

**WSR 10-17-012**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WINE COMMISSION**

[Filed August 5, 2010, 2:48 p.m.]

Subject of Possible Rule Making: The Washington wine commission is considering rules to implement the provisions of RCW 15.04.200 governing promotional hosting expenditures by agricultural commodity commission employees and board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.04.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will identify those authorized to make expenditures for the Washington wine commission on promotional hosting and the objective for those expenditures.

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

Process for Developing New Rule: Members of the Washington wine commission will develop the rule proposal and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing/public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robin Pollard, Executive Director, Washington Wine Commission, 1000 Second Avenue, Suite 1700, Seattle, WA 98104-3621, phone (206) 667-9463, fax (206) 583-0573.

August 5, 2010  
 Robin Pollard  
 Executive Director

**WSR 10-17-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed August 6, 2010, 9:29 a.m.]

Subject of Possible Rule Making: Minor revision to chapter 468-400 WAC, Bicycle racing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.030 Traffic control devices—Specifications to counties and cities—Signs, banners over highways.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule would edit existing language, updating terms and phrases to accurately reflect current national practices associated with traffic control for bicycle races utilizing state highways.

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

Process for Developing New Rule: The editorial changes are for updating and clarification purposes only, and do not alter current procedures. The Washington State Bicycle Association and USA Cycling, organizations which provide the department with information about national bicycle

racing traffic control practices, support the editorial changes incorporated into this rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Cooper, Traffic Policy Specialist, WSDOT Headquarters Traffic Operations Office, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7411, fax (360) 705-6826, or e-mail cooper@c@wsdot.wa.gov.

August 6, 2010  
 Stephen T. Reinmuth  
 Chief of Staff

**WSR 10-17-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 9, 2010, 4:56 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

August 9, 2010  
 David Brenna  
 Legislative and  
 Policy Coordinator

**WSR 10-17-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 9, 2010, 4:56 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

August 9, 2010  
David Brenna  
Legislative and  
Policy Coordinator

#### WSR 10-17-036

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 10, 2010, 8:40 a.m.]

Subject of Possible Rule Making: The state board of education (SBE) will amend Title 180 WAC for the purpose of fixing technical errors. The amendments will fix grammatical errors and update inaccurate references to statutes and rules that have developed due to repeals or amendments to those statutes and rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130, 34.05.220, 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, 28A.195.040, 28A.305.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SBE is currently involved in a periodic review of its rules and has discovered a number of technical errors in multiple chapters of its rules. SBE will amend its rules for the purpose of fixing grammatical errors and inaccurate references to statutes and rules that have developed due to repeals or amendments to those statutes and rules.

Process for Developing New Rule: SBE will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206,

Olympia, WA 98504, e-mail [sbe@k12.wa.us](mailto:sbe@k12.wa.us), phone (360) 725-6025, fax (360) 586-2357.

August 10, 2010  
Edith W. Harding  
Executive Director

#### WSR 10-17-037

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 10, 2010, 8:41 a.m.]

Subject of Possible Rule Making: Adopt/amend rules in chapter 180-96 WAC, General educational development (GED) test, governing the eligibility of a child sixteen years of age and under nineteen years of age, enrolled in a dropout reengagement program, to take the GED.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1418, 61st legislature, regular session (Wash. 2010), RCW 28A.305.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to implement section 6 of E2SHB 1418, the state board of education (SBE) will adopt/amend rules to address the eligibility of a student enrolled in a dropout reengagement program to take the GED.

Process for Developing New Rule: SBE will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail [sbe@k12.wa.us](mailto:sbe@k12.wa.us), phone (360) 725-6025, fax (360) 586-2357.

August 10, 2010  
Edith W. Harding  
Executive Director

#### WSR 10-17-044

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 11, 2010, 10:35 a.m.]

Subject of Possible Rule Making: Amendments will be made to chapter 308-125 WAC to change the requirements for acceptable distant education courses. Repeal of rule allowing credit for challenged examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 181140.030 [18.140.030] (1), (7), (8) and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct existing rules to come into compliance with the appraiser qualifications board's real property appraiser qualifications criteria.

