

WSR 12-07-004
PERMANENT RULES
OLYMPIC COLLEGE

[Filed March 8, 2012, 11:43 a.m., effective April 8, 2012]

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

Purpose: WAC 132C-10-010 is being rescinded as it is outdated and its function has been subsumed under WAC 123C-10-009 [132C-10-009].

Citation of Existing Rules Affected by this Order: Repealing WAC 132C-10-010 Distribution of printed materials on campus.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 12-04-012 on January 24, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 8, 2012.

Thomas Oliver
 Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132C-10-010	Distribution of printed material on campus.
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WSR 12-07-005
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 9, 2012, 12:26 p.m., effective April 9, 2012]

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

Purpose: Amends the level of bute permitted in graded stake races to comply with TOBA requirements to maintain the Longacres Mile's graded status.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-640 Permitted medication and 260-84-120 Penalties related to permitted medication.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 12-03-054 on January 11, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 9, 2012.

Douglas L. Moore
 Deputy Secretary

AMENDATORY SECTION (Amending WSR 08-09-044, filed 4/10/08, effective 5/11/08)

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone - 5 micrograms per milliliter in overnight and nongraded stakes races, and 2 micrograms per milliliter in graded stakes races;

(ii) Flunixin - 50 nanograms per milliliter;

(iii) Ketoprofen - 10 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

AMENDATORY SECTION (Amending WSR 11-03-053, filed 1/14/11, effective 2/14/11)

WAC 260-84-120 Penalties relating to permitted medication. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 5.0 but < 6.5 mcg/ml	Warning	Fine not to exceed \$300	Fine not to exceed \$500
> 6.5 but < 10.0 mcg/ml	Fine not to exceed \$300	Fine not to exceed \$500	Fine not to exceed \$1000
> 10.0 mcg/ml	Fine not to exceed \$500	Fine not to exceed \$1000	Fine not to exceed \$2500 and possible suspension

(b) For graded stakes races:

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 2.0 but < 4.9 mcg/ml	<u>Fine not to exceed \$300</u>	<u>Fine not to exceed \$500</u>	<u>Fine not to exceed \$1000 and 7-day suspension</u>
> 5.0 mcg/ml	<u>Fine not to exceed \$500</u>	<u>Fine not to exceed \$1000 and 7-day suspension</u>	<u>Fine not to exceed \$2500 and 15-day suspension</u>

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of a permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action, which may include a fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may include additional fines and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior offenses will count regardless of whether the violation(s) occurred in Washington or another recognized racing jurisdiction, and regardless of the prior concentration level.

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties will be assessed:

(a) For overnight and nongraded stakes races:

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 1, Repealed 0.

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

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

Date Adopted: March 9, 2012.

Douglas L. Moore
Deputy Secretary

WSR 12-07-006

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 9, 2012, 12:27 p.m., effective April 9, 2012]

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

Purpose: Updates the ARCI's new classifications guidelines and creates a new section in which all substances are listed alphabetically.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-680 Uniform classification.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 12-04-009 on January 23, 2012.

AMENDATORY SECTION (Amending WSR 08-03-046, filed 1/10/08, effective 2/10/08)

WAC 260-70-680 Uniform classification guidelines.

This section classifies ~~((each drug/medication/foreign substance, and where appropriate and/or available, its trade name))~~ drugs, medications, and foreign substances. The names, trade names, classifications, and if applicable a reference to the section containing the permitted threshold are listed alphabetically in WAC 260-70-685. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

((Drug	Trade Name
Alfentanil	Alfenta
Amphetamine	
Anileridine	Leritine
Apomorphine	
Benzyloperazine (BZP)	
Carfentanil	
Cathinone	
Cocaine	
Codeine	
DEA Schedule I (all)	
Dextromoramide	Palfium, Nareolo
Diamorphine	
Donepezil	Aricept
Endorphins	
Enkephalins	
Ethylmorphine	Dionin
Etorphine HCl	M99
Fentanyl	Sublimaze
Heroin	
Hydrocodone (dihydrocodeine)	Hycodan
Hydromorphone	Dilaudid
Hydroxyamphetamine	Paradrine
Levorphanol	Levo-Dremoran
Lofentanil	
Mazindol	Sanorex
Meperidine	Demerol
Mephentermine	Wyamine
Metaraminol	Aramine
Methadone	Dolophine
Methamphetamine	Desoxyn
Methaqualone	Quaalude
Methheathinone	
Methylphenidate	Ritalin
Metopon (methyldihydromorphine)	
Morphine	
Nikethamide	Coramine
Oxycodone	Percodan

