

WSR 10-14-004

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES**

[Filed June 23, 2010, 3:26 p.m.]

Subject of Possible Rule Making: Title 131 WAC governing the Washington state board for community and technical colleges retirement plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To extend state board retirement plan to eligible higher education coordinating board employees.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Boesenberg, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, fax (360) 704-4415, e-mail jboesenberg@sbctc.edu, phone (360) 704-4303.

June 24 [23], 2010

DelRae Oderman
Executive Assistant

WSR 10-14-006

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed June 23, 2010, 4:20 p.m.]

Subject of Possible Rule Making: WAC 260-40-010 Nominations and scratches.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify acceptable reasons for late scratches and to give the racing secretary the ability to accept entries allowing trainers the right to scratch on preset conditions.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

June 23, 2010

Douglas L. Moore
Deputy Executive Secretary

WSR 10-14-028

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

[Filed June 28, 2010, 10:28 a.m.]

Subject of Possible Rule Making: Repeals two rules that are replaced by rules filed on June 23, 2010, as part of WSR 10-13-182.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 4, 2010, the department adopted new and amended rules for handling wildlife interactions and damage claims. These rules replace two existing rules, which must be repealed so as to not conflict with the new and amended rules.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, e-mail Lori.preuss@dfw.wa.gov. Contact by August 25, 2010. Expected proposal filing on or after September 1, 2010.

June 28, 2010

Lori Preuss
Rules Coordinator

WSR 10-14-037

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 28, 2010, 2:38 p.m.]

Subject of Possible Rule Making: Director authority on conducting audits and investigations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the director's procedures on investigation and auditing.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry McDonald, Administrator, P.O. Box 2445, Olympia, WA 98507, (360) 664-6524, e-mail jmc-donald@dol.wa.gov. The real estate commission will have subcommittee meetings or work groups to make recommendations to the department.

June 28, 2010

Jerry McDonald
Administrator

WSR 10-14-038
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed June 28, 2010, 3:27 p.m.]

Subject of Possible Rule Making: Notice of forest practices to affected Indian tribes, WAC 222-20-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering rule making to clarify ambiguous language and to resolve issues with the rule's landowner-tribe meeting requirement and tribal sovereignty.

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

Process for Developing New Rule: Rule development is to occur in a consensus process and include interested landowners, state agencies, and tribal representatives. The board will also solicit input from counties of the state and the Washington department of fish and wildlife per RCW 76.09.040 (2), and also Indian tribes, to provide early input prior to filing the CR-102, Proposed rule making under RCW 34.05.-310.

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

June 28, 2010
 Peter Goldmark
 Chair

WSR 10-14-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 30, 2010, 8:19 a.m.]

Subject of Possible Rule Making: The department is adding new WAC 388-71-06020 through 388-71-06420, and other related rules as necessary, as a result of the new operating budget, the home care quality authority is no longer funded and the home care referral registry program is moved to home and community services division effective July 1, 2010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These adjustments are necessary to address the state's revenue shortfall as outlined in the 2009-2011 supplemental operating budget (ESHB [ESSB] 6444). An emergency CR-103E has been filed in conjunction with this CR-101 based on legislative timelines.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Engels, phone (360) 725-2554, fax (360) 438-8633, e-mail susan.engels@dshs.wa.gov.

June 30, 2010
 Katherine I. Vasquez
 Rules Coordinator

WSR 10-14-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 30, 2010, 8:27 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-0125 and 388-106-0130 to adjust in-home hours based on individualized CARE assessments related to:

- An elimination of the increase associated with incontinence and/or specialized diet for clients with informal support; and
- An increase that gives back some of the hours reduced July 1, 2009, to all in-home clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These adjustments are necessary to address the state's revenue shortfall as outlined in the 2009-2011 supplemental operating budget (ESHB [ESSB] 6444). An emergency CR-103E has been filed in conjunction with this CR-101 based on legislative timelines.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Geri-Lyn McNeill, phone (360) 725-2353, fax (360) 438-8633, e-mail geri-lyn.mcneill@dshs.wa.gov.

June 23, 2010
 Katherine I. Vasquez
 Rules Coordinator

WSR 10-14-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Division of Child Support)
 [Filed June 30, 2010, 10:50 a.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, to implement changes to the rules regarding distribution of child support collections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Depending on the state's budget, and depending on changes in state and federal law, the division of child support (DCS) updates its distribution rules. During the 2010 legislative session, the budget adopted requires that DCS change its distribution rules regarding collections from federal tax refund offsets so that those collections are (1) applied only to child support arrears and (2) applied first to debt that has been assigned to the state.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov, phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

June 29, 2010
 Katherine I. Vasquez
 Rules Coordinator

WSR 10-14-068
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 30, 2010, 3:08 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry filed as WSR 10-05-119 on February 17, 2010 (WAC 388-492-0040 and 388-492-0070).

