill operations which are to be reported separately in classification 1002.

Special note: Lumber yards and building materials centers subject to classification 2009 are to be assigned classification 2903-08 in addition to their basic classification if they prehang door blanks.

2903-10 Wood box, shook, pallet, bin: Manufacturing, assembly, or repair

Wood pallet dealer/recycle operations: Including repairs of pallets

Applies to establishments engaged in the manufacture, assembly, or repair of wood pallets, boxes, bins, shook, shipping crates, and storage containers. A shook is a set of unassembled sawn wood components for assembling a packing box or barrel. Shooks are usually sold to box assembly plants. Pallets may be constructed out of vertical and horizontal runners of dimensional lumber to form a slatted pallet or by attaching three evenly spaced rows of wooden blocks between two sheets of solid plywood to form a lid-block pallet. Usually, the manufacturer subject to this classification picks up pallets, boxes or shipping crates from the customer, brings them to the plant for repair, reconditioning, or rebuilding, then returns them to the customer. However, the *assembly or repair* of bins is often done at the customer's location, which is still to be reported in classification 2903-10 when performed by employees of the bin manufacturer. Raw materials include, but are not limited to, dimensional lumber, plywood, nails, staples, screws, glue, and paint. Machinery includes, but is not limited to, a variety of saws (table, rip, radial arms, cut-off, band or trim), planers, molders, drills, boring machines, notchers, nailing machines, pneumatic stapler, screw and nail guns, conveyors, roll cases, sorting tables, pallet jacks, and fork lifts. Incoming lumber is cut to specified lengths, widths, and thicknesses with saws, then planed, bored, tongued, and grooved. Pieces are nailed, stapled or glued together to form finished products. Cut ends of pallets, bins, and boxes may be painted for design or for color identification purposes. Customer's name may be imprinted on the product using stencils and paint or wood burning tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002. Nonwood pallet/bin dealers are to be reported in the appropriate metal, fiberglass, or plastics classification.

2903-12 Wood products, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of miscellaneous wood products which are not covered by another classification (N.O.C.), including, but not limited to, ladders, utility pole crossarms, beams, barricades, cable spools, slugs or ends for paper rolls, attic vents, prefabricated wall panels, gazebos, saunas, solariums, lattice panels, mall and park furnishings, playground equipment, docks and floats, parade floats, boat trailer bunks, cattle feeders, tree spreaders, tack strip, exhibit booths, weaving looms, and pottery wheels. Finishing of the product with stains or other lacquers is included in this classification when done by employees of employers subject to this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, particleboard, lath, logs, glue, staples, screws, nails, stains, paints, oils, and lacquers. Operations require substantial amounts of machine work, as well as hand assem-

bly. Machinery includes, but is not limited to, saws (table, panel, cut-off, band, jig, miter, or chain), sanders, planers, routers, shapers, molders, jointers, drill presses, boring machines, hydraulic presses, pneumatic nail, screw and staple guns. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood household and sporting goods which is to be reported separately in classification 2909; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-13 Veneer products: Manufacturing

Applies to establishments engaged in the manufacture of veneer products by laminating rough veneer to plywood or particleboard and applying plastic or polyester overlays. Laminated veneer sheets are generally sold to other manufacturers and used in the construction of items such as, but not limited to, cabinets, countertops, furniture, wall board, flooring, and shelving. Veneer products generally require no pre-finishing with paint, stain or lacquer. Raw materials include, but are not limited to, plywood, particleboard, polyester, paper, polyethylene, fiberglass, plastic laminates and glue. To make veneer products, sheets of rough veneer are individually fed through glue spreader machines which apply glue to both sides. Veneer sheets may be laminated to other veneer or to plywood or particleboard, cut to size with saws, then plastic or polyester overlays applied. Laminated sheets are fed through either hydraulic cold or hot presses to be bonded and cured. More sophisticated presses automatically feed the sheets through, and shear the laminated panels to standard 4' x 8' or 4' x 10' dimensions, or to specified lengths and widths for custom orders. Forklifts are used to move materials. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of household and sporting goods wooden ware which is to be reported separately in classification 2909; the manufacture of wood products not covered by another classification (N.O.C.) which is to be reported separately in classification 2903-12; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; the manufacture of rough veneer which is to be reported separately in classification 2904-00; lumber remanufacturing which is to be reported separately in classification 2903-26;

and sawmill operations which are to be reported separately in classification 1002.

2903-20 Wood sign: Manufacturing

Applies to establishments engaged in the manufacture of interior or exterior signs made of wood or wood products. Raw materials include, but are not limited to, dimensional lumber, plywood, molding, acrylic, paint, stain, lacquer and hardware. When additional sizing is required, saws, such as table, panel, cut-off, or radial arm, are used to cut material to desired dimensions. Pieces may be further sized, shaped, and smoothed with routers, saws, planers, or sanders. Stain, paint, or other finishes may be applied as background colors, borders or designs, with pneumatic spray guns, airbrushes, or by hand. Lettering or designs can be painted directly on the sign, cut from separate stock and glued or screwed on, or carved, routed or sandblasted. Computer-cut vinyl lettering may also be applied. Sign painting and lettering is included in this classification when done by employees of the sign manufacturer. Hand drills or drill presses are used to mount wood lettering or designs, bore holes and attach hardware used in the subsequent installation of the sign. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings which is to be reported separately in classification 4109; establishments that paint on or apply lettering to sign "backings" that are manufactured by others which is to be reported separately in classification 4109; the manufacture of metal or plastic signs which is to be reported separately in the classification applicable to the manufacturing process; and sawmill operations which are to be reported separately in classification 1002.

Special note: The majority of sign manufacturers also install their signs. Installation and removal of signs is to be reported separately.

2903-21 Wood truss: Manufacturing

Applies to establishments engaged in the manufacture of structural roof trusses, and/or ceiling and floor joists from wood or wood products. These products usually do not require a high degree of finishing work. Raw materials include, but are not limited to, dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8", which is kiln dried, machine stressed, and presurfaced), plywood, metal gussets, and hardware. Dimensional lumber is cut with gang, table, resaw, or radial arm saws. Cut stock is placed in a hydraulic jig assembly which holds the unassembled components in the properly aligned configuration. Pneumatic nailers are used to embed the nail clips which connect each joint of the truss. A gantry, which is an overhead crane traveling along a bridge-like frame, is used to relocate the truss along the assembly line. The assembled truss is placed in a stationary or moveable press which attaches reinforcing triangular shaped metal plates called gussets at each joint or angle. This is a shop or plant only classification; it includes work being performed in

an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all installation activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of door jambs, windows, sashes, stairs, molding and miscellaneous millwork which is to be reported separately in classification 2903-08; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

Special note: Truss manufacturers, whose primary customers are building contractors and building supply dealers, usually deliver their product. Delivery to the construction site often entails placing trusses onto the roof top, using boom lifts mounted on the delivery truck, which is included in this classification when performed by employees of employers subject to this classification.

2903-26 Lumber: Remanufacturing

Applies to establishments engaged in lumber remanufacturing, which is the process of converting cants, plywood, or lumber into a more specialized or higher grade product. Cants are large slabs of wood, usually having one or more rounded edges, which have been cut from logs. The incoming stock is generally green, rough-cut, and may be owned by the customer or by the remanufacturer. Machinery includes, but is not limited to, a variety of saws, (chop, resaw, trim, rip, table, radial arm, and cut-off), planers, surfacers, sanders, molders, groovers, finger jointers, tenoners, gluers, kiln dryers, fork lifts, and trolley cars. Stock is kiln dried, resawed, planed, grooved, or otherwise treated, according to customer specification if the customer owns it, or to standard cuts if it is for resale. Remanufacturers sell lumber to construction contractors or manufacturers that use it in the construction of products such as, but not limited to, paneling, countertops, framing studs, siding, decking, fencing, railroad ties, or molding. Remanufacturers generally do not finish the material with stain, paint, or lacquer. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of roof trusses and ceiling and floor joints which is to be reported separately in classification 2903-21; veneer manufacturing which is to be reported separately in classification 2904; establishments that exclusively kiln dry and/or treat lumber with preservatives, fire retardants, or insecticides, and that do not perform any remanufacturing operations which are to be reported separately in classification 1003; and sawmill operations which are to be reported separately in classification 1002.

2903-27 Ridge cap and/or shim: Manufacturing

Applies to establishments engaged in the production of shims and ridge caps. Shims are thin wedges of wood used for filling spaces or leveling. Ridge caps are shingles which are used as a covering for roof peaks. This is a shop or plant only classification; it includes work being performed in an

adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: This classification must be assigned only by Classification Services after a field inspection of the business has been performed. If a classification must be assigned prior to the field inspection, assign classification 1005-02.

2903-28 Wood boat: Manufacturing, repair, or refinish

Applies to establishments engaged in manufacturing, repairing, or refinishing wooden boats. Raw materials include, but are not limited to, dimensional lumber, plywood, glue, staples, screws, nails, stains, paints, oils, and lacquers. Machinery includes, but is not limited to, band saws, lathes, drill presses, jointers, planers and sanders. Other than pleasure craft, very few wooden boats have been manufactured over the last 50 years. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the manufacture of fiberglass boats which is to be reported separately in classification 3511, and the manufacture of metal boats which is to be reported separately in the classification applicable to the materials used and work being performed.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-57001 Classification 2907.

2907-00 Wood cabinet, countertop, and fixture: Manufacturing, modifying or assembly

Applies to establishments engaged in the manufacture, modification, or assembly of wood cabinets, countertops, and fixtures. Cabinetry work contemplated by this classification includes, but is not limited to, manufacturing custom or modular cabinets, assembling prefabricated modular cabinet components, refacing existing cabinets and replacing hardware, and modifying the dimension or design of modular cabinets. Manufacturing countertops includes fabricating the core or sub top in addition to laying the plastic laminate, polyester overlay or tile when performed in the shop by employees of employers subject to this classification. Finishing that is subcontracted out to a prefinishing contractor or performed by the general or specialty construction contractor at the job site is to be reported in the classification applicable to the work being performed. Finish work, including staining, lamination, and the attachment of hardware, is included in classification 2907-00 when performed by employees of an employer subject to this classification. Fixture manufacturing includes built-in store, office, restaurant, bank and residential fixtures such as, but not limited to, showcases, display cases, end aisles, display pedestals, shelving, partitions, racks, closet organizers, bookshelves, work stations, credenzas,

podiums, wall units, china hutches, entertainment centers, cashier cubicles, check-out counters, and curio cabinets. The wiring of fixtures for electrical fittings, and the cutting and fitting of plastic laminates, glass, mirrors, or metal trim, when performed in the shop, is included as an integral function of the manufacturing process encompassed within this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, veneer, particleboard, plastic laminates, polyester overlays, sheet rock, slot wall dowels, hardware, mirrors, metal trim, electrical hardware, carpet, upholstery fabric, stain, paint, lacquer or glue. Machinery includes, but is not limited to, table, panel, radial arm, cut-off, chop, rip, band, and miter saws, wide belt sanders, edge sanders, hand finish jointers, mortises, tenoners, drill presses, hand drills, boring machines, edge banders, dowel machines, glue spreaders, face framing machines, pneumatic nail, screw and staple guns, air compressors, spray guns, forklifts, pallet jackets, and dust collectors. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Lumber yards, building material dealers, or general construction contractors that maintain a separate woodworking shop for manufacturing, assembling cabinets, and fixtures are subject to this classification for the woodworking operations, in addition to any other basic classification applicable to their business.