((Drug	Trade Name
Oxymorphone	Numorphan
Pemoline	Cylert
Pentylenetetrazol	Metrazol, Niorie
Phenazocine	Narphen
Phencyclidine (PCP)	Sernylan
Phendimetrazine	Bontril, etc.
Phenmetrazine	Preludin
Pierotoxin	
Piritramide	
Remifentanil	Ultiva
Strychnine	
Sufentanil	Sufenta))

(2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

((Drug	Trade Name
Acecarbromal	
Acetophenazine	Tindal
Adinazolam	
Alelofenae	
Aleuronium	Alloferin
Alphaprodine	Nisentil
Alpidem	Anaxyl
Alprazolam	Xanax
Althesin	Saffan
Amisulpride	Solian
Amitriptyline	Elavil, Amitril, Endep
Amobarbital	Amytal
Amoxapine	Asendin
Amperozide	
Anilopam	Anisine
Aprobarbital	Alurate
Articaine	Septocaine; Ultraeaine, etc.
Atomoxetine	Strattera
Atracurium	Tracurium
Azaacylonol	Frenque
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)
Barbital	Veronal
Barbiturates	
Bemegrade	Megimide, Mikedimide
Benoxaprofen	

((Drug	Trade Name
Benperidol	Anquil
Benzazepam	Tiadipona
Benzaetizine	Deprol, Bronchodil- etten
Benzoetamine	
Benzodiazepines	
Benzphetamine	Didrex
Benztropine	Cogentin
Biriperone	
Bromazepam	Lexotan, Lectopam
Bromisovalum	Diffueord, etc.
Bromoeriptine	Parlodol
Bromperidol	Bromidol
Brotizolam	Brotoeol
Bupivacaine	Marcaine
Buprenorphine	Temgesic
Buspirone	Buspar
Buspropion	Wellbutrin
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.
Butalbital (Talbutal)	Fiorinal
Butanilicaine	Hostacain
Butaperazine	Repoise
Butoctamide	Listomin
Caffeine	
Camazepam	Paxor
Captodiamine	Covatine
Carbidopa + levodopa	Sinemet
Carbromol	Mifudorm
Carisoprodol	Soma, Rela
Carphenazine	Proketazine
Carpipramine	Prazinil
Carticaine (see Articaine)	Septocaine, Ultra- caine, etc.
Chloralose (Alpha-Chloralose)	
Chloral betaine	Beta-Chlor
Chloral hydrate	Naetee, Oridrate, etc.
Chloraldehyde (chloral)	
Chlordiazepoxide	Librium
Chlormezanone	Trancopal
Chloroform	
Chlorhexidol	
Chlorprocaine	Nesacaine
Chlorproethazine	Newiplege
Chlorpromazine	Thorazine, Largaetil
Chlorprothixene	Taractan
Citalopram	Celex
Clobazam	Urbanyl

((Drug	Trade Name
Clocapramine	
Clomethiazole-	
Clomipramine	Anafranil
Clonazepam	Klonopin
Clorazepate	Tranxene
Clothiapine	Entermin
Clotiazepam	Trecalmo, Rize
Clozazolam	Enadel, Sepazon,- Tolestan
Clozapine	Clozaril, Leponex
Conorphone	
Corticaine	Ultraeain
Crotetamide	
Cyamemazine	Tercian
Cyclobarbitol	Phanodorm
Darbepoetin	Aranesp
Decamethonium	Syneurine
Demoxepam	
Desipramine	Norpromine, Perto- frane
Dezoeine	Dalgan®
Diazepam	Valium
Diethylalphenazone	Febenol, Isocom
Diethylpropion	Tepanil, etc.
Diethylthiambutene	Themalon
Dihydrocodeine	Pareodin
Dilorazepam	Briantum
Diprenorphine	M50/50
Dixyrazine	Esueos
Dopamine	Intropin
Doxacurium	Nuromax
Doxapram	Dopram
Doxefazepam	Doxans
Doxepin	Adapin, Sinequan
Droperidol	Inapsine, Droleptan,- Innovar-Vet (with- Fentanyl)
Enciprazine	
Ephedrine	
Epibatidine	
Epinephrine	
Erythropoietin (EPO)	Epogen, Procrit, etc.
Estazolam	Domnamid, Eurodin,- Nuctalon
Ethamivan	
Ethanol	
Ethchlorvynol	Placidyl
Ethinamate	Valmid