Katherine I. Vasquez
 Rules Coordinator

WSR 10-14-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 [Filed July 6, 2010, 10:36 a.m.]

Subject of Possible Rule Making: Director authority on conducting audits and investigations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the director's procedures on investigation and auditing.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry McDonald, Administrator, P.O. Box 2445, Olympia, WA 98507, (360) 664-6524, e-mail jmcdonald@dol.wa.gov. The real estate commission will have subcommittee meetings or work groups to make recommendations to the department.

July 6, 2010
 Walt Fahrer
 Rules Coordinator

WSR 10-14-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed July 6, 2010, 11:04 a.m.]

Subject of Possible Rule Making: WAC 246-790-010, 246-790-050, 246-790-060, 246-790-065, 246-790-070, 246-790-080, 246-790-085, 246-790-090, 246-790-100, 246-790-120 and 246-790-130, amending women, infants and children (WIC) nutrition program requirements for selecting authorized retailers, submitting food products for approval, and updating noncompliance sanctions and fines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has identified a variety of references, definitions and terms in the rules that are outdated. Key portions of the rules may need to be updated to accurately reflect the revised federal law 7 C.F.R. 246 governing the WIC nutrition program. The revised rules will further define the standards of practices and requirements for administrating and implementing the program. In addition, the revision will provide clarity for participating in the program.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Communication will be sent to interested parties such as retailers, grocery wholesalers, food manufacturers, WIC clients and others inviting comments and providing notice of the public hearing. Interested parties can provide comments on the department of health rule making web site <http://www.doh.wa.gov/Rules/default.htm>, by writing to Department of Health, P.O. Box 47886, Olympia, WA 98504-7886, or by contacting Peter Gayton at peter.gayton@doh.wa.gov, (360) 236-3788.

July 6, 2010
Mary C. Selecky
Secretary

requires insurers to use their legal name when transacting business and advertising. In 2010, the commissioner adopted a rule that included the technical advisory information, and further explained how insurers were expected to operate to comply with the statutes. After the adoption of WAC 284-30-670, some property and casualty insurers and some producers informed the commissioner that implementing the new rule would be difficult. The commissioner issued an emergency rule in response to the insurer's implementation concerns.

This rule making will finalize compliance standards for insurers related to RCW 48.05.190 and 48.30.050. Under this rule making, the commissioner will work with impacted industry to ensure that the rule provides necessary consumer protection, supports the commissioner's market oversight, and minimizes the operational burden on insurers.

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

Process for Developing New Rule: Submit written comments by August 23, 2010, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To ensure that all implementation issues are considered, please submit written comments by August 23, 2010, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

July 6, 2010
Mike Kreidler
Insurance Commissioner

WSR 10-14-097

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-06—Filed July 6, 2010, 11:37 a.m.]

Subject of Possible Rule Making: Insurer's use of legal name when transacting business, pursuant to RCW 48.05.-190.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since 1947, when RCW 48.05.190 and 48.30.050 were enacted, the legal structure of insurance companies has changed. Many insurers are affiliates of holding company systems that use a group name to identify the various insurance companies in the holding company system. If the legal name of the insurance company involved in a particular matter is not accurately and completely identified, consumers and the office of insurance commissioner can be misled or confused, and unnecessarily expend time and money trying to identify the correct company related to a transaction. It is important that insurers use their correct legal name in all insurance transactions.

In a series of technical advisory announcements issued between 1978 and 2000, the commissioner explained aspects of compliance with RCW 48.05.190 and 48.30.050, which

WSR 10-14-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 6, 2010, 1:26 p.m.]

Subject of Possible Rule Making: 2011 Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that are the lowest necessary to maintain actuarial solvency of the accident and medical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with the workers' compensation advisory committee and retrospective rating advisory committee as changes are developed. The public can participate in these discussions by attending the workers' compensation advisory committee (WCAC) meetings. A schedule of these meetings is available at www.lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp. The public can participate in discussions of the retrospective rating advisory committee. A schedule of meetings can be found at www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries is planning to hold formal public hearings in October 26-29, 2010, in Spokane, Kennewick, Bellingham, Tumwater, Tukwila and Vancouver. Public hearings are anticipated to last until all public comments are received. Inquiries can be directed to Jo Anne Attwood, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4777, fax (360) 902-4729, e-mail smij235@lni.wa.gov.