This classification excludes the installation of countertops only which is to be reported separately in classification 0502, the installation of cabinets, countertops, and fixtures which is to be reported separately in classification 0513; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of metal cabinets which is to be reported separately in classification ((3404)) 3402; lumber remanufacturing which is to be reported separately in classification 2903; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: Establishments primarily engaged in the manufacture of cabinets, countertops and fixtures, may make other wood products such as doors, windows, moldings, and/or furniture as an incidental activity to the main business. The manufacture of these incidental products is included within the scope of classification 2907-00. Furniture is generally moveable and unsecured. Fixtures are usually secured, stationary, permanently built-in objects. Even though some fixtures may be secured to a wall or floor, they are not intended to be relocated, unlike furniture which is frequently and more easily arranged.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-580 Classification 3402.

~~**(3402-00 Air compressor: Manufacturing or assembly**~~

~~Applies to establishments engaged in the manufacture or assembly of air compressors. This includes air or gas compressors used for paint sprayers, air tools, tire inflation, and general industrial purposes. Operations contemplated include, but are not limited to, welding, machining, general~~

~~mechanical and electrical work. Machinery and equipment includes, but is not limited to, hand and air tools, welders, punches, shears, and compression equipment. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant.~~

~~**3402-01 Printing or bookbinding machinery: Manufacturing or assembly**~~

~~Applies to establishments engaged in the manufacture or assembly of printing or bookbinding machinery. The outside casings of the machines may be made of plate metal that varies between 1" to 2 1/2" in thickness. The machines used to make the presses and binding machinery may include both Computer Numeric Controlled (CNC) and manual mills and lathes. Other machinery used in the manufacturing process includes, but is not limited to, welders or cutters, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant, and the set up, installation and repair of printing or bookbinding machinery which is to be reported separately in classification 0603.~~

~~**3402-02 Pump, safe, scale, auto jack, and water meter: Manufacturing or assembly**~~

~~Applies to establishments engaged in the manufacture or assembly of pumps, safes, scales, auto jacks, and water meters. Materials range from brass screws and rubber washers used to rebuild water meters to plate metal and steel castings used for safe and pump manufacturing. Machinery includes, but is not limited to, hand tools used for repairs, lathes, welders, and pressure testers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant; the installation and repair of safes which is to be reported separately in classification 0607; and the installation of pumps which is to be reported separately in the applicable classification.~~

~~3402-03 Shoe or textile machinery: Manufacturing or assembly~~

Applies to establishments engaged in the manufacture or assembly of shoe machinery or textile machinery. Metal materials used vary in size, shape and dimension. Machinery includes, but is not limited to, drills, mills, lathes, saws, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of shoe or textile machinery which is to be reported separately in classification 0603.

~~3402-04 Confectioners or food processing machinery: Manufacturing or assembly~~

Applies to establishments engaged in the manufacture or assembly of food processing or confectioners machinery. Metal materials used vary in size, shape and weight. These establishments often have an assembly line operation and a separate electronic assembly area. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of confectioners and food processing machinery which is to be reported separately in classification 0603.

~~3402-05 Machine shops, N.O.C.~~

Applies to establishments engaged in general machine shop operations not covered by another classification (N.O.C.), tool sharpening, and mobile welding shops. Many of the establishments in this classification are "job shops." Size and shape of materials vary with steel and aluminum being the most common. Plastics, light weight aluminum, and alloyed metals are becoming increasingly popular in the manufacture of equipment for some industries. These establishments often have welding shops along with machine shops. Machinery and equipment includes, but is not limited to, mills, lathes, grinders, saws, welding equipment, inspection equipment, and material handling equipment. Machinery is both manual and Computer Numeric Controlled (CNC). This classification also includes "mobile shops" which are used exclusively to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

~~Special note:~~ The term "job shop" is an industry term that means the shop will produce products to customer specifications.

~~3402-06 Power saw, lawn and garden equipment, small motor, N.O.C.: Repair~~

Applies to establishments engaged in repairing small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.). The largest piece of equipment repaired in this classification is generally a riding lawn mower. Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and also repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer's representative who performs warranty repairs. Tools used in this type of repair are mainly hand and air tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the repair of electrical motors which is to be reported separately in classification 5201.

~~3402-07 Gear: Manufacturing or grinding~~

Applies to establishments engaged in the manufacture or grinding of gears. Establishments in this classification may also cut key slots and broaches. Establishments that cut stock to manufacture the gear are often not the same ones that perform the final grinding process. Gears may go through two, three, or four different grinding, slotting, and/or keying establishments and then go to another establishment for electroplating or galvanizing before they are ready for sale or use. Precision machine shops may grind gears to the ten thousandths of an inch. Materials used are usually stainless steel, aluminum, or plastic. Machinery includes, but is not limited to, gear shapers, drill presses, mill, hobbers, grinders, some of which might be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

~~3402-08 Elevator: Manufacturing~~

Applies to establishments engaged in the manufacture of elevators and associated electronic components. Machinery includes, but is not limited to, mills, drills, lathes, saws, and grinders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection

with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation, service, and repair of elevators which is to be reported separately in classification 0602.

3402-11 Metal goods: Manufacturing and shop services (temporary classification)

Applies temporarily to all establishments assigned any classification within WAC 296-17-580. When the metal goods study is complete, the establishments within this classification will be assigned to the appropriate classifications. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

This classification excludes all activities away from the shop or plant.

3402-12 Multimedia blasting

Applies to establishments engaged in multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiberglass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and sandblasting of buildings or structures which is to be reported separately in classification 0504.

3402-14 Furnace, heater or radiator: Manufacturing

Applies to establishments engaged in the manufacture of furnaces, radiators, or similar heating fixtures. Materials include, but are not limited to, metal cast parts, sheet metal, aluminum, or stainless steel. Machinery includes, but is not limited to, hand tools, solder guns, punches, lathes, and saws. Establishments in this classification may have separate areas for electronic assembly and/or painting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of radiators for automobiles or trucks which are to be reported separately in classification 3402-48; and establishments engaged in the manufacture of baseboard heaters which are to be reported separately in classification 3404.

3402-16 Die casting

Applies to establishments engaged in the manufacture of products by die casting. Die casting is a manufacturing process for producing accurately dimensioned, sharply defined metal products which are referred to as "die castings." "Dies" are the steel molds used to mass produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and establishments engaged in making dies for others which are to be reported separately in classification 3402-74.

3402-26 Saw blade: Manufacturing, assembly, or sharpening

Applies to establishments engaged in the manufacture, assembly, or sharpening of saw blades such as, but not limited to, those used in circular saws, band saws, ripsaws, key-hole saws, and handsaws such as hacksaws or meat saws. This classification also includes sharpening services for items such as, but not limited to, tools, scissors, and knives. Materials include, but are not limited to, high tensile steel and carbide tipped blades. Machinery includes, but is not limited to, saws, mills, drills, and hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the repair or sharpening of chain saws which are to be reported separately in classification 3402-06; and establishments engaged in the manufacture or repair of electrical saws which are to be reported separately in classification 5201.

3402-28 Heat treating metal

Applies to establishments engaged in heat treating metal. The heat treating process may use computer numeric controlled ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the

platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same using none-computer numeric controlled heat treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat treat a variety of products to customer specifications. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, N.O.C.: Manufacturing
Sprinkler head, speedometer, carburetor: Manufacturing or assembly**

Applies to establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles not covered by another classification (N.O.C.). This classification also applies to establishments engaged in the manufacture or assembly of sprinkler heads, speedometers, or carburetors. Materials include, but are not limited to, steel or iron rods which may be pressed or formed, and small component parts. Machinery includes, but is not limited to, saws, shears, presses, chuckers, threading and tapping machines, some of which may be Computer Numeric Controlled (CNC). Establishments may have separate areas for deburring, inspecting, packing and shipping. The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles. In either case the repairs are made exclusively with hand and air tools and sometimes a diagnostic scope and a drill press. A speedometer is usually embodied with a mileage recording mechanism. The central feature of the device is a permanent magnet. There are gears, spindles, and a drive shaft present in most speedometers. There is also a unit counting disc and a spiral spring calibrator. Hand tools are used almost exclusively in the repair of this kind of speedometer. Today many speedometers are computer controlled. Basically, if this kind of speedometer is in need of repair, a computer chip(s) is replaced, using hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture

of hardware that is not covered under another classification, such as handles, latches, and hinges which are to be reported separately in classification 3404, and the repair of speedometers or carburetors in a vehicle which is to be reported separately in the appropriate vehicle repair classification.

3402-32 Abrasive wheel: Manufacturing

Applies to establishments engaged in the manufacture of abrasive wheels. Manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edge of the mainly high tensile steel wheels. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)

Applies to establishments engaged in welding or cutting operations not covered by another classification (N.O.C.) either in the shop or at the customer's site. Steel is the predominant material along with some aluminum alloys. Machinery is predominantly welding equipment, but may include tools such as, but not limited to, grinders, saws, drills, and material handling equipment. This classification also includes "mobile shops" which are used exclusively to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

This classification excludes repairs to buildings or structures which are to be reported separately in the appropriate construction classification and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops

Applies to establishments engaged in the manufacture and/or repair of automobile or truck radiator and heater cores. Manufacturers in this classification may have a die casting area and a separate electronic assembly area. Tools and equipment include, but are not limited to, hand tools, solder guns, and punches. Shops that repair radiators may work on the radiators in the vehicles, but usually the radiators have been removed from the vehicle. The radiator is examined and the core may be removed. Next the radiator is cleaned, air pressurized, and dipped in a water tank to check it for leaks. Once the leaks are found they can generally be repaired by welding the holes shut. The radiator is dipped again to ensure the repair has been made properly. Cleaning the radiator may be done by sandblasting, ultra sound baths

or by "rodding" the radiator to remove corrosion. Repair equipment includes, but is not limited to, welders, air and hand tools, dipping tanks, hoists, and forklifts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

~~3402-60 Office machinery, N.O.C.: Manufacturing or assembly; Cash register or sewing machines: Manufacturing or assembly~~

Applies to establishments engaged in the manufacture or assembly of cash registers, sewing machines and office machinery not covered by another classification (N.O.C.) such as, but not limited to, copiers, collators, mail/postage machines, calculators and automatic letter openers. Component parts may be metal, plastic, or wood. Operations include, but are not limited to, cutting, shaping, forming, drilling, riveting, clamping, and bolting; there may be a separate electronic assembly area. Machinery and tools vary within this classification; some establishments use hand and air tools only, others use additional equipment such as, but not limited to, saws, lathes, mills, drills, or water jets, some of which may be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

~~3402-61 Small arms: Manufacturing, assembly, or rebuild~~

Applies to establishments engaged in the manufacture, assembly, or rebuild of small arms. For the purpose of this classification, small arms means .50 caliber or less, such as pistols, rifles, shotguns, and light machine guns. Operations include, but are not limited to, metal stamping of casings, machining, assembling, and a high proportion of inspecting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of ammunition which is to be reported separately in classification 4601; the manufacture or repair of heavy arms which is

to be reported separately in classification 5109; and gun stores which are to be reported separately in classification 6309.