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 Ralph C. Birkedahl, Real Estate Appraiser Program, P.O. Box 9025, Olympia, WA 98507-9025, rbirkedahl@dol.wa.gov, phone (360) 664-6504, fax (360) 570-4981.

August 11, 2010  
Walt Fahrer  
Rules Coordinator

**WSR 10-17-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed August 11, 2010, 10:57 a.m.]

Subject of Possible Rule Making: Create a new section in chapter 314-24 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to outline the requirements and conditions under which a distributor may charge a retailer a handling fee on bottles of wine purchased in quantities less than a full case.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

August 11, 2010  
Sharon Foster  
Chairman

**WSR 10-17-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 12, 2010, 9:49 a.m.]

Subject of Possible Rule Making: New legislation requires the office of superintendent of public instruction (OSPI) to develop rules concerning dropout reengagement for students who have left school without graduating.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1418 (chapter 20, Laws of 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute requires that OSPI adopt rules for dropout reengagement programs for students who have left school without graduating.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The legislation directs that OSPI consult with the state board for community and technical colleges, workforce training and education coordinating board, colleges, and community-based organizations that have offered dropout reengagement programs, providers of on-line courses and programs approved under RCW 28A.250.020, school districts, and educational service districts.

Process for Developing New Rule: Agency will convene a group of stakeholders to advise OSPI prior to the development of the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Newell, Assistant Superintendent, Secondary Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-4954, Dan.newell@k12.wa.us.

August 4, 2010  
Randy Dorn  
Superintendent of  
Public Instruction

**WSR 10-17-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 12, 2010, 9:50 a.m.]

Subject of Possible Rule Making: WAC 392-140-970 through 392-140-975, Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision terminates the eligibility of principals to receive the bonus for the 2010-11 school year and thereafter, pursuant to section 503(7) of the 2010-11 State Operating Supplemental Appropriations Act, ESSB 6444. Additionally, schools which provide institutions education programs pursuant to WAC 392-122-205 shall be designated as challenging, high poverty schools with the student headcount enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall not be subject to the requirement of serving thirty or more students, for purpose of the challenging, high poverty school bonus.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

August 12, 2010  
Randy Dorn  
State Superintendent

**WSR 10-17-082****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed August 16, 2010, 11:51 a.m.]

Subject of Possible Rule Making: WAC 458-20-10001 (Rule 10001) Adjudicative proceedings—Brief adjudicative proceedings—Certificate of registration (tax registration endorsement) revocation (currently titled as WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings—Wholesale and retail cigarette license revocation or suspension—Certificate of registration (tax registration endorsement) revocation). This rule explains the department's adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department anticipates amending Rule 10001 to eliminate the discussion of proceedings regarding wholesale and retail cigarette license revocation or suspension. Chapter 154, Laws of 2009 (SHB 1435), provides the Washington state liquor control board with the authority to approve, deny, suspend, or revoke retailer and wholesaler cigarette licenses. The department also anticipates updating the information in the rule regarding adjudicative procedures for certificate of registration revocations.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Bridget N. McBryde, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [BridgetM@dor.wa.gov](mailto:BridgetM@dor.wa.gov), phone (360) 570-6117.

Public Meeting Location: Capital Plaza Building, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 21, 2010, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

August 16, 2010  
Alan R. Lynn  
Rules Coordinator

**WSR 10-17-085****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed August 16, 2010, 1:05 p.m.]

Subject of Possible Rule Making: WAC 458-20-22802 Electronic funds transfer.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a revision to this rule to reflect changes in the law resulting from SSB 5571 as passed by the legislature during the 2009 regular session (chapter 176, Laws of 2009). The legislation requires taxpayers with a monthly tax reporting frequency to file and pay their excise taxes to the department electronically. The legislation also requires that refunds issued by the department be paid electronically if the taxpayer is required to pay taxes electronically and the department has the necessary account information.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Kristine Rompa, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [KristineR@dor.wa.gov](mailto:KristineR@dor.wa.gov), phone (360) 570-6134.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 23, 2010, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