((Drug	Trade Name
Ethopropazine	Parsidol
Ethylisobutrazine	Diquel
Etidocaine	Duranest
Etifoxin	Stresam
Etizolam	Depas, Pasaden
Etodroxizine	Indunox
Etomidate	
Fenarbamate	Tymium
Fenelozic Acid	Cineopal
Fenfluramine	Pondimin
Fluanisone	Sedalande
Fludiazepam	Erispam
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm
Fluopromazine	Psyquil, Siquil
Fluoresone	Caducid
Fluoxetine	Prozac
Flupenthixol	Depixol, Fluaxol
Fluphenazine	Prolixin, Permitil, Anatensol
Flurazepam	Dalmane
Fluspirilene	Imap, Redeptin
Flutoprazepam	Restas
Fluvoxamine	Dumirox, Faverin, etc.
Galantamine	Reminyl
Gallamine	Flaxedil
Gepirone	
Glutethimide	Doriden
Halazepam	Paxipam
Haloperidol	Haldol
Haloxazolam	Somelin
Hemoglobin glutamers	Oxyglobin, Hemopure
Hexafluorenium	Myalexen
Hexobarbital	Evipal
Homophenazine	Pelvichthol
Hydroxyzine	Atarax
Ibomal	Noctal
Imipramine	Imavate, Presamine, Tofranil
Isapirone	
Isocarboxazid	Marplan
Isomethadone	
Isoproterenol	Isoprel
Isoxicam	Maxicam
Ketamine	Ketalar, Ketaset, Veta- lar
Ketazolam	Anxon, Laftram, Sol- atran, Loftran

((Drug	Trade Name
Lenperone	Elanone-V
Levomethorphan	
Lidocaine	Xylocaine
Lithium	Lithizine, Duralith, etc.
Lobeline	
Loflazepate, Ethyl	Victan
Loperamide	Imodium
Loprazolam	Dormonort, Havlane
Lorazepam	Ativan
Lormetazepam	Noctamid
Loxapine	Laxitane
Maprotiline	Ludiomil
Mebutamate	Axiten, Dormate, Capla
Meclofenoxate	Lucidril, etc.
Medazepam	Nobrium, etc.
Melperone	Eunerpan
Memantine	Namenda
Meparfynol	Oblivon
Mepazine	Pacatal
Mephenoalone	Control, etc.
Mephentyoin	Mesantoim
Mephobarbital (Methylphenobar- bital)	Mebaral
Mepivacaine	Carboacaine
Meprobamate	Equanil, Miltown
Mesoridazine	Serentil
Metaclazepam	Talis
Metazocine	
Metharbital	Gemonil
Methohexital	Brevital
Methotrimeprazine	Levoprome, Neurocil, etc.
Methyprylon	Noludar
Metocurine	Metubine
Metomidate	Hypnodil
Mexazolam	Melex
Midazolam	Versed
Mirtazepine	Remeron
Mivacurium	Mivacron
Modafinil	Provigil
Molindone	Moban
Moperone	Luvatren
Mosaprimine	
Nalbuphine	Nubain
Nalorphine	Nalline, Lethidrone

(Drug	Trade Name
Nefazodone	Serzone
Nimetazepam	Erimin
Nitrazepam	Mogadon
Nordiazepam	Calmday, Nordaz, etc.
Norepinephrine	
Nortriptyline	Aventyl, Pamelor
Olanzapine	Zyprexa
Oxazepam	Serax
Oxazolam	Serenal
Oxyperitine	Forit, Integrin
Pancuronium	Pavulon
Paraldehyde	Paral
Paroxetine	Paxil, Seroxat
Penfluridol	Cyperon
Pentobarbital	Nembutal
Perazine	Taxilan
Perfluorodececolin	
Perfluorodecahydronophthalene	
Perfluorooctylbromide	
Perfluorotripropylamine	
Perfluorocarbons	
Periciazine	Alodept, etc.
Perlazine	Hypnodin
Perphenazine	Trilafon
Phenaglycodol	Acalo, Aleamid, etc.
Phenelzine	Nardelzine, Nardil
Phenobarbital	Luminal
Phentermine	Iomamin
Piminodine	Alvodine, Cimadon
Pimozide	Orap
Pinazepam	Domar
Pipamperone	Dipiperon
Pipecuronium	Arduan
Pipequaline	
Piperacetazine	Psymod, Quide
Piperoeaine	Metyeaine
Pipotiazine	Lonseren, Piportil
Pipradrol	Dataril, Gerondyl, etc.
Piquindone	
Prazepam	Verstran, Centrax
Prilocaine	Citanest
Prochlorperazine	Darbazine, Compazine
Propanidid	
Propiomazine	Largon
Propionylpromazine	Franvet
Propiram	
Propofol	Diprivan, Disoprivan