~~3402-74 Tool: Manufacturing, not hot forming or stamping; Die: Manufacturing—ferrous~~

Applies to establishments engaged in tool manufacturing or die manufacturing, for others, from ferrous materials. Tools manufactured in this classification are usually cutting tools used in lathes, mills, rotors, and saws. Machinery includes, but is not limited to, sharpeners, grinders, lathes and mills, which are both manual or Computer Numeric Controlled (CNC). The die manufacturing included in this classification includes those made exclusively of ferrous materials including, but not limited to, jigs, fixtures, and dies for metal work in general. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of machine finished tools which are to be reported separately in classification 3402-83.

~~3402-77 Auto, truck, semi-trailer and bus body: Manufacturing;~~

~~Travel trailer body: Manufacturing or repair~~

Applies to establishments engaged in the manufacture of auto, truck, and bus bodies, and in the manufacture or repair of travel trailer bodies or cargo containers. Repairs are usually made with the use of welders or cutting torches and air or hand tools. These establishments will also repair or replace hydraulic units. Material used in the manufacture of goods in this classification is usually steel and aluminum, varying in thickness from 16 gauge to plate metal up to one inch thick. Shapes include, but are not limited to, sheet metal, tubes, solid rod or I-beams. Equipment includes, but is not limited to, shears, breaks, hydraulic presses, iron workers, drill presses, grinders, welders, hoist, cranes, and forklifts. Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

~~3402-83 Tool: Manufacturing and machine finishing~~

Applies to establishments engaged in manufacturing and machine finishing tools. Tools manufactured in this classification are usually hand held instruments such as, but not limited to, wrenches, screw drivers, hammers, torque wrenches, pliers, and sockets. Machinery includes, but is not limited to,

air and hand tools, polishers, grinders, inspection equipment, mills, lathes, shapers, and drill presses, some of which may be Computer Numeric Control (CNC). Establishments may have a galvanizing and/or electroplating area for the finish work which is included when performed by employees of employers subject to this classification. Other establishments in this classification send the finish work out. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of tools from ferrous materials which are to be reported separately in classification 3402-74; and establishments engaged in tool forging which are to be reported separately in classification 5106.

3402-85 Auto or truck parts: Machining or rebuild not in vehicle

Applies to establishments engaged in machining or rebuilding auto or truck parts such as, but not limited to, water pumps, fuel pumps, transmissions, heads, brake drums, ball joints, and rear ends, which are not in the vehicle. Work contemplated in this classification may also include manufacturing sockets, pulleys, shafts, fittings, flywheels, and/or bearings. Machinery includes, but is not limited to, mills, lathes, grinders, sanders, presses, welders, and balancing equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines which are to be reported separately in classification 3402-86.

3402-86 Auto, truck or aircraft engine, N.O.C.: Manufacturing or rebuilding

Applies to establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts. Establishments in this classification often specialize in the type of engines they make or rebuild. The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts being worked on. Engine rebuild shops use many specialized machines and air tools to tear the core down to an engine block; then rebuild the engine. After the engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease. After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot. The engine block is then placed in a large pressure washer which removes the steel shot. Next, the crank and cam shafts are ground and turned on machinery similar to lathes. There is usually a separate room or area which is called the "head shop" where the

heads and valves are machined on valve grinders, valve facers, and head grinders. Engine rebuild shops that do not have the equipment to grind the crank and cam shafts will contract work out to other shops, or buy new crank shafts and cam shafts. Other machinery includes, but is not limited to, boring bars and hones to polish cylinder walls, small pressure washers for oil pans and other smaller parts, solvent tanks, and hoists or forklifts for lifting the engines or engine parts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in machining or rebuilding auto or truck parts, other than engines, which are to be reported separately in classification 3402-85.

3402-91 Bed spring or wire mattress: Manufacturing

Applies to establishments engaged in the manufacture of bed springs or wire mattresses. The wire stock is coiled and cut to length on a coiling machine, then tempered in an oven to produce the spring. The coils are fastened to the frame either by hand or by machine. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of stuffed mattresses which are to be reported separately in classification 3708.

3402-93 Valve: Manufacturing

Applies to establishments engaged in the manufacture of valves. Valves regulate the flow of air, gases, liquids, or loose material through structures by opening, closing, or obstructing passageways. They are operated manually, electrically, with compressed air, or hydraulic pressure. Valves are usually cut from aluminum, steel, or stainless steel either by a Computer Numeric Controlled machine (CNC) or water jet machine. Depending upon the complexity of the valve, they are assembled in one or several stages. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of valves made in a die mold which are to be reported separately in classification 3402-74.

3402-94 Precision machined parts, N.O.C.: Manufacturing

Applies to establishments engaged in manufacturing precision machined parts not covered by another classification (N.O.C.). Most of these establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product. Many establishments in this classification manufacture precision parts for the aerospace industry. Machining usually begins with solid blocks of material such as, but not limited to, steel, aluminum, titanium, inconel, or plastic, although some hollow tube, flat bar, and angle stock may also be used. The "rough cuts" are often made on manual machines, and the finish cuts on Computer Numeric Controlled (CNC) machines. Depending on the establishment and the job specifications, a specific part may be sent to one or more additional shops to be tempered, milled, or inspected before the original establishment is through with the manufacturing process. Some parts are so sensitive that climate controlled conditions are necessary. Both manual and CNC mills and lathes are the most common types of machines used. Others include, but are not limited to, saws, drills, and grinding machines. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-95 Storage battery: Manufacturing, assembly or repair

Applies to establishments engaged in the manufacture, assembly, or repair of storage batteries. Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300-400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of

dry cell (flashlight type) batteries which are to be reported separately in classification 3602; and establishments engaged in battery sales and installation which are to be reported separately in the applicable automotive services classification.

3402-96 Automobile or motorcycle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of automobiles or motorcycles. Most of the manufacturing operations, such as cutting, milling, and turning, are performed with Computer Numerically Controlled (CNC) machinery. Most of the assembly operations are performed with air and hand tools. Other machinery includes but is not limited to saws, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged only in the manufacture of auto bodies which are to be reported separately in classification 3402-77.

3402-98 Machinery, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of machinery not covered by another classification (N.O.C.). For purposes of this classification, machinery means any combination of mechanical parts constructed primarily with metal. Finished products vary widely and range from hand held machines to those weighing thousands of pounds; products include, but are not limited to, grinding machines, boring machines, conveyer systems, and wood chippers. Machinery used to manufacture these items includes, but is not limited to, lathes, mills, press, breaks, shears, and welders, some of which may be Computer Numerically Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-99 Photo processing machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of photo processing machinery such as, but not limited to, photo processors or film enlargers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when

operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.))

3402-84 Metal goods manufacturing, N.O.C.

This classification applies to all establishments engaged in the manufacture of metal products not covered by another classification (N.O.C.), the manufacturing of metal products by die casting, and battery manufacturing. Types of metals used include, but are not limited to, aluminum, stainless, iron, steel, copper and brass. Metal materials used vary in size, shape and dimension. Some of the more common types are sheet, flat bar, plate, angle, solid, channel, I-beams, and hollow stock. Typical types of machinery used would include, but not be limited to, drills, mills, lathes, saws, welders, brake presses, iron workers, boring mills, paint booths, sandblasting booths, hoists, shears, grinders, baking ovens and some computer numeric controlled machinery. This classification includes the repair of items being manufactured when done by employees of the employer having operations subject to this classification when the repair is done as part of, and in connection with, manufacturing operations.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, firms which machine or manufacture metal products primarily with computer numeric controlled machinery which are to be reported in 3405, and the installation of machinery which is to be reported in the applicable risk classification.

3402-89 Metal products assembly, N.O.C.

This classification applies to establishments engaged in the assembly of machinery, or metal products or equipment that are not engaged in the manufacture or fabrication of the composite parts. Establishments assigned to this classification will purchase all of the parts used in the assembly of goods from other nonrelated businesses. This classification includes the repair of the product that they are assembling provided the repair activities are limited to replacement of parts purchased from others and does not involve the manufacture, fabrication or machining of parts.

3402-90 Machine shop services, N.O.C.

This classification applies to establishments that are involved in activities such as but not limited to, welding services, multimedia blasting in shop, small engine repair, saw and knife sharpening, heat treating and gear grinding. This classification also includes "mobile shops" which are used exclusively to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pickup pulling a utility trailer equipped with hand tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair. If a firm is involved in any fabrication or manufacturing operations then the applicable manufacturing classification shall be assigned.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, mechanical repairs of industrial machinery and construction equipment which are to be

reported separately in 6409, and mechanical repairs to passenger vehicles which are to be reported separately in 3411.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-594 Classification 3602.

