

WSR 11-04-005
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)
 [Filed January 20, 2011, 2:24 p.m.]

The medicaid purchasing administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 07-12-062 (WAC 388-501-0060 and 388-501-0065) filed on June 4, 2007, and WSR 07-03-055 (WAC 388-533-0390) filed on January 12, 2007.

Katherine I. Vasquez
 Rules Coordinator

WSR 11-04-006
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed January 20, 2011, 2:31 p.m.]

The economic services administration requests the withdrawal of the following preproposal statements of inquiry:

- WSR 10-08-009 on March 26, 2010 (WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-412-0015, 388-478-0060, and 388-492-0070).
- WSR 10-23-118 on December 16, 2010 (WAC 388-450-0020).

Katherine I. Vasquez
 Rules Coordinator

WSR 11-04-015
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed January 21, 2011, 2:44 p.m.]

The department is withdrawing the CR-101 for chapters 246-863 and 246-869 WAC, filed on August 17, 2010, and published in WSR 10-17-091. The original proposal was to consider amending the rules to allow additional or alternative procedures to ensure patients have access to medications when they need them.

Since the filing of WSR 10-17-091, the Washington state board of pharmacy (board) held two stakeholder meetings and considered over five thousand public comments. The board determined that the current rules adequately address patients' access to medications. For this reason, the board voted to close the rule process and withdraw the CR-101 for chapters 246-863 and 246-869 WAC.

Individuals requiring information on this rule should contact Doreen Beebe, program manager, at (360) 236-4834.

Mary C. Selecky
 Secretary

WSR 11-04-038
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
 [Filed January 25, 2011, 8:43 a.m.]

Subject of Possible Rule Making: WAC 180-16-195 Annual reporting and review process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed revision to WAC 180-16-195 Annual reporting and review process, in order to improve efficiency and streamline compliance requirements. The proposed revisions would change the signature requirements, change the submission date, and require school districts to submit compliance forms electronically rather than mailing in paper forms.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of education ensures school districts' compliance with basic education requirements. Once compliance has been ensured, the state board of education certifies to the superintendent of public instruction that all districts are in compliance. Due to the coordinated work of the two agencies with this program, the state board of education will work closely with the office of superintendent of public instruction on the proposed rule revision.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public.

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, phone (360) 725-6025, fax (360) 586-2357.

January 19, 2010
 Edith W. Harding
 Executive Director

WSR 11-04-039
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
 [Filed January 25, 2011, 8:44 a.m.]

Subject of Possible Rule Making: Proposed revisions to WAC 180-16-215 Minimum one hundred eighty school day year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed revision to the definition of school day in WAC 180-16-215 so that it is consistent with the definition in RCW 28A.150.203 Definitions, that becomes effective September 1, 2011, as set forth in ESHB 2261, chapter 548, Laws of 2009.

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

cies: The state board of education ensures school districts' compliance with basic education requirements. Once compliance has been ensured, the state board of education certifies to the superintendent of public instruction that all districts are in compliance. Due to the coordinated work of the two agencies with this program, the state board of education will work closely with the office of superintendent of public instruction on the proposed rule revision.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public.

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, phone (360) 725-6025, fax (360) 586-2357.

January 19, 2010
Edith W. Harding
Executive Director

WSR 11-04-040

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed January 25, 2011, 8:45 a.m.]

Subject of Possible Rule Making: Proposed repeal of WAC 180-16-210 Kindergarten through grade three students to classroom teacher ratio requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed repeal due to changes to RCW 28A.150.250 that become effective September 1, 2011, as set forth in ESHB 2261, chapter 548, Laws of 2009.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of education ensures school districts' compliance with basic education requirements. Once compliance has been ensured, the state board of education certifies to the superintendent of public instruction that all districts are in compliance. Due to the coordinated work of the two agencies with this program, the state board of education will work closely with the office of superintendent of public instruction on the proposed rule revision.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public.

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, phone (360) 725-6025, fax (360) 586-2357.

January 19, 2010
Edith W. Harding
Executive Director

WSR 11-04-066

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed January 27, 2011, 4:12 p.m.]