(Drug	Trade Name
Propoxyeaine	Ravoeaine
Prothipendyl	Dominal
Protriptyline	Concordin, Triptil
Proxibarbital	Axeen, Centralgel
Pyrithyldione	Hybersulfan, Sonodor
Quazipam	Doral
Quetiapine	Seroquel
Racemethorphan	
Racemorphan	
Raelopride	
Ractopamine	Raylean
Remoxipride	Roxiam
Reserpine	Serpasil
Rilmazafone	
Risperidone	
Ritanserlin	
Rivastigmine	Exelon
Rocuronium	Zemuron
Rofecoxib	Vioux
Romifidine	Sedivet
Ropivacaine	Naropin
Secobarbital (Quinalbarbitone)	Seconal
Selegiline	Eldepryl, Jumex
Sertraline	Lustral, Zoloft
Snake Venoms	
Somatrem	Protropin
Somatropin	Nutropin
Spiclomazine	
Spiperone	
Succinyleholine	Sucostrin, Quelin, etc.
Sulfondiethylmethane	
Sulfonmethane	
Sulforidazine	Inofal
Sulpiride	Aiglonyl, Sulpitol
Sultopride	Barnetil
Talbutal	Lotusate
Tandospirone	
Temazepam	Restoril
Tetrabenazine	Nitoman
Tetraeaine	Pentocaine
Tetrazepam	Musaril, Myolastin
Thebaine	
Thialbarbital	Kemithal
Thiamylal	Surital
Thiethylperazine	Forecan
Thiopental	Pentothal
Thiopropazate	Dartal

((Drug	Trade Name
Thiopropazine	Majeptil
Thioridazine	Mellaril
Thiothixene	Navane
Tiapride	Italprid, Luxoben, etc.
Tiletamine	Component of Telazol
Timiperone	Tolopelon
Tofisopam	Grandaxin, Seriel
Topiramate	Topamax
Tramadol	Ultram
Tranylepromine	Parnate
Trazodone	Desyrel
Tretoquinol	Inolin
Triazolam	Halcion
Tribromethanol	
Tricaine methanesulfonate	Finquel
Trichloroethanol	
Trichloroethylene	Trilene, Trimar
Triclofos	Triclos
Trifluomeprazine	Nortran
Trifluoperazine	Stelazine
Trifluoperidol	Triperidol
Triflupromazine	Vetame, Vesprin
Trimipramine	Surmontil
Tubocurarine (Curare)	Metubin
Tybamate	Benvil, Nospan, etc.
Urethane	
Valdecoxib	
Valnoctamide	Nirvanyl
Venlafaxine	Effexor
Veralipride	Accional, Veralipril
Vereuronium	Noreuron
Viloxazine	Catatrol, Vivalan, etc.
Vinbarbital	Delvinol
Vinylbital	Optanox, Speda
Yohimbine	
Zaleplon	Sonata
Ziprasidone	Geodon
Zolazepam	
Zolpidem	Ambien, Stilnox
Zomepirae	Zomax
Zopiclone	Imovan
Zotepine	Lodopin
Zuelopenthixol	Ciatyl, Cesordinol))