3602-01 Electrical, telegraph or radio component, telephone set: Manufacture, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of components related to the telegraph, electrical, radio or telephone industry. Component parts may be for items such as, but not limited to, radio or television sets, hearing aids, transformers, coils, condensers, switches, antennae, phones, speaker units, dials, rheostats, plugs, arrestors, resistors, and electrical control relays, circuit breakers, or other parts necessary to accomplish radio, electrical, telegraph or telephone communication. Materials include, but are not limited to, metal, plastic, and wood used for the outside casings, and component parts. Some establishments in this classification manufacture the casings and the internal components. Other establishments in this classification assemble the ready-made parts with air and hand tools such as, but not limited to, drill presses, solder guns, or saws. Internal parts are usually assembled simply by clamping circuit boards in place, then soldering small pieces together. This classification includes engineers, research and laboratory personnel employed by establishments having operations subject to this classification. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-02 Instrument - scientific, medical, or professional: Manufacturing; magnetic tape: Manufacturing

Applies to establishments engaged in the manufacture of instruments used in medical, scientific, or professional applications. This classification also applies to establishments engaged in the manufacture of magnetic tapes. Instruments in this classification range widely in shape and size; they include, but are not limited to, dental or surgical instruments, microscopes or other scientific testing or research instruments, surveyors' instruments, and electrical testing instruments. Materials include, but are not limited to, metal, glass, plastic, or wood for casings, and component parts. Processes vary depending upon the product being produced, and could involve some stamping, machining, and heat-treating. However, component parts are usually manufactured by others, and establishments in this classification perform a substantial amount of hand assembling, inspecting, testing, and packaging operations. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services

classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-03 Sound recording equipment: Manufacturing

Applies to establishments engaged in the manufacture of sound recording equipment. Establishments in this classification may manufacture all or some equipment such as instruments for measuring sounds, and generators (for producing sounds), filters or modulators (for processing sounds), magnetic or tape recorders (for storing sounds), and speakers (for reproducing sounds). Materials include, but are not limited to, metal, glass, plastic, or wood for casings, clamps, glue or epoxy, and component parts. Components may be produced by the manufacturer or purchased from others and assembled. The assembly may be partially or wholly automated. Machinery includes, but is not limited to, shears, drill presses, grinders, soldering guns, welding equipment, and air or hand tools. There may be inspection areas and sound testing rooms. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-04 Thermometer and steam gauge: Manufacturing

Applies to establishments engaged in the manufacture of thermometers and/or steam gauges. The most common type of thermometer is a mercury thermometer which consists of a capillary tube that is sealed at its upper end and is enlarged into a spherical or cylindrical bulb at its lower end. This bulb is filled with mercury and mounted on a thin metal or plastic sheet. The manufacturers of steam gauges may simply assemble component parts with hand tools, test, and package them. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-05 Dental laboratories

Applies to establishments engaged in the manufacture of dentures, artificial teeth, braces, and retainers. These types of establishments are generally referred to as dental laboratories. The manufacture of these items involves precision work with castings, plastic or vinyl molding, and light wire forming. In the state of Washington dental laboratories can fit patients for dentures, in addition to making the denture which is included when performed by employees of employers subject to this classification. This is a shop only classification. Repair work when specified is limited to work performed at the shop.

This classification excludes all outside repair work which is to be reported separately in the applicable services

classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-06 Jewelry: Manufacturing or engraving; trophy assembly or engraving

Applies to establishments engaged in the manufacture or engraving of jewelry, such as, but not limited to, rings, bracelets, necklaces, earrings, watchbands, pins, broaches, and cigarette lighters. Jewelry manufacturing or engraving involves working with precious metal and/or stones. Operations usually include polishing, buffing, drilling, and assembly, mixing and melting alloys and metals, then pouring the mixture into small casts. This classification also applies to establishments engaged in assembling or engraving trophies on a production basis. For purposes of this classification, assembly means making trophies from premanufactured components purchased from others. The engraving may be done by "etching" or by computer. In the etching method, patterns or lettering is cut into a metal strip that is coated with a solution resistant to etching acids. The metal strip is treated with etching acids that "melt away" the uncoated portion of metal, leaving an impression of the design. Computerized engraving is done by keying the designs or letters into the computer; the designs are transmitted to an "arm" on the computer which "draws" (engraves) them onto the metal plate. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used; and establishments engaged in the manufacture of watches which are to be reported separately in classification 3602-09.

Special note: This classification is for manufacturers engaged in the mass production of jewelry items and is distinguishable from jewelry stores reported in classification 6308 who produce custom, one-of-a-kind pieces on a special order basis. Trophy stores in classification 6308 may assemble components to make custom trophies, or engrave plaques for the trophies they sell. Assembly and engraving that is incidental to their retail sales operation is included in their store classification.

3602-07 Electronic parts: Assembly

Applies to establishments engaged in the assembly of electronic parts which are usually sold to other manufacturers. They may have automated/robotics assembly lines for all or part of the processes. In manual operations, small parts are soldered, chipped, riveted, or screwed into place with hand tools such as, but not limited to, soldering guns, riveters, drills, screw drivers, or water jets. This classification also applies to establishments engaged in the manufacture or assembly of computers and the manufacture of dry cell (flashlight type) batteries. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-08 Electrical/electronic ignition assembly, cord set, or radio set: Assembly

Applies to establishments engaged in the assembly of electrical/electronic ignition assemblies, cord sets, and radio set components. An ignition assembly is a switching component that allows an electrical circuit to be completed in order to start a piece of machinery or equipment. Electrical cord sets are the portion of wiring found on appliances and tools that plug into electrical power sources. A radio set is comprised of an input circuit for tuning in to the frequencies of the various transmitters to be received, the demodulation circuit for separating the audio-frequency from the high-frequency carrier, a low-frequency amplifier stage, and the loudspeaker. The amplifier elements are transistors supplied with the necessary operating voltages. Establishments in this classification usually assemble radio component parts and circuit boards that are manufactured by others. The assembly is accomplished by soldering, clipping, riveting, and welding the parts into place. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-09 Watch: Manufacturing

Applies to establishments engaged in the manufacture of watches. The component parts are usually mass produced on an assembly line. Watch cases are usually made from sheet metal or plastic; watch faces are made from plastic or glass. The internal works are very small gears or springs and/or computer chips. The face may have hands and a dial, or may consist of a light emitting diode (LED). This classification includes the manufacture of internal works of clocks. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes establishments engaged in the manufacture of jewelry which are to be reported separately in classification 3602-06; establishments engaged in the manufacture of wooden housings or casings for clocks such as grandfather and mantle types which are to be reported separately in classification 2905; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-10 Camera, video camcorder, motion picture projectors: Manufacturing, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of cameras, video camcorders, and

motion picture projectors. Materials include, but are not limited to, metals, plastics, glass and internal components. Machinery includes, but is not limited to, punch presses, drill presses, and soldering guns. Establishments in this classification often assemble products from internal components manufactured by others. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

Special note: When an establishment subject to this classification has a retail store, then both classifications 6406 and 3602-10 may be assigned, provided all the conditions of the general reporting covering the operation of a secondary business have been met. Otherwise, all operations are to be reported in the highest rated classification of the two.

3602-11 Fishing tackle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of fishing tackle. For purposes of this classification, the term fishing tackle is limited to lures, spinners, spoons, flies, plugs, sinkers, artificial bait and similar items. Work contemplated by this classification includes the receipt of supplies such as wire, hooks, spoons, swivels, beads and feathers, and other components from unrelated manufacturers and distributors, hand assembly of components into finished fishing tackle, painting spoons and plug bodies, packaging and shipping. This classification also contemplates testing of products and research and development of new products. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes the manufacture of items such as, but not limited to, reels, poles, nets, tackle boxes, knives, melting pots, plastic beads, wooden or plastic plug bodies, hand tools (pliers, bench vise) molds, specialty clothing or protective gear which are to be reported separately in the classification applicable to the material and process used to produce the product; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

Special note: Care should be taken when assigning this classification to verify that the product being manufactured is compatible with the manufacturing and assembly processes contemplated within this classification. Most fishing tackle subject to this classification is hand assembled from small component parts.

3602-12 Incandescent lamp or electric tube: Manufacturing

Applies to establishments engaged in the manufacture of electrical or gas-filled bulbs or tubes such as, but not limited to, incandescent lamps, photoflash lamps, flood lamps, fluorescent tubes, X-ray tubes, cathode-ray tubes, neon tubes or artistic style neon tube signs that are not attached to metal backings. The processes and equipment will vary somewhat depending on the type of electrical bulb, tube, or lamp being

made, but the basic operation is the same. Component parts such as, but not limited to, glass bulbs, globes, or tubes, tungsten wire, metal bases, shellac, and nitrogen and argon gas are purchased from outside sources. Using flange machines, the bottom of the glass tubing is fused to the flange to produce the base that is used within the bulb or globe. Metal bases may be milled, then coated with a sealing compound such as shellac. Mounts are assembled and inserted into the flange on stem machines. The assemblies are seared together, then the tungsten filaments are fixed between support wires forming the stem. The bulbs or globes are flushed with nitrogen to expel any moisture before the stems are inserted into them. These units are inserted into the metal bases and cemented. Air is evacuated and argon gas is pumped into the bases, after which they are heat sealed and trimmed. Neon tube signs or displays are made by heating a thin tube of glass over a ribbon flame until the tube becomes flexible, blowing air into the tube to keep the glass from collapsing, then, while it is still hot, bending it to shape. Because the glass cools rapidly, the heating and bending is repeated until the desired shape is achieved, then the tube is filled with neon or argon gas and the ends sealed.

This classification excludes establishments engaged in the manufacture of metal fixtures equipped with electrical or gas lighting which are to be reported separately in classification ((3404)) 3402; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-14 Musical instrument - metal: Repair

Applies to establishments engaged in the repair of metal musical instruments which include, but are not limited to, trumpets, trombones, French horns, and tubas. The operations involve primarily hand work such as, but not limited to, brazing and soldering, as well as fitting, testing, and polishing the instruments. Tools include, but are not limited to, solder or brazing guns, lathes, drill presses, and various types of saws. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the repair of wood musical instruments which is to be reported separately in classification 2906; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-23 Electronics products - resistors, capacitors, chips and relays, transistors: Manufacturing

Applies to establishments engaged in the manufacture of resistors, capacitors, chips, relays, and transistors which are usually tiny and delicate. Products manufactured in this classification are usually mass produced with little human intervention during the production process, which is often done in a vacuum or a nitrogen filled room. Materials include, but are not limited to, silicon, wires, and plastics. In addition to the automated equipment, hand-held tools include, but are limited to, pliers, wrenches, and soldering guns. Finished prod-

ucts are inspected, usually through powerful microscopes, then packaged and shipped. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-24 Stamped metal goods: Manufacturing

Applies to establishments engaged in the manufacture of small, stamped, metal goods such as, but not limited to, metal tags, buttons, zippers, bottle caps, fasteners, snaps, clasps, buckles, and curtain fasteners. Materials, which come in coils or strips, are run through presses. Most of the stamping is done on automatic stamping presses. Products are cut, stamped, formed, trimmed, and cleaned, then usually finished by plating or lacquering. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-27 Electronic circuit board, N.O.C: Assembly

Applies to establishments engaged in the assembly of electronic circuit boards not covered by another classification (N.O.C.) which are used in a wide variety of electronic and automotive products. The process usually begins by cutting boards to size with power saws, then drilling or punching holes in them with automated drills or punches. Depending upon the original materials used, the boards used for the base may be coated or dipped. Then the chips, transistors, resistors, and/or condensers are installed, usually as part of an assembly line process. Next, the circuit boards are dipped and coated with a thin metal. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-28 Stereo components: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of stereo components such as, but not limited to, record changers, disc or video players, receivers and amplifiers. Materials include, but are not limited to, circuit boards, resistors, drivers, baffle plates, chambers, trim/rings, and grills. Equipment includes, but is not limited to, hot glue guns, electric drills, electric screw drivers, and automated assembly or manufacturing equipment. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-595 Classification 3603.