Subject of Possible Rule Making: WAC 246-887-100 Schedule I, proposal to add synthetic cannabinoids to Schedule I controlled substance list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50 201 and 69.50.203.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Synthetic cannabinoids are psychoactive substances which, when consumed, mimics the effects [of] THC, the active ingredient in marijuana. Reports of abuse and misuse of these products have increased eight-fold since 2009. The board of pharmacy is considering permanently adding synthetic cannabinoids to the Schedule I controlled substance list. Adding these substances identifies them as having a high potential for abuse with no medical use, and gives law enforcement clear authority to prosecute for the sale and possession of these substances. Rules will protect public health by alerting consumers of the potential for serious health risks as a result of their use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Drug Enforcement Administration (DEA) and state and local law enforcement. The DEA and law enforcement will be invited to participate as a stakeholder in the rule development process.

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. Persons interested in participating in the rule process or receiving updates can contact the Washington state board of pharmacy office to join the interested parties list. Send a written request by e-mail to wsbop@doh.wa.gov, by fax to (360) 236-2901, or by mail to Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98501. You can also contact Doreen Beebe, program manager, by phone at (360) 236-4834.

January 27, 2011
Susan Teil Boyer
Executive Director

WSR 11-04-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 10-17—Filed February 1, 2011, 9:57 a.m.]

Subject of Possible Rule Making: This rule making will adopt a new chapter on better brakes. This rule making is necessary to implement chapter 70.285 RCW, relating to brake friction materials. Chapter 70.285 RCW provides a framework for regulating the concentrations of certain constituents in brake friction materials and directs ecology to develop compliance criteria through rule making. The rule will address:

- Criteria for self-certification of compliance using third party accredited laboratories;
- Requirements relating to a "proof of certification" mark to appear on brake pads and their packages;
- Requirements for how and what data must be submitted regarding the concentration of copper and other metals in brake pads sold or offered for sale in Washington;
- A process by which companies may apply for an exemption from certain requirements of chapter 70.285 RCW; and
- Other issues necessary to implement chapter 70.285 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.285 RCW authorizes and directs the department of ecology to implement rules on this subject.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2010, the legislature adopted SB 6557, codified as chapter 70.285 RCW. This law mandates the phase out of copper, asbestos, lead, mercury, and cadmium from brake friction materials sold in Washington state. It also requires brake pad manufacturers to self-certify compliance with the law using third party accredited laboratories and to mark proof of certification on all pads sold in Washington state. The purpose of this rule making is to develop these compliance criteria and address other issues necessary to implement this law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Currently, no other federal or Washington state agencies regulate the composition of brake friction materials. Ecology has been communicating with California, which adopted similar legislation, and with Oregon, which is considering a similar law.

Process for Developing New Rule: During rule making ecology will seek input and expert advice from stakeholders. This input and advice will inform and help shape an informal draft rule. Ecology will then seek comments on this informal draft prior to issuing a formal proposed rule. After a formal proposed rule has been released ecology will hold at least two public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ian Wesley, Rule-Writer, ian.wesley@ecy.wa.gov, (360) 407-6747, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600; or Kathy Davis, Media Relations, kathy.davis@ecy.wa.gov, phone (360) 407-6149, Department of Ecology, P.O. Box 47600, Olympia,

WA 98504-7600; web site <http://www.ecy.wa.gov/programs/hwtr/betterbrakes.html>
List-serve; <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-BETTER-BRAKES>.

Ecology intends to involve stakeholders through an open, ongoing, and collaborative process. Ecology has established a list-serve and web site which will be used to provide interested parties with updates on the process.

January 27, 2011

K. Seiler

Program Manager

WSR 11-04-090**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2011-03—Filed February 2, 2011, 10:57 a.m.]

Subject of Possible Rule Making: Amendment to the mortality table rules as set forth in chapter 284-74 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.02.160(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner proposes to adopt the National Association of Insurance Commissioner's (NAIC) - "Model Regulation Permitting the Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities" number 815. Life insurance companies would then be able to use these tables when setting reserves for life products in Washington state.

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

Process for Developing New Rule: Adoption of NAIC optional model regulation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, P.O. Box 40258, Olympia, WA 98504-0258, e-mail megj@oic.wa.gov, phone (360) 725-7170, fax (360) 586-3109. Comment period closes March 3, 2011.

January 19, 2011

Mike Kreidler

Insurance Commissioner