(3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in

the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

((Drug	Trade Name
Acebutolol	Seetral
Acepromazine	Atrovet, Notensil, PromAce®
Albuterol (Salbutamol)	Proventil, Ventolin
Almotriptan	Axert
Alprenolol	
Ambenonium	Mytelase, Myeuran
Aminophylline	Aminophyllin, etc.
Amitraz	Mitaban
Amlodipine	Norvase
Amyl nitrite	
Arecoline	
Atenolol	Tenormin
Atropine	
Benazeprilat, Benazepril and MC-Tab	Lotensin
Betaxolol	Kerlone
Bethanidine	Esbatol
Biperiden	Akineton
Bisoprolol	Zebeta, Bisobloc, etc.
Bitolterol	Effeetin
Bolasterone	
Boldione	
Bretylum	Bretylol
Brimonidine	Alphagan
Bromfenac	Duraet
Bromodiphenhydramine	
Bufexamac	
Bumetanide	Bumex
Butorphanol	Stadol, Torbugesic
Calusterone	
Candesartan	Atacand
Captopril	Capoten
Carazolol	Carbaeel, Conduetion
Carbachol	Lentin, Doryl
Carbamezapine	Tegretol
Carbinoxamine	Clistin
Carteolol	Cartrol
Carvedilol	Coreg
Celecoxib	Celebrex
Cimeterol	
Clemastine	Tavist
Clenbuterol	Ventipulmin

((Drug	Trade Name
Clonidine	Catapres
Clostebol	
Cyclandelate	Cyclospasmol
Cycrimine	Pagitane
Danazol	Danoerine
Dehydrochloromethyltestosterone	
Deracoxib	Deremaxx
Desoxymethyltestosterone	
Detomidine	Dormosedan
Dextropropoxyphene	Darvon
Diazoxide	Proglycem
Diflunisal	
Dimeflin	
Diphenhydramine	Benadryl
Dipyridamole	Persantine
Divalproex	Depakote
Dobutamine	Dobutrex
Doxazosin	
Doxylamine	Decapryn
Dyphylline	
Edrophonium	Tensilon
Eletripan	Relpax
Enalapril (metabolite enalaprilat)	Vasotec
Ergoloid mesylates	
Erythryl tetranitrate	Cardilate
Esmolol	Brevibloc
Etamiphylline	
Ethacrynic Acid	Edecrin
Ethosuximide	Zarontin
Ethylestrenol	Maxibolin, Organon
Ethylnorepinephrine	Bronkephrine
Etodolac	Lodine
Felbamate	Felbatol
Fenbufen	Cineopal
Fenoldopam	Corlopam
Fenoprofen	Nalfon
Fenoterol	Berotec
Fenspiride	Respiride, Respan, etc.
Fentiazac	
Flurbiprofen	Froben
Flufenamic Acid	
Fluoxymesterone	Halotestin
Flupirtine	Katadolone
Formebolone	
Formoterol	Altram
Fosinopril, Fosinoprilat	Monopril

((Drug	Trade Name
Fosphenytoin	Cerebyx
Furazabol	
Gabapentin	Neurontin
Gestrinone	
Glycopyrrolate	Robinul
Guanadrel	Hylorol
Guanethidine	Ismelin
Guanabenz	Wytensin
Heptaminol	Corofundol
Homatropine	Homapin
Hydralazine	Apresoline
4-Hydroxytestosterone	
Ibutilide	Corvert
Hoprost	Ventavis
Indomethacin	Indocin
Ipratropium	
Irbesarten	Avapro
Isoetharine	Bronkosol
Isosorbide dinitrate	Isordil
Kebuzone	
Ketorolac	Toradol
Labetalol	Normodyne
Lamotrigine	Lamictal
Levobunolol	Betagan
Lisinopril	Prinivil, Zestril
Losartan	Hyzaar
Mabuterol	
Mecamylamine	Inversine
Medetomidine	Domitor
Mefenamic Acid	Ponstel
Mestanolone	
Mesterolone	
Metaproterenol	Alupent, Metaprel
Metenolone	
Methacholine	
Methandienone	
Methandriol	Probolie
Methasterone	
Methixene	Trest
Methoxamine	Vasoxyl
Methoxyphenamine	Orthoxide
Methsuximide	Celontin
Methylatropine	
Methyldienolone	
Methyldopa	Aldomet
Methyltestosterone	
Methyltestosterone	Metandren