August 16, 2010  
Alan R. Lynn  
Rules Coordinator

**WSR 10-17-087****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 16, 2010, 2:32 p.m.]

Subject of Possible Rule Making: WAC 296-127-01340 Laborers in utilities construction and 296-127-01389 Utilities construction (underground sewers and water lines).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received a petition to repeal the scope of work definitions for utilities construction and laborers in utilities construction. The petition states the repeal of these scopes of work would eliminate confusion for wage survey respondents, would allow the department to calculate a more accurate wage rate, and would be consistent with references from the federal Davis Bacon Act. The department will work with interested parties in deciding whether to repeal of the scope of work definitions for utilities construction and laborers in utilities construction.

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

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.

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](mailto:yous235@lni.wa.gov).

August 16, 2010

Judy Schurke

Director

### WSR 10-17-091

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed August 17, 2010, 9:01 a.m.]

Subject of Possible Rule Making: Chapter 246-863 WAC, Pharmacists—Licensing and chapter 246-869 WAC, Pharmacy licensing. The board of pharmacy is considering amending rules to allow additional or alternative procedures that will ensure patients have access to medications when they need them.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 State board of pharmacy—Powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of pharmacy is considering rule changes that will promote patient access to medications. The board will evaluate pharmacy practices to improve statewide access and reduce barriers when medications are not readily available.

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. Interested persons can participate in the discussion and potential development of revised rules by attending stakeholder meetings and providing comments on proposed language, which will be sent to interested persons through a listserv. To join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=WSBOP-MEDICATION-ACCESS-RULES>. Written comments can be sent to Doreen E. Beebe, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, e-mail [accessmeds.wsbop@doh.wa.gov](mailto:accessmeds.wsbop@doh.wa.gov), or fax (360) 236-2901.

August 16, 2010

Susan Teil Boyer

Executive Director

### WSR 10-17-093

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Filed August 17, 2010, 9:33 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are reviewing the rules relating to the work, equipment, and conditions in businesses operating in risk classification 4601 (fireworks and explosives manufacturing), 2106 (fertilizer and agricultural chemical dealers), and 3402 (small arms manufacturing). With only seven companies now reporting in 4601, we want to consider whether to make changes in any or all of these classes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Agency study; and 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. Information about this process is available at the web site [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices). Comments can be submitted to Renee Brady, P.O. Box 44148, Olympia, WA 98504-4148, e-mail [BRAD235@lni.wa.gov](mailto:BRAD235@lni.wa.gov), phone (360) 902-4773, fax (360) 902-4988.

August 17, 2010

Judy Schurke

Director

**WSR 10-17-094**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 17, 2010, 10:04 a.m.]

The department is withdrawing the CR-101 for chapter 246-491 WAC which was filed on March 29, 2007, and published in WSR 07-08-051. The original proposal was to develop a procedure for approving death certificates that were filed electronically using the electronic death registration system (EDRS). Since the filing of WSR 07-08-051, legislation was passed (HB 1515, chapter 231, Laws of 2009) that achieved this same goal. For this reason, the CR-101 for chapter 246-491 WAC is no longer needed.

Individuals requiring information on this rule should contact Philip Freeman, deputy state registrar at (360) 236-4340.

Mary C. Selecky  
 Secretary

**WSR 10-17-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 17, 2010, 11:28 a.m.]

Subject of Possible Rule Making: WAC 246-928-442 Acceptable continuing education for respiratory therapists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.89.050 and 18.89.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to the continuing education requirements to help clarify what is acceptable continuing education. The department will also consider addressing the different modalities that can be used and hour limits for those modalities.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Sommer, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2406, e-mail [jennifer.sommer@doh.wa.gov](mailto:jennifer.sommer@doh.wa.gov). Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=RESPIRATORY-CARE>.