3603-10 Furniture stripping and refinishing; metal plating or polishing, rustproofing, N.O.C.

Applies to establishments engaged in stripping and refinishing wood or metal furniture, or metal plating (a coating of metal on an object), polishing, and rustproofing that is not covered by another classification (N.O.C.). Furniture refinishing contemplated by this classification includes, but is not limited to, preparing articles for finishing or refinishing by dipping in chemical solutions/acid baths to remove the old finish or dirt, sanding and wire brushing as needed, thoroughly removing all residues, applying new finish by brushing, rolling, spraying or dipping, air or oven drying, and any appropriate finish work such as waxing, polishing and buffing when done by employees of an employer having operations subject to this classification. *Metal plating* contemplated by this classification may be done by dipping in hot solution or spraying with a very high pressure, heated gun. *Electroless plating* is another type of dipping process which can be used to plate metals, plastics, and other materials by first preparing the surface with a chemical to ensure adhesion of the metal plating material. *Rustproofing*, as contemplated by this classification, is usually applied by dipping or spraying. Plated items may be finished by lacquering and polishing. *Polishing* may also be conducted as a separate contract on metal and nonmetal items.

This classification excludes furniture finishing/refinishing done in conjunction with manufacturing or repair which is to be reported separately in classification 2905; metal plating, polishing, rustproofing and finishing done in conjunction with manufacturing of metal or a metal product which is to be reported separately as applicable to the product; undercoating of automobiles or other vehicles which is to be reported separately in classification 3411; metal plating done by an *electrolytic method* and rustproofing by *anodizing method* which are to be reported separately in classification 3603-11.

3603-11 Electroplating and detinning, N.O.C.

Applies to establishments engaged in providing electroplating or detinning services that are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, preparing items by dipping in chemical solution/acid baths to remove old finish or dirt, sanding and wire brushing as needed, removing all residues thoroughly, electroplating to create the new finish, air or oven drying, any appropriate finish work such as polishing and buffing, and electrolytic or chemical baths for detinning processes, when done by employees of an employer having operations subject to this classification. *Electroplating* (including galvanizing and tinning) to achieve a protective or

decorative coating is done by immersing the metal object in a solution which contains the desired metallic particles (metals commonly used are gold, silver, nickel, zinc and chromium) and passing an electric charge through the solution which causes the metal particles to adhere to the object being plated. Typical items plated include, but are not limited to, jewelry, plumbing hardware and components, silverware, eyeglass frames, medical instruments, and various specialized industrial components of any size. Plated items may be polished and lacquered as part of the finishing process. This classification includes *anodizing* to rustproof aluminum and some aluminum alloys by immersion in an acid bath and applying an electric charge to the metal which causes the finish to form on it. *Detinning* is the process of recovering tin from tin plated scrap. The "chemical process" involves using caustics and an oxidizing agent which causes the tin to separate from the metal it was plated to. A variation of this method introduces electrolysis to achieve a purer reclamation. The "chlorine process" uses chlorine applied under pressure to dissolve the tin and separate it from the tin plated scrap.

This classification excludes any electroplating or rustproofing by electrolytic methods done in conjunction with the manufacturing of metal or a metal product which is to be reported separately as applicable to the product; metal plating, polishing or rustproofing not using electrolytic methods which is to be reported separately in classification 3603-10; galvanizing or tinning done by hot dip process which is to be reported separately in classification 3604; and any detinning not done by a specialty shop as described above.

3603-12 Painting in shop, N.O.C.

Applies to establishments engaged in providing painting services at their shop, that are not covered by another classification (N.O.C.). This includes painting wood, metal, plastic, glass or other items. Customers include manufacturers, cabinetmakers or millwork manufacturers who do not do their own finish painting/staining/varnishing, or individuals who need only one item painted. Work contemplated by this classification includes, but is not limited to, preparing items for finishing by cleaning, sanding and wire brushing as needed, applying new finish by brushing, rolling, spraying or dipping, air or oven drying, and any appropriate finish work such as waxing, polishing and buffing when done by employees of an employer having operations subject to this classification. This classification includes application of nonmetallic coatings by dipping (such as nonstick surfaces) and painting with an electrostatic paint gun.

This classification excludes *sign painting* when done by establishments who do not manufacture the sign, which is to be reported separately in classification 4109; any painting done in conjunction with the manufacture of a sign which is to be reported separately in classification 2903, ((3404)) 3402, 3503 or 3510 as applicable; painting done in conjunction with the repair of an exterior sign which is to be reported separately in classification 0403; furniture stripping and refinishing services which are to be reported in classification 3603-10; furniture finishing done in conjunction with manufacturing or repair which is to be reported separately in classification 2905; automobile painting which is to be reported separately in classification 3412; the permanent yard or shop of a painting contractor which is to be reported separately in

classification 5206 provided the conditions set forth in WAC 296-17-675 have been met; and the painting/staining/varnishing of any item done in conjunction with the manufacturing of that item which is to be reported separately as applicable to the product.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-670 Classification 5201.

5201-75 Electric power or transmission equipment: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of electrical power or transmission equipment, most of which is industrial and is used by public utilities for the transmission of electrical power. Equipment manufactured includes, but is not limited to, transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, and power invertors. Transformers step down voltage from very high to a lower voltage. Switching equipment is normally used to switch the electricity from an incoming line to outgoing lines. Transformers are usually made from sheet metal which is approximately 14 gauge. Machinery used to manufacture transformers is similar to that used in a sheet metal shop. Winding machines are also used to wind wire to form a coil which is placed inside the transformer. This is a shop or plant only classification.

This classification excludes the installation, service or repair away from shop of products manufactured which are to be reported separately in the applicable classification; the installation, removal, and repair of electric power or transmission equipment or machinery by a contractor which is to be reported separately in the classification applicable to the work being performed.

Special note: Switchboards, current breakers and switches subject to this classification are distinguishable from switchboards, current breakers and switches covered in classification 3602. Classification 3602 switches are those found on personal computers, household light switches, and small electrical appliances compared to switches manufactured in classification 5201 which are large metal bars used in power plants and substations. Circuit breakers covered in classification 3602 are of the size found in household breaker panels compared to circuit breakers covered in classification 5201 which appear more like large round cylinders with flat metal bars extruding from the cylinders. Switchboards covered in classification 3602 are computerized systems such as telephone systems compared to industrial switchboards such as those used in rail systems for switching trains on tracks.

5201-76 Electric toasters, frying pans, wire harnesses, vacuum cleaners, electrical appliances, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of electric toasters, frying pans, wire harnesses, vacuum cleaners (including central vacuum systems), table top or counter top electrical appliances which are not covered by another classification (N.O.C.) including, but not limited to, electric shavers, steam and dry irons, waffle irons, can

openers, mixers and blenders. *Wire harnesses* are the configuration of wires making up the electrical circuit inside an appliance or vehicle that does not include the cord set which will connect the appliance to the power source. The manufacturing process contemplated by this classification is the assembly of component parts and casings, purchased from other manufacturers, with small hand tools such as, but not limited to, drills, screwdrivers, rivet guns, and soldering or brazing tools. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes establishments engaged in the repair of household appliances for others which are to be reported separately in classification 0607; establishments engaged in the manufacture of larger household appliances such as electric ranges, washing machines and refrigerators which are to be reported separately in classification ((3404)) 3402; establishments engaged in the assembly of electric cordset radio and ignitions which are to be reported separately in classification 3602; and the service or repair away from shop of products manufactured in this classification which are to be reported separately in the applicable classification.

5201-78 Electric motors, generators, alternators, starters, convertors, solenoids and servomotors: Manufacturing or assembly including repair

Applies to establishments engaged in the manufacture or assembly of electric motors, generators, alternators, starters, convertors, solenoids and servomotors of all sizes and horsepower. *Convertors* convert electricity from one voltage to another; *solenoids* are switches used to control the flow of electrical current; *servomotors* are electrical motors used to help control a mechanical device. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes the installation, service, or repair away from shop of products manufactured in this classification which are to be reported separately in the applicable classification and the installation, removal, and repair of electric power or transmission equipment in machinery by contractor which is to be reported separately in classification 0601.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-739 Classification 6708.

6708-01 Jockeys

Applies to jockeys riding horses in a race, or working with the horses in any way, during the dates of a scheduled race meet. Coverage during a race meet is through election of optional coverage and is to be reported at ten hours per mount per race or ten hours per day if not riding in a race. Coverage outside the dates of a race meet is mandatory. Jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet and are then reportable in classification 6614, 6616, or 7302 as appropriate to their job duties.

6708-02 Professional motor vehicle or watercraft race drivers

Applies to professional motor vehicle/water craft race drivers during a competition. Coverage during a competition is mandatory and is subject to a division of hours as provided in the general exclusion section of the general reporting rules.

When not driving during competition, hours worked are reportable as appropriate to the work being performed; maintenance of a racing motor vehicle and/or pit crew operations which is to be reported separately in classification 3411; assembly of a racing motor vehicle which is to be reported separately in classification 3402; maintenance of a racing water craft and/or pit crew operations which is to be reported separately in classification 3414; assembly of a racing water craft which is to be reported separately in classification 2903, ((3404)) 3402 or 3511 as appropriate; and any other work usually done for this employer which is to be reported separately as appropriate to the employees usual job duties.

This classification excludes piloting an aircraft in a race which is to be reported separately in classification 6803 for a plane or 6801 for a hot air balloon.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-582	Classification 3404.
WAC 296-17-669	Classification 5109.
WAC 296-17-67601	Classification 5208.
WAC 296-17-67602	Classification 5209.

AMENDATORY SECTION (Amending WSR 05-23-161, filed 11/22/05, effective 1/1/06)

WAC 296-17-680 Classification 6103.**6103-01 Schools: Academic, K-12 - clerical office, sales personnel, teachers, N.O.C. and administrative employees**

Applies to clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, school nurses, payroll and bookkeeping personnel, and teachers or teachers' aides of establishments engaged in operating public or private academic school facilities, K-12 (kindergarten level through grade 12) and the state schools for the blind and deaf.

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers' aides who are exposed to machinery hazards such as a wood shop, metal shop, print shop, auto shop, and driver training instructors who are to be reported separately in classification 6104.

6103-02 Schools: Trade or vocational - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as deans, directors, assistant directors,

receptionists, secretaries, counselors, payroll and bookkeeping personnel, and professors or instructors of establishments engaged in operating trade or vocational school facilities. These types of schools provide specialized training and instruction to prepare students for occupations in the chosen fields. Often these facilities will coordinate on-the-job training with employers as well as assist students in finding employment.