((Drug	Trade Name
Methyl-1-testosterone	
Metolazone	
Metoprolol	Lopressor
Mibefradil	Posicor
Mibolerone	
Midodrine	Pro-Amiline
Minoxidil	Loniten
Moexipril (metabolite moexiprilat)	Uniretic
Muscarine	
Namumetone	Anthraxan, Relafen, Reflifex
Nadolol	Corgard
Naloxone	Narecan
Naltrexone	Revia
Naratriptan	Amerge
Nefopam	
Neostigmine	Prostigmine
Niflumic Acid	Nifluril
Nimesulide	
Nitroglycerin	
19-Norandrostenediol	
19-Norandrostenedione	
Norbolethone	
Norelostebol	
Norethandrolone	
Nylidrine	Arlidin
Olmesartan	Benicar
Oxabolone	
Oxandrolone	Anavar
Oxcarbazepine	Trileptal
Oxprenolol	Trasicor
Oxymesterone	
Oxymetholone	Adroyd, Anadrol
Papaverine	Pavagen, etc.
Paramethadione	Paradione
Pargyline	Eutonyl
Penbutolol	Levadol
Pentaerythritol tetranitrate	Duotrate
Pentazocine	Talwin
Perindopril	Biprel
Phenoxybenzamine	Dibenzyline
Phentolamine	Regitine
Phenylephrine	Isophrin, Neo-Syn-ephrine
Phenylpropanolamine	Propadrine
Physostigmine	Eserine
Pindolol	Viskin

((Drug	Trade Name
Pirbuterol	Maxair
Piretanide	Arelix, Tauliz
Piroxicam	Feldene
Prazosin	Minipress
Primidone	Mysoline
Procaine	
Procaterol	Pro-Air
Procyclidine	Kemadrin
Promazine	Sparine
Promethazine	Phenergan
Propentophylline	Karsivan
Propranolol	Inderal
Prostanazol	
Protokylol	Ventaire
Pseudoephedrine	Cenafed, Novafed
Pyridostigmine	Mestinon, Regonol
Pyrilamine	Neoantergan, Equi-hist
Quinapril, Quinaprilat	Accupril
Quinbolone	
Ramipril, metabolite Ramiprilat	Altaec
Ritodrine	Yutopar
Rizatriptan	Maxalt
Salmeterol	
Scopolamine (Hyoscine)	Triptone
Sibutramine	Meridia
Sildenafil	Viagra
Sotalol	Betapace, Sotacor
Spirapril, metabolite Spiraprilat	Renomax
Stenbolone	
Sulindac	Clinoril
Sumatriptan	Imitrex
Tadalafil	Cialis
Telmisartan	Micardis
Tenoxicam	Alganex, etc.
Tepoxalin	
Terazosin	Hytrin
Terbutaline	Brethine, Bricanyl
Tetrolactone	Teslae
Tetrahydrogestrinone	
Theophylline	Aquaephyllin, etc.
Tiaprofenic Acid	Surgam
Timolol	Blocardrin
Tolazoline	Priscoline
Tolmetin	Tolectin
Torsemide (Torasemide)	Demadex

((Drug	Trade Name
Trandolapril (and metabolite, Trandolaprilat)	Tarka
Trenbolone	Finoplix
Trihexylphenidyl	Artane
Trimethadione	Tridione
Trimethaphan	Arfonad
Tripelennamine	PBZ
Valerenic Acid	
Valsartan	Diovan
Vardenafil	Levitra
Xylazine	Rompun, Bay Va-1470
Zolmitriptan	Zomig
Zonisamide	Zonegran
Δ-1-androstene-3, 17-diol	
Δ-1-androstene-3, 17-dione	
Δ-1-dihydrotestosterone))	

(4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

((Drug	Trade Name
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.
Acetanilid	
Acetazolamide	Diamox, Vetamox
Acetophenetidin (Phenacetin)	
Acetylsalicylic acid (Aspirin)	
Aclomethasone	Aelovate
Aldosterone	Aldocortin, Electroecortin
Ambroxol	Ambrol, etc.
Ameinonide	Cyclocort
Amiloride	Moduretic; Midamor
Aminocaproic Acid	Amicar, Caprocid
Aminodarone	
2-Aminoheptaine	Tuamine
Aminopyrine	
Amisometradine	Rolietron
Amlopidine	Norvase, Ammivin
Amrinone	
Anisotropine	Valpin
Antipyrine	
Apazone (Azapropazone)	Rheumox
Aprindine	
Baclofen	Lioresal
Beclomethasone	Propaderm
Benazepril	Lotrel
Bendroflumethiazide	Naturetin