August 17, 2010  
 Mary C. Selecky  
 Secretary

**WSR 10-17-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 17, 2010, 11:29 a.m.]

Subject of Possible Rule Making: WAC 246-928-XXX, creating a new section to clarify the scope of practice regarding the administration of medications by respiratory therapists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.89.040 and 18.89.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering creating a new rule to give clarification to the respiratory therapy scope of practice regarding administration of medication.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Sommer, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2406, e-mail [jennifer.sommer@doh.wa.gov](mailto:jennifer.sommer@doh.wa.gov). Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=RESPIRATORY-CARE>.

August 17, 2010  
 Mary C. Selecky  
 Secretary

**WSR 10-17-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed August 17, 2010, 11:46 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-832 WAC, Individual and family services program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities (DDD) is amending chapter 388-832 WAC in order to update the services DDD will authorize through the individual and family services program. DDD will also be making general housekeeping changes throughout chapter 388-832 WAC.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested

should contact the staff person identified below. At a later date, DSHS will file 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 Meredith Kelly, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail [kellymj@dshs.wa.gov](mailto:kellymj@dshs.wa.gov).

August 17, 2010  
Katherine I. Vasquez  
Rules Coordinator

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

Process for Developing New Rule: Work with carriers who will be filing to develop technical submission standards, definitions and other administrative process requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Provide information, thoughts, concerns and suggestions to Meg L. Jones, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 7257-7170 [725-7170], fax (360) 586-3109, e-mail [megj@oic.wa.gov](mailto:megj@oic.wa.gov).

August 18, 2010  
Mike Kreidler  
Insurance Commissioner

**WSR 10-17-106**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 17, 2010, 1:48 p.m.]

The department of labor and industries withdraws the preproposal rule making for vocational rehabilitation, filed as WSR 10-07-164 on March 24, 2010.

Naomi Goodman  
Acting Legislative  
and Rules Manager

**WSR 10-17-110**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**  
[Insurance Commissioner Matter No. R 2010-08—Filed August 18, 2010, 7:45 a.m.]

Subject of Possible Rule Making: The legislature directed the commissioner to prepare a report comparing small group health plan market and association health plan market performance, for the years 2005-2008. The rule making addresses the data standards, definitions, instructions and submission requirements for data the commissioner plans to collect from the carriers who serve these markets for Washington residents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060; chapter 172, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law commissioning the report specifically states: "The commissioner is prohibited from collecting data from carriers if any rules necessary to implement the data submission administrative process have not been adopted." Section 1(2), chapter 172, Laws of 2010. In order to obtain data that can be credibly compared across the markets, rules related to the data submission administration process are necessary.

**WSR 10-17-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**  
[Insurance Commissioner Matter No. R 2010-10—Filed August 18, 2010, 7:52 a.m.]

Subject of Possible Rule Making: Crop adjusters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005, and sections 4 and 5, chapter 67, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 67, Laws of 2010, provides for the separate licensing of crop adjusters. It further provides for the commissioner to adopt rules regarding prelicensing education, examination, continuing education requirements, and renewal of the license. The propose[d] rules will set forth these educational, examination, and licensing requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Risk Management Agency (RMA) of the United States Department of Agriculture has specific requirements for education and testing for crop adjusters to adjust crop insurance claims. The proposed rules will specifically refer to the requirements of the RMA.

Process for Developing New Rule: Submit written comments by October 1, 2010, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov), fax (360) 586-3109.

August 18, 2010  
Mike Kreidler  
Insurance Commissioner

**WSR 10-17-113**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed August 18, 2010, 7:54 a.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal statement of intent for R 2007-10 2001 CSO mortality tables, published by the code reviser in WSR 07-18-005.

We will contact individuals that provided comments during the CR-101 comment period as soon as we resume this rule making.

Mike Kreidler

**WSR 10-17-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 18, 2010, 8:30 a.m.]

Subject of Possible Rule Making: The department may propose amendments to WAC 388-310-1600 WorkFirst—Sanctions, and possible other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules to tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file 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 Stephanie Nielsen, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4699, fax (360) 725-4905, e-mail Stephanie.nielsen@dshs.wa.gov.