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, drivers, custodians, maintenance personnel and grounds keepers, and professors or instructors who are exposed to machinery hazards such as a wood shop, metal shop, print shop and auto shop who are to be reported separately in classification 6104.

6103-03 Libraries, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating library facilities not covered by another classification (N.O.C.). These types of facilities maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers who are to be reported separately in classification 6104.

6103-04 Churches - clerical office, sales personnel, teachers, N.O.C. and administrative employees**Bell ringers**

Applies to clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors of establishments engaged in operating church facilities for members of a religious congregation to meet and worship on a daily or weekly basis. Other services provided include, but are not limited to, sermons, rites, counseling, baptisms, weddings, funerals, bible school, and child care during church services and events. When a church is also operating a school facility, the church classifications are to be assigned for both operations. This classification also applies to bell ringers for charitable organizations.

This classification excludes all other types of employees in connection with the church facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-05 Museums, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as directors, assistant directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). Museums maintain a wide

variety of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packers, and warehousemen who are to be reported separately in classification 6104.

6103-06 Day nurseries or child day care centers - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, and administrative employees such as teachers, teachers' aides and nurses of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, or in providing baby-sitting services. Employees will instruct children in activities designed to promote social, physical, and intellectual growth in preparation for primary school. Most day care centers provide breakfast and lunch.

This classification excludes all other types of employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-10 Flight instructions - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, classroom instructors, and administrative employees of establishments engaged in providing classroom instruction to student pilots in flight procedures and techniques. Flight instructors explain various aircraft components and instruments for controlling aircraft during maneuvers, and, using flight simulators, demonstrate procedures such as, but not limited to, take-offs and landings.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers and drivers who are to be reported separately in classification 6104 and in-air flight instructors outside the classroom who are to be reported separately in the classification 6803.

Special note: Reporting rules are outlined in the division of worker hours provision in the general rules.

6103-11 Schools: N.O.C. - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to classroom instructors, clerical office, sales personnel and administrative employees such as directors and assistant directors, coordinators, instructors, receptionists, secretaries, counselors, payroll and bookkeeping personnel of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.). Schools include, but are not limited to, dance, modeling, music, driving, cooking, first aid, and schools for coaches. Modeling and dance schools emphasize poise, balance, facial gestures, self-confidence, and counseling in wardrobe and make-up. Music schools emphasize the disciplines of playing various instruments. Driving schools concentrate on the rules, principles, and coordination needed to drive safely, using textbooks, audio-visuals, and driving simulators.

This classification excludes all other types of employees in connection with the specialized school facilities such as, but not limited to, custodians, maintenance personnel, grounds keepers, and ballet dancers and instructors who perform activities not as part of a classroom environment who are to be reported separately in classification 6104 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

6103-12 Officials for amateur athletic or cultural events, N.O.C. - clerical office, teachers, N.O.C. and administrative employees

Applies to clerical office employees, administrative employees, and event officials of establishments engaged in providing officials such as, but not limited to, umpires or referees for amateur athletic or cultural events sponsored by schools or communities. Events include, but are not limited to, sports, spelling bees, debates, and musical competitions.

AMENDATORY SECTION (Amending WSR 05-23-161, filed 11/22/05, effective 1/1/06)

WAC 296-17-681 Classification 6104.

6104-01 Schools: Academic, K-12 - all other employments, N.O.C.

Applies to all other employees of public or private academic schools K-12 (kindergarten level through grade 12) and the state schools for the blind and deaf. All other in this classification is defined as employees such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers aides who are exposed to machinery hazards such as wood shop, metal shop, print shop, auto shop, and driver instructors.

This classification excludes clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-02 Schools: Trade or vocational - all other employments, N.O.C.

Applies to all other employees of trade or vocational schools. All other in this classification is defined as employees such as, but not limited to, cooks, drivers, driving instructors, custodians, maintenance personnel and grounds keepers, and teachers and teachers aides who are exposed to machinery hazards such as, but not limited to, those in wood shop, metal shop, automotive shops, and plumbing or electrical work. Vocational or trade schools provide specialized training and instruction to prepare students for occupations in their chosen field. Often these facilities will coordinate on-the-job training and assist students in finding employment.

This classification excludes clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-03 Libraries, N.O.C. - all other employments, N.O.C.

Applies to all other employees of library facilities which are not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers. Libraries maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-04 Churches - all other employments, N.O.C.

Applies to all other employees of churches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel, grounds keepers, and drivers. Services offered by a church include, but are not limited to, providing a place for members of a religious congregation to meet and worship on a daily or weekly basis, sermons, rites, counseling, baptisms, weddings, funerals, bible school, child care during church services and events.

This classification excludes clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors who are to be reported separately in classification 6103.

6104-05 Museums, N.O.C. - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packagers, and warehousemen. Museums maintain a wide selection of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes clerical office, sales personnel and administrative employees such as museum directors, assistant museum directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-06 Day nurseries or child day care centers - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, which provide activities to promote social, physical, and intellectual growth in preparation for primary school. All other in this classification is defined as employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers.

This classification excludes clerical office, sales personnel and administrative employees such as principals, receptionists, secretaries, counselors, payroll and bookkeeping

personnel, and teachers or teachers' aides who are to be reported separately in classification 6103.

6104-11 Schools: N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.) such as, but not limited to, dance, modeling, music, cooking, first aid, and schools for coaches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors or teachers or dancers including ballet dancers who perform activities not as part of a classroom environment or who are exposed to machinery hazards.

This classification excludes administrative employees such as directors and assistant directors, coordinators, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and classroom instructors, who are to be reported separately in classification 6103 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

WSR 06-12-077**PERMANENT RULES****OFFICE OF THE****INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2006-04—Filed June 6, 2006, 10:23 a.m., effective July 7, 2006]

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

Purpose: To update Title 284 WAC to correct century references after the millennium.

Citation of Existing Rules Affected by this Order: Amending WAC 284-07-380, 284-15-030, and 284-15-040.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 06-07-151 on March 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 3, 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: June 6, 2006.

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 94-26, filed 12/30/94, effective 1/30/95)

WAC 284-07-380 Statement of actuarial opinion based on an asset adequacy analysis. (1) The statement of actuarial opinion submitted in accordance with this section shall consist of:

- (a) A paragraph identifying the appointed actuary and his or her qualifications (see subsection (2)(a) of this section);
- (b) A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items which have been analyzed for asset adequacy and the method of analysis, (see subsection (2)(b) of this section) and identifying the reserves and related actuarial items covered by the opinion which have not been so analyzed;
- (c) A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions, e.g., anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see subsection (2)(c) of this section), supported by a statement of each such expert in the form prescribed by subsection (5) of this section; and
- (d) An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see subsection (2)(f) of this section).
- (e) One or more additional paragraphs may be appropriate in individual company cases, as follows:
 - (i) If the appointed actuary considers it necessary to state a qualification of his or her opinion;
 - (ii) If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;
 - (iii) If the appointed actuary must disclose reliance upon any portion of the assets supporting the asset valuation reserve (AVR), interest maintenance reserve (IMR), or other mandatory or voluntary statement of reserves for asset adequacy analysis;
 - (iv) If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;
 - (v) If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date, and the extent of the release; or

(vi) If the appointed actuary chooses to add a paragraph briefly describing the assumptions which form the basis for the actuarial opinion.

(2) Recommended language: The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances shall be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary shall use language which clearly expresses his or her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this section.

(a) The opening paragraph shall generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

(i) For a company actuary, the opening paragraph of the actuarial opinion shall read substantially as follows:

"I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of that insurer to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(ii) For a consulting actuary, the opening paragraph shall contain a statement substantially similar to the following:

"I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in the letter to the Commissioner dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and disability insurance companies."

(b) The scope paragraph shall include a statement substantially similar to the following:

"I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, ((49)) 20 []. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

Asset Adequacy Tested Amounts				Reserves and Liabilities	
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1) + (2) + (3) (4)
Exhibit 8					
A Life Insurance					
B Annuities					

Asset Adequacy Tested Amounts				Reserves and Liabilities	
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1) + (2) + (3) (4)
C	Supplementary Contracts Involving Life Contingencies				
D	Accidental Death Benefit				
E	Disability - Active				
F	Disability - Disabled				
G	Miscellaneous				
	Total (Exhibit 8 Item 1, Page 3)				
Exhibit 9					
A	Active Life Reserve				
B	Claim Reserve				
	Total (Exhibit 9 Item 2, Page 3)				
Exhibit 10					
1	Premiums and Other Deposit Funds				
1.1	Policyholder Premiums (Page 3, Line 10.1)				
1.2	Guaranteed Interest Contracts (Page 3, Line 10.2)				
1.3	Other Contract Deposit Funds (Page 3, Line 10.3)				
2	Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)				
3	Dividend and Coupon Accumulations (Page 3, Line 5)				
	Total Exhibit 10				
Exhibit 11 Part 1					
1	Life (Page 3, Line 4.1)				
2	Health (Page 3, Line 4.2)				
	Total Exhibit 11, Part 1				
	Separate Accounts (Page 3, Line 27)				
TOTAL RESERVES					

IMR (Page 3 Line 11.4)	
AVR (Page 3 Line 24.1)	(c)

Notes to table of reserves and related actuarial items:

Page and line numbers refer to the 1992 blank. Corresponding entries from blanks from later years shall be substituted as appropriate.

- (a) The additional actuarial reserves are the reserves established under WAC 284-07-350 (5)(b) or (c).
- (b) The appointed actuary shall indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in WAC 284-07-350(4), by means of symbols which shall be defined in footnotes to the table.
- (c) Allocated amount."

(c) If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph shall include a statement substantially similar to one of the following:

- (i) "I have relied on [name], [title] for [e.g., anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios] and, as certified in the attached statement, . . ."
- (ii) "I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement."

A statement of reliance on other experts should be accompanied by a statement by each of such experts of the form prescribed by subsection (5) of this section.

(d) If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph shall also include substantially the following statement:

"My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary."

(e) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force or asset records or both prepared by the company or a third party, the reliance paragraph shall include a statement substantially similar to one of the following:

- (i) "I have relied upon listings and summaries [of policies and contracts, of asset records] prepared by [name and title of company officer certifying in-force records] as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."
- (ii) "I have relied upon [name of accounting firm] for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."

Such a section shall be accompanied by a statement by each person relied upon based on the form prescribed by subsection (5) of this section.

(f) The opinion paragraph shall include a statement substantially similar to the following:

"In my opinion the reserves and related actuarial values concerning the statement items identified above:

- (i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;
- (ii) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
- (iii) Meet the requirements of the insurance laws and regulations of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;
- (iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below);
- (v) Include provision for all actuarial reserves and related statement items which ought to be established.