((Drug	Trade Name
Benoxinate	Dorsacaine
Benzocaine	
Benzthiazide	
Bepiridil	Bepadin
Betamethasone	Betasone, etc.
Bethanechol	Urecholine, Duvoid
Boldenone	Equipoise
Bromhexine	Oletor, etc.
Brompheniramine	Dimetane, Disomer
Budesonide	Pulmacort, Rhinocort
Butacaine	Butyn
Butamben (butyl aminobenzoate)	Butesin
Butoxycaine	Stadaecain
Camphor	
Carprofen	Rimadyl
Cetirizine	Zyrtec
Chlormerodrin	Neohydrin
Chlorophenesin	Maolate
Chloroquine	Avloclor
Chlorothiazide	Diuril
Chlorpheniramine	Chlortriemton, etc.
Chlorthalidone	Hydroton
Chlorzoxazone	Paraflex
Cinechocaine	Nupercaine
Clanobutin	
Clibucaine	Batrax
Clidinium	Quarezan, Clindex, etc.
Clobetasol	Temovate
Clocortolone	Cloderm
Clofenamide	
Clormecaine	Placacid
Colehieine	
Cortisone	Cortone, etc.
Cyclizine	Merazine
Cyclobenzaprine	Flexeril
Cyclomethyleaine	Surfacaine
Cyclothiazide	Anhydron, Renazide
Cyproheptadine	Periaetin
Dantrolene	Dantrium
Dembroxol (Dembrexine)	Sputolysin
Deoxycorticosterone	Percortin, DOCA, Desocortone, Dorecortin
Desonite	Des-Owen
Desoximetasone	Topicort
Dexamethasone	Azium, etc.
Dextromethorphan	

((Drug	Trade Name
Dibucaine	Nupercainal, Cinchoecaine
Dichlorphenamide	Daramide
Diclofenac	Voltaren, Voltarol
Diflorasone	Florone, Maxiflor
Difluocortolone	Flu-Cortinest, etc.
Digitoxin	Crystodigin
Digoxin	Lanoxin
Dihydroergotamine	
Diltiazem	Cardizem
Dimethisoquin	Quotane
Diphenoxylate	Difenoxin, Lomotil
Dipyrrone	Novin, Methampyrone
Disopyramide	Norpace
Dromostanolone	Drolban
Dyclonine	Dyclone
Eltenac	
Ergonovine	Ergotrate
Ergotamine	Gynergen, Cafergot, etc.
Etanercept	Enbrel
Ethoheptazine	Zactane
Ethotoin	Peganone
Ethoxzolamide	Cardrase, Ethamide
Ethylaminobenzoate (Benzo- caine)	Semets, etc.
Felodipine	Plendil
Fexofenadine	Allegra
Firocoxib	
Flecainide	Idalon
Floctafenine	Idalon, Idarac
Flucinolone	Synalar, etc.
Fludrocortisone	Alforone, etc.
Flumethasone	Flucort, etc.
Flumethiazide	Ademol
Flunarizine	Sibelium
Flunisolide	Bronilide, etc.
Flunixin	Banamine
Fluocinolone	Synalar
Fluocinonide	Lieon, Lidex
Fluorometholone	FML
Fluoroprednisolone	Predef-2X
Fluprednisolone	Alphadrol
Flurandrenolide	Cordran
Fluticasone	Flixonase, Flutide
Guaifenesin (glycerol guaiaco- late)	Geccolate
Halcinonide	Halog
Halobetasol	Ultravate