July 6, 2010
Judy Schurke
Director

- Clarifying when an assigned savings account can be released to the contractor.
- Clarifying the contractor's current insurance certificate must be on file with the department to help registered contractors avoid suspension of their registration.
- Clarifying assignment of saving account must be deposited in financial institution that has branches within the state of Washington.
- Clarifying the need for service companies to execute the required disclosure statement prior to receiving payment when the service call cost exceeds \$1,000.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

July 6, 2010
Judy Schurke
Director

WSR 10-14-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 6, 2010, 1:27 p.m.]

Subject of Possible Rule Making: Chapter 296-200A WAC, Contractor certificate of registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The contractor registration program periodically reviews the rules to ensure consistency with industry practice and clarity of language. The rule making will make housekeeping changes, update language for clarity and consistency with industry practices.

The proposed changes include:

- Clarifying some of the specialty contractor definitions. For example, the definition of tree removal will be updated to clarify logging is exempt from the contractor registration requirements.
- Clarifying contractors must provide information on their registration application that allows the department to verify their identity such as: Their date of birth and government issued photo identification number (such as a driver's license or passport).

WSR 10-14-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 6, 2010, 1:28 p.m.]

Subject of Possible Rule Making: Chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adding language to require those who store explosives to notify their local fire safety authority every year. Currently, notification is required on the first day that the explosive materials are stored. Notification to the local fire safety authority is not required until the explosives are moved. This rule making would make notification an annual event. Prior to this change, explosives could be left in one location for years and only one notification to local fire safety authorities was required.

Language will be added to chapter 296-52 WAC that requires those who store explosives to notify their local fire authority every year.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: No other state or federal agencies other than Occupational Safety and Health Administration (OSHA) and the state fire marshal are known to regulate worker safety and health for this subject.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Devin Proctor, Project Manager, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, (360) 902-5541, fax (360) 902-5529, e-mail prof235@lni.wa.gov.

July 6, 2010
Judy Schurke
Director

WSR 10-14-105
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed July 6, 2010, 3:39 p.m.]

Subject of Possible Rule Making: WAC 16-750-005, 16-750-011, 16-750-015.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.080, 17.10.070, and 17.10.010(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: The state noxious weed control board annually solicits suggestions from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington native plant society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research the suggestions. These suggestions are sent out for public comment before the noxious weed committee drafts its final recommendation to the board. A press release and information is prepared about the recommended changes, and a public hearing is scheduled. The board makes its final decision after considering public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can:

- Submit suggested changes to the noxious weed list and/or other sections of chapter 16-750 WAC.

- Attend noxious weed committee meetings and/or state noxious weed control board meetings.
- Testify at the hearing and/or submit written testimony.

Information on participating in the decision making process can be obtained from Alison Halpern, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov.

July 6, 2010
Alison Halpern
Executive Secretary

WSR 10-14-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)

[Filed July 6, 2010, 5:02 p.m.]

Subject of Possible Rule Making: WAC 246-919-010, amending the definitions section and repealing WAC 246-919-421(4), to address retired active status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050, and 18.71.440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1899 (section 4(1), chapter 403, Laws of 2009) directs the commission to consider amending the retired active physician rules to improve access to health care services during emergent or intermittent circumstances, without compromising public safety. The commission is considering amending the definitions as necessary including "emergent" and "intermittent." The commission is also considering repealing WAC 246-919-421(4), so that all information related to retired active physicians is contained in WAC 246-919-480. The commission filed notice to amend WAC 246-919-480 under CR-101 filed as WSR 09-20-075 on October 5, 2009.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Kitten, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-2757, julie.kitten@doh.wa.gov. The commission will use a collaborative rule making process that will include public meetings and sharing drafts with interested parties. Notifications of the rule development will be sent through listservs.

July 6, 2010
Julie Kitten
Program Manager

WSR 10-14-127**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

[Filed July 7, 2010, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 365-230 WAC, Lead-based paint abatement and renovation, repair, and painting rules, and the prerenovation information distribution requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.103.010, 70.103.020, 70.103.030, 70.103.040, 70.103.050, 70.103.080, 70.103.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are adopted from federal statute 40 C.F.R. Part 745 Subpart E Residential Property Renovation. In addition to the lead-based paint abatement rules, these rules provide for the accreditation of renovation training firms, the certification of individual renovators, and the certification of firms conducting renovations in homes throughout Washington state. These rules provide lead-safe residential renovation practices that help protect Washington state's most vulnerable population, children under the age of six, from the developmental setbacks from lead toxicity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Lead in construction rules regulating lead worker safety are regulated and enforced by department of labor and industries. Waste disposal issues concerning lead are regulated and enforced by department of ecology.

Process for Developing New Rule: Department staff will consult with stakeholders and take input in developing rule language. Members of the public are encouraged to provide feedback orally at the public hearing or in writing through the regular rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Questions and input should be directed to Cynthia Sanderson, Lead Program Manager, Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525.

July 7, 2010

Nick Demerice

Director of Government Affairs