The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company.

The actuarial methods, considerations, and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion.

This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion.

or

The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change or changes.)

The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

(3) Assumptions for new issues: The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this section.

(4) Adverse opinions: If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

(5) Reliance on data furnished by other persons. If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force or asset-oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data, substantially similar to either or both of the following, as appropriate:

(a) "I [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, ((49)) 20[], and other liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company or Accounting Firm

Address of the Officer of the Company or Accounting Firm

Telephone Number of the Officer of the Company or Accounting Firm"

(b) "I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries, and analyses relating to data prepared for and submitted to [name of appointed actuary] in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.

Signature of the Officer of the Company, Accounting Firm or the Security Analyst

Address of the Officer of the Company, Accounting Firm or the Security Analyst

Telephone Number of the Officer of the Company, Accounting Firm or the Security Analyst"

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

AMENDATORY SECTION (Amending Order R 81-1, filed 1/21/81)

WAC 284-15-030 Surplus line brokers' form to be filed—Contract stamp to be used. (1) RCW 48.15.040 requires that a surplus line broker execute an affidavit at the time of procuring insurance from an unauthorized insurer, and to file such affidavit with the commissioner within thirty days after the insurance is procured. The form for filing such affidavit shall be in substantially the following form, and may include additional information to satisfy requirements of the Surplus Line Association of Washington:

Policy or Certificate No: Premium, including any policy fee:

- 1. Name and license number of filing Surplus Line Broker:
2. Name and address of producing agent or broker (if any):
3. Name(s) of unauthorized insurer(s):
4. Name and address of insured:
5. Brief statement of coverages (common trade terms may be used, e.g. "furrier's block"):

STATE OF WASHINGTON } SURPLUS LINE
COUNTY } SS. BROKER'S AFFIDAVIT

I have procured insurance from an unauthorized insurer or insurers, in accordance with the laws and regulations of the state of Washington under my Surplus Line Broker's license. Details of such transaction are set forth above.

Such insurance could not be procured, after diligent effort was made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state, and placing the insurance in such unauthorized insurer(s) was not done for the purpose of securing a lower premium rate than would be accepted by any authorized insurer.

I certify that I am duly authorized to place this coverage on behalf of the insured, that the risk has been duly accepted by the insurer(s), and that I ascertained the financial condition of

the unauthorized insurer(s) before placing the insurance therewith.

(Signature of Surplus Line Broker)

Subscribed and sworn to before me this day of, ((19)) 20. . .

Notary Public in and for the State of Washington, residing at

By (Title)

(2) Every insurance contract, including those evidenced by a binder, procured and delivered as a surplus line coverage pursuant to chapter 48.15 RCW shall have a conspicuous statement stamped upon its face, which shall be initialed by or bear the name of the surplus line broker who procured it, as follows:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, enacted in 1947. It is not issued by a company regulated by the Washington state insurance commissioner and is not protected by any Washington state guaranty fund law."

AMENDATORY SECTION (Amending Order R 81-1, filed 1/21/81)

WAC 284-15-040 Form for surplus line insurer to designate person to receive legal process. (1) RCW 48.15-150 permits service of legal process against an unauthorized insurer that is sued upon any cause of action arising in this state under any contract issued by it as a surplus line contract to be made upon the insurance commissioner. The commissioner will mail the documents of process to the insurer at its principal place of business last known to the commissioner, or to a person designated by the insurer for that purpose in the most recent document filed with the commissioner on a form prescribed by the commissioner. If such unauthorized insurer elects to designate a person to receive such legal process from the commissioner, the designation shall be filed with the commissioner in substantially the form set forth in subsection (2) of this section.

(2) DESIGNATION OF PERSON TO WHOM COMMISSIONER SHALL FORWARD LEGAL PROCESS.

To the Insurance Commissioner of the state of Washington:

Pursuant to RCW 48.15.150, the undersigned Insurer hereby designates:

Name

Address

as the person to whom the Insurance Commissioner shall forward legal process against the Insurer. This designation supersedes any similar designation heretofore made by this Insurer.

Executed at, this day of, ((19)) 20. . .

(Insurer)

(3) The "person" designated may be an individual, firm or corporation.

(4) The commissioner shall forward process to the person designated in the most recent document filed with him.

(5) Pursuant to RCW 48.15.150, each policy issued by an unauthorized insurer as a surplus line contract must contain a provision designating the commissioner as the person upon whom service of process may be made.

WSR 06-12-084 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed June 6, 2006, 3:09 p.m., effective July 7, 2006]

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

Purpose: To repeal chapter 196-31 WAC, Practice permits, in its entirety, as practice permits were authorized on an interim basis, and ended on June 30, 2003.

Citation of Existing Rules Affected by this Order: Repealing chapter 196-31 WAC.

Statutory Authority for Adoption: RCW 18.43.035.

Other Authority: Chapter 18.210 RCW.

Adopted under notice filed as WSR 06-09-048 on April 14, 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 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 7.

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

Date Adopted: May 30, 2006.

George A. Twiss Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-31-010 Declaration of purpose.

WAC 196-31-020 Definition.

WAC 196-31-030 Applications—Qualifications.

WAC 196-31-040	Application—Procedures.
WAC 196-31-050	Permit issuance—Renewals.
WAC 196-31-060	Scope of practice.
WAC 196-31-070	Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, practice permit, or examination.

WSR 06-12-094**PERMANENT RULES
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 6, 2006, 4:33 p.m., effective July 7, 2006]

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

Purpose: Amending WAC 388-290-0045, changes to this WAC include:

(1) Deleting references to WAC 388-310-1000, 388-310-1050, and 388-310-1200.

(2) Not allowing child care coverage for prerequisite classes and programs.

(3) Limiting child care coverage for job skills training that is not offered or required by an employer.

(4) Examples of job skills training.

WAC 388-290-0190 changes to this WAC include:

(1) Limiting payment of a higher rate, if care cannot be found in the community at the DSHS rate, for mandatory WorkFirst participants only.

The governor's mandate for WorkFirst redesign prompted changes to WAC specific to WorkFirst activities. Working connections child care WAC references some of the WorkFirst WAC which is no longer appropriate. Proposed WCCC WAC changes will no longer reference specific WorkFirst activity language for non-WorkFirst child care consumers.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0045 and 388-290-0190.

Statutory Authority for Adoption: RCW 74.12.340.

Adopted under notice filed as WSR 06-09-085 on April 18, 2006.

Changes Other than Editing from Proposed to Adopted Version: A new subsection (1)(d) was added to WAC 388-290-0045 that reads: "(d) Approved WorkFirst activities according to WAC 388-310-0200 if you are a TANF applicant."

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: June 1, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-08-021 and 04-08-134, filed 3/29/04 and 4/7/04, effective 5/28/04)

WAC 388-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?
(1) If you do not receive TANF, you may be eligible for WCCC benefits for up to sixteen hours maximum per day, including travel, study, and sleep time, for the hours of your participation ((or enrollment)) in the following:

~~((+))~~ (a) Employment or self-employment under WAC 388-290-0050. We consider "employment" or "work" to mean:

~~((a) Engaging in any))~~ (i) Legal, income generating activity ~~((that is))~~ taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States~~((; or))~~.

~~((b) Working in a))~~ (ii) Federal or state paid work study ~~((program. You may receive WCCC for paid work study and transportation hours (not for the time you are in an unapproved activity), unless you meet requirements in subsection (2) of this WAC;))~~.

~~((c))~~ (b) VISTA volunteers, ~~((Americorps))~~ AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

~~((2))~~ (c) High school (HS) or general equivalency diploma (GED) program until you reach your twenty-second birthday (You can be enrolled in a HS or GED program without a minimum number of employment hours).

(d) Approved WorkFirst activities according to WAC 388-310-0200 if you are a TANF applicant.

~~((3) Same day job search if you are a TANF applicant; (4) The))~~ (e) Food stamp employment and training program under chapter 388-444 WAC~~((;))~~.

(2) If you are participating in an activity listed in subsections (3) through (8) of this section, you may be eligible for WCCC benefits as described in subsection (1) of this section if you are actually working either:

(a) Twenty or more hours per week; or

(b) Sixteen or more hours per week in a paid federal or state work study program.

~~((5))~~ (3) Adult basic education (ABE)~~((;))~~.

(4) English as a second language (ESL)~~((;))~~.

(5) High ~~((school/GED;))~~ school or GED completion if you are twenty-two years of age or older.

(6) Vocational education~~((; or))~~ (Voc Ed). The Voc Ed program:

(a) Must lead to a degree or certificate in a specific occupation.

(b) Cannot include prerequisite classes or programs.

(c) Is offered by the following accredited entities only:

(i) Public and private technical college or school.

(ii) Community college.

(iii) Tribal college.

(7) Job skills training ((or other program under WAC 388-310-1000, 388-310-1050, 388-310-1200, or 388-310-1800, and you are:

(a) Working:

(i) Twenty or more hours per week; or

(ii) Sixteen or more hours per week in a paid federal or state work study program)) for no more than fourteen consecutive days. Job skills training is not tied to a specific occupation but is training in specific skills directly related to employment, such as CPR/First Aid, keyboarding, computer programs, project management, and oral and written communication skills. Training offered or required by a current employer, at or off your job site, may extend past the fourteen consecutive day limit.

((b)) (8) Post-employment services under WAC 388-310-1800.

(9) ((Participating in post secondary education for no longer than thirty-six months-)) Child care for ((post secondary education in this section)) participation in voc ed is limited ((up)) to thirty-six months ((maximum)) regardless of the length of the ((school)) educational program. The thirty-six months includes the months ((you attended post secondary education-)) in which the following occurred at the same time:

(a) WCCC benefits were paid to support((ed by WCCC, while receiving)) your participation in a voc ed program.

(b) You or someone in your household received TANF benefits.

((c)) (10) WCCC may be approved for activities listed in WAC 388-290-0040 (3) through (5), when needed.

AMENDATORY SECTION (Amending WSR 05-20-051, filed 9/30/05, effective 11/1/05)

WAC 388-290-0190 What does the WCCC program pay for and when can the program pay more? (1) We may pay for:

(a) Basic child care hours, either full-day, half-day or hourly. We authorize:

(i) Full-day child care to licensed or certified facilities and DSHS contracted seasonal day camps when your children need care for five or more hours per day;

(ii) Half-day child care to licensed or certified facilities and DSHS contracted seasonal day camps when your children need care for less than five hours per day; and

(iii) Hourly child care for in-home/relative child care.

(b) A registration fee (under WAC 388-290-0245);

(c) A field trip fee (under WAC 388-290-0245); and

(d) Special needs care when the child has a documented need for higher level of care (under WAC 388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235).