August 18, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-17-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 18, 2010, 9:17 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?, and possible other related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose amendments modify rules to tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file 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 Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4905, e-mail olga.walker@dshs.wa.gov.

August 18, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-17-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 18, 2010, 9:34 a.m.]

Subject of Possible Rule Making: Chapter 246-337 WAC, Residential treatment facility (RTF), updating the rules to reflect federal and state regulatory changes and current business and professional practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The RTF rules were adopted in 2005. Since that time, federal and state regulatory changes and program changes within the department of health have occurred which necessitate updating the rules. Revising the rules will result in program consistencies and will reflect current business and professional practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Drug Enforcement Agency. The department of social and health services certifies a range of treat-



ment services that RTFs can provide under chapter 71.05 RCW, Mental illness, chapter 70.96A RCW, Treatment for alcoholism, intoxication and drug addiction, and chapter 71.34 RCW, Mental health services for minors. The department will notify these agencies of its rule activities and invite them to participate in rule revision workshops.

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. The department will convene a series of rule workshops and setup a dedicated listserv. Interested parties can receive information on how to participate in updating the rule by contacting John Hilger, Rules Coordinator, Health Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, P.O. Box 47868, Olympia, WA 98604-7868 [98504-7868], e-mail [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov), phone (360) 236-2929, fax (360) 236-2901. The department will notify all licensees and organizations who have expressed an interest in rule-making activities.

August 18, 2010

Mary C. Selecky  
Secretary

## WSR 10-17-126

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed August 18, 2010, 11:25 a.m.]

Subject of Possible Rule Making: The Environmental Protection Agency (EPA) established thresholds for greenhouse gas emissions in June 2010 that define when a permit is required under the Title V program of the federal Clean Air Act. Ecology's chapter 173-401 WAC, Operating permit regulation, contains the state rules implementing the federal program. Ecology must update the state rule to include the federal greenhouse gas thresholds before January 2, 2011. Failure to do so means that hundreds of sources of greenhouse gas emissions at one hundred tons or more per year would have to obtain an air operating permit for their operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.161 and 70.94.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EPA issued a rule in two phases that determined that greenhouse gases from stationary sources were subject to regulation under the federal Clean Air Act. The rule set thresholds for greenhouse gas emissions that define when a permit is required under the air operating permit program. Under the first phase, an existing source with an air operating permit must report its greenhouse gas emissions when renewing or revising their permit. The second phase, beginning July 1, 2011, expands applicability for an air operating permit to include any source with greenhouse gas emission of 100,000 tons or more per year. A source that becomes subject to an air operating permit on July 1, 2011, solely because of greenhouse gas emission must submit an air operating permit application on or before July 1, 2012.

Ecology must align its rule with the federal thresholds before the January 2, 2011, deadline. When ecology implements EPA's new, higher thresholds, hundreds of sources in Washington emitting greenhouse gases at or above one hundred tons per year will not have to obtain an air operating permit in addition to other air permits that may be required.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will work closely with EPA, energy facility site evaluation council (EFSEC), and local air agencies to keep them apprised of our rule making through e-mail and general information material. Both EFSEC and local air agencies issue the air operating permits to sources in their jurisdiction. On July 29, 2010, an ecology assistant attorney general notified EPA Region 10 of our intent to update our state rule to include the federal thresholds.

Process for Developing New Rule: Ecology is inserting the new federal language into the existing rule without making any material changes. As such, we will notify existing air operating permit sources, ecology's greenhouse gas listserv, EFSEC, and Washington local air agencies of our intent to adopt the federal requirements. The public will have the opportunity to comment on the proposed rule. Ecology will hold at least one public hearing and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, fax (360) 407-7534, e-mail [Elena.guilfoil@ecy.wa.gov](mailto:Elena.guilfoil@ecy.wa.gov). Interested parties can access more information on this rule making by contacting the ecology staff member listed above or accessing the ecology web site <http://www.ecy.wa.gov/laws-rules/index.html>.

August 18, 2010

Stuart A. Clark  
Program Manager