(2) We may authorize up to the provider's usual daily rate if:

(a) The parent is a mandatory WorkFirst participant; and

(b) Appropriate child care, at the DSHS rate, is not available within a reasonable distance ((at our daily rate, then we authorize the provider's usual daily rate)) from the home or work (activity) site. "Appropriate" means child care approvable under WAC 388-290-0125. "Reasonable distance" is determined by comparing what other local families must travel to access appropriate child care.

(3) We authorize an additional amount of care if ((care is over)):

(a) More than ten hours of care is provided per day(;;); and

(b) The provider's policy is to charge all families for these extra hours((- then we authorize an additional amount of care)).

WSR 06-12-116

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 7, 2006, 10:09 a.m., effective July 8, 2006]

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

Purpose: Amend WAC 16-414-005 to include Rainier cherries or other light sweet cherry varieties under the "mature" soluble solids requirements; WAC 16-414-011 to include size requirements for the Rainier cherry or other light sweet cherry varieties; and WAC 16-461-010 to require Rainier or other light cherry varieties to meet WAC 16-414-005 "mature" and WAC 16-414-011(3) size requirements. Eliminate the container requirements (WAC 16-414-085) for shipping sweet cherries. These amendments bring the Rainier cherry and other light sweet cherry varieties under state requirements for soluble solids "mature" and establish a size requirement which is currently required under Federal Marketing Order 923. Removing the container requirements will allow growers/packers and shippers to pack and market various types of containers that may be requested or required by buyers and the consuming public.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-414-085; and amending WAC 16-414-005, 16-414-010 and 16-414-011.

Statutory Authority for Adoption: Chapter 15.17 RCW, Standards of grades and packs.

Other Authority: Chapter 15.17 RCW, Standards of grades and packs; chapter 34.05 RCW, Administrative Procedure Act.

Adopted under notice filed as WSR 06-09-098 on April 19, 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 3, Repealed 1.

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Date Adopted: June 7, 2006.

Valoria Loveland
Director

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-005 What definitions are important to this chapter? "Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Department" means the Washington state department of agriculture (WSDA).

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Face packed" means the cherries in the top layer of any container are placed so the stem ends are pointing downward toward the bottom of the container.

"Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

"Firm" means the cherries:

- (1) Possess a firm, fleshy texture;
- (2) Retain their approximate original shape;
- (3) Are not shriveled; and
- (4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process. Rainier cherries or other varieties of "light colored sweet cherries" shall meet a minimum of seventeen percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment, provided that individual lots shall not be combined with other lots to meet soluble solids requirements.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.

"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:

(1) The point of origin of the shipment in the producing area or at the port of loading; or

(2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-011 What size requirements apply to sweet cherries? (1) The minimum diameter of each cherry must be at least 54/64 inch.

(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) For the Rainier variety and similar varieties commonly referred to as "light colored sweet cherries," at least ninety percent, by count, of the cherries in any lot shall measure not less than 61/64 inch in diameter and not more than five percent, by count, may be less than 57/64 inch in diameter.

(4) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

If containers of cherries are marked with the following row count/row size designations:	Then minimum diameter size of the cherries in inches must be:
8	84/64
8 1/2	79/64
9	75/64
9 1/2	71/64
10	67/64
10 1/2	64/64
11	61/64
11 1/2	57/64
12	54/64

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-414-085 What requirements apply to containers used to ship sweet cherries?

AMENDATORY SECTION (Amending WSR 99-14-036, filed 6/29/99, effective 7/30/99)

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the plant services division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: Provided, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: Provided, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

Apples of the Red Delicious and Delicious varieties must be certified as to quality and condition and must meet all the requirements of chapter 16-403 WAC, Standards for Apples Marketed Within Washington. Apples of the Red Delicious and Delicious varieties not allowed to enter channels of commerce within twenty-one days following the original date of inspection as indicated by a state lot stamp, will require recertification for meeting the minimum firmness requirement as stated in WAC 16-403-142.

(f) Pears - in closed or open containers for fresh market: Provided, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: Provided, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: Provided, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: Provided further, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: Provided, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: Provided further, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production;

(d) When daily quantities do not exceed one hundred pounds net weight of dark or light sweet varieties of sweet cherries which are sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: Provided, That the apples, pears, cherries, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: Provided further, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification;

Cherries of the dark sweet varieties shall be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Cherries. Cherries of the Rainier variety or other varieties of "light colored sweet cherries" shall meet only requirements of WAC 16-414-005 "mature" and WAC 16-414-011(3) size requirement.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, sub-

ject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

WSR 06-12-117

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 7, 2006, 10:12 a.m., effective July 8, 2006]

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

Purpose: This rule amendment updates specific areas of the standards for apples marketed within the state of Washington for consistency and continuity with changes in the United States apple grades, and excludes "smooth net-like russet" as a defect for Fuji apples in the Washington state standards. These amendments are necessary in order to bring the Washington state grade standards equal to or higher than the existing United States grading standards for apples. In addition, the industry has determined that smooth net-like russetting is indicative of the Fuji variety and should not be considered as a defect.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-403-255; and amending WAC 16-403-140, 16-403-145, 16-403-150, 16-403-160, 16-403-165, 16-403-170, 16-403-190, 16-403-195, 16-403-215, 16-403-220, and 16-403-270.

Statutory Authority for Adoption: Chapter 15.17 RCW, Standards of grades and packs.

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act.

Adopted under notice filed as WSR 06-09-097 on April 19, 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 11, Repealed 1.

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 11, Repealed 1.

Date Adopted: June 7, 2006.

Valoria Loveland

Director

AMENDATORY SECTION (Amending Order 1982, filed 7/6/88, effective 9/1/88)

WAC 16-403-140 Washington state standards for apples. Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples, except the Fuji variety, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety.

AMENDATORY SECTION (Amending Order 5033, filed 3/23/94, effective 4/23/94)

WAC 16-403-145 Red, partial red or blushed varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety (except when more than one variety is printed on the container) which are mature but not overripe, (~~carefully hand picked,~~) clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, (~~bitter pit, Jonathan spot,~~) freezing injury, visible watercore, and broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russetting, sunburn or spray-burn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russetting, or stem or calyx cracks, Jonathan spot, bitter pit and free from damage by invisible watercore after January 31st of the year following the year of production: Provided, That smooth net-like russetting and/or invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

AMENDATORY SECTION (Amending Order 5033, filed 3/23/94, effective 4/23/94)

WAC 16-403-150 Red, partial red or blushed varieties—Washington fancy. Washington fancy consists of apples of one variety (except when more than one variety or

commodity is printed on the container) which are mature but not overripe, (~~(carefully hand picked,)~~) clean, fairly well formed; free from decay, internal browning, internal breakdown, (~~(bitter pit, Jonathan spot,)~~) scald, freezing injury, visible watercore, and broken skins and bruises, except those which are incident to proper handling and packing. The apples are also free from damage caused by russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, Jonathan spot, bitter pit, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means: Provided, That smooth net-like russetting and/or invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-160 Green or yellow varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety (except when more than one variety or commodity is printed on the container) which are mature but not overripe, (~~(carefully hand picked,)~~) clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, (~~(bitter pit, Jonathan spot,)~~) freezing injury, visible watercore, broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from slightly rough or rough russetting, provided, russetting other than rough or bark-like russetting materially affecting the appearance of the apple shall be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end or calyx end down on a flat surface. The apples are also free from injury caused by smooth net-like russetting, smooth solid russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, stem or calyx cracks, or other means; and free from damage by Jonathan spot, bitter pit and by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-165 Green or yellow varieties—Washington fancy. Washington fancy consists of apples of one variety (except when more than one variety or commodity is printed on the container) which are mature but not overripe, (~~(carefully hand picked,)~~) clean, fairly well formed; free from decay, internal browning, internal breakdown, (~~(bitter pit, Jonathan spot,)~~) scald, freezing injury, visible watercore, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, Jonathan spot, bitter pit, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

AMENDATORY SECTION (Amending Order 1635, filed 6/27/79)

WAC 16-403-170 Green or yellow varieties—Washington C grade. The requirements of this grade are the same as for Washington fancy except for color, russetting and invisible watercore. Apples of this grade are free from excessive damage caused by russetting which means that apples meet the russetting requirements for Washington fancy as defined under the definitions of "damage by russetting," except the aggregate area of an apple which may be covered by smooth net-like russetting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russetting shall not exceed 10 percent: Provided, That in the case of the Yellow Newtown(~~($\frac{1}{2}$))~~), Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russetting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russetting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore.

AMENDATORY SECTION (Amending WSR 02-12-011, filed 5/23/02, effective 8/1/02)

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than (~~($\frac{1}{4}$))~~ $\frac{1}{2}$ inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, Golden Delicious, Jonagold, and Gala varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

AMENDATORY SECTION (Amending Order 1982, filed 7/6/88, effective 9/1/88)

WAC 16-403-195 Application of tolerances. The contents of individual samples in the lot, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade.

Packages which contain more than 10 pounds:

Samples shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

Packages which contain 10 pounds or less:

~~((Not over 10 percent of the samples))~~ No packages may have more than three times the tolerance specified, except that at least ~~((one))~~ three defective apples may be permitted in any ~~((sample))~~ package: Provided, That not more than ~~((one))~~ three apples or more than ~~((6))~~ 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-215 Packing requirements. (1) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight^a or fairly well filled^b.

(2) Closed cartons containing apples not tray or cell packed shall be fairly well filled^b or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(3) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(4) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

^a- "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. ~~((The top layer of apples, or any pad or space filler over the top layer of apples shall be not more than 3/4 inch below the top edge of the carton.))~~

^b- "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 38 pounds for Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

AMENDATORY SECTION (Amending WSR 01-12-079, filed 6/5/01, effective 7/6/01)

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or ~~(("variety unknown,")~~ when more than one variety or commodity is in the container, each vari-

ety and commodity must be shown, the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

(7) Containers shall be marked with the harvest year beginning on October 1 of each year and be applied only to apples harvested in the previous year; that this marking shall occur at the time of shipment; and be displayed on the principal display panel with letters of a minimum of one-half inch in height.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-270 Damage. (1) "Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or barklike russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(i) Russeting which is excessively rough or rough on green and yellow varieties.

(ii) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(iii) Smooth solid russeting when an aggregate area of more than 5 percent of the surface is covered and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(iv) Slightly rough russeting which covers an aggregate area of more than one-half inch.

(v) Rough russeting in the red and partial red varieties which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When any unhealed mark is present;

(ii) When any surface indentation exceeds one-eighth inch in depth;

(iii) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(iv) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible watercore existing around the core and extending to watercore in the vascular bundles; or surround-

ing the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(v) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(h) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(ii) Worm holes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-403-255

Carefully hand picked.