((Drug	Trade Name
Hexoecelium	Frat
Hexylecaine	Cyclaine
Hydrochlorothiazide	Hydrodiuril
Hydrocortisone (Cortisol)	Cortef, etc.
Hydroflumethiazide	Saluron
Ibuprofen	Motrin, Advil, Nurpin- [Nuprin], etc.
Infliximab	Remicade
Isoflupredone	Predef
Isometheptene	Oetin, Oeton
Isopropamide	Darbid
Isoxsuprine	Vasodilan
Isradipine	DynaCirc
Ketoprofen	Orudis
Letosteine	Viscotol, Visiotal
Loratidine	Claritin
Mecizine	Antivert, Bonine
Meclofenamic Acid	Arquel
Medrysone	Medriusar, etc.
Meloxicam	Mobie
Mepenzolate	Cantil
Mephenesin	Folserol
Meralluride	Mereuhydrin
Merbaphen	Novasural
Mercaptomerin	Thiomerin
Mercumalilin	Cumertilin
Mersalyl	Salyrgan
Metaxalone	Skelaxin
Methandrostenolone	Dianabol
Methantheline	Banthine
Methapyrilene	Histadyl, etc.
Methazolamide	Naptazane
Methdilazine	Tacaryl
Methocarbamol	Robaxin
Methotrexate	Folex, Nexate, etc.
Methscopolamine	Pamine
Methylechlorthiazide	Enduron
Methandrostenolone	Dianabol
Methylergonovine	Methergine
Methylprednisolone	Medrol
Methysergide	Sansert
Metiamide	
Metoclopramide	Reglan
Mexilitine	Mexilit
Milrinone	
Mometasone	Elocon
Montelukast	Singulair

((Drug	Trade Name
Naepaine	Amylsine
Nandrolone	Nandrolin, Laurabolin, Durabolin
Naphazoline	Privine
Naproxen	Equiproxen, Naprosyn
Nicardipine	Cardine
Nifedipine	Procardia
Nimodipine	Nemotop
Norethandrone	
Nortestosterone	Nemotop
Olsalazine	Dipentum
Orphenadrine	Norflex
Oxaprozin	Daypro, Deflam
Oxymetazoline	Afrin
Oxyphenbutazone	Tandearil
Oxyphenecyclimine	Daricon
Oxyphenonium	Antrenyl
Paramethasone	Haldrone
Pentoxyfylline	Trental, Vazofirin
Phenacemide	Phenurone
Phensuximide	Milontin
Phenylbutazone	
Phenytoin	Dilantin
Polythiazide	Renese
Pramoxine	Tronothaine
Prednisolone	Delta-Cortef, etc.
Prednisone	Meticorten, etc.
Probenecid	
Procainamide	Pronestyl
Propafenone	Rythmol
Propantheline	Pro-Banthine
Proparacaine	Ophthaine
Propylhexedrine	Benzedrex
Quinidine	Quinidex, Quinicardine
Salicylamide	
Salicylate	
Spironalactone	Aldactone
Stanozolol	Winstrol-V
Sulfasalazine	Azulfidine, Azaline
Terfenadine	Seldane, Triludan
Testosterone	
Tetrahydrozoline	Tyzine
Theobromine	
Thiosalicylate	
Thiphenamil	Trocinate
Tocainide	Tonocard
Tranexamic Acid	

((Drug	Trade Name
Triameinolone	Vetalog, etc.
Triamterene	Dyrenium
Trichlormethiazide	Naqua, Naquasone
Tridihexethyl	Pathilon
Trimeprazine	Femaryl
Tripolidine	Actidil
Tuaminoheptane	Tuamine
Vedaprofen	
Verapamil	Calan, Isoptin
Xylometazoline	Otrivin
Zafirlukast	Accolate
Zeranol	Ralgro
Zileuton	Zyflo))

(5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications.

((Drug	Trade Name
Anisindione	
Cilostazol	Pletal
Cimetidine	Tagamet
Cromolyn	Intel
Dieumarol	Dieumarol
Dimethylsulfoxide (DMSO)	Domoso
Dimethylsulphone (MSM)	
Diphenadione	
Esomeprazole	Nexium
Famotidine	Gaster, etc.
Lansoprazole	
Mesalamine	Asacol
Misoprostel	Cytotec
Nedocromil	Tilade
Nizatidine	Axid
Omeprazole	Prilosec, Losec
Pantoprazole	Protonix
Phenindione	Hedulin
Phenprocoumon	Liquamar
Pirenzapine	Gastrozepin
Polyethylene glycol	
Rabeprazole	Aciphex
Ranitidine	Zantac
Warfarin	Coumadin, Coufarin))

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations.

These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

(7) Substances denoted with a "*" are medications that are currently being studied at a national level to establish thresholds. In the instance of a positive reported for these medications the stewards may use this as mitigating circumstances, taking into account the level reported, when ruling on the violation.

NEW SECTION

WAC 260-70-685 Alphabetical listing of all drugs, medications, and foreign substances. This section contains an alphabetical listing of all drugs, medications and foreign substances classified in WAC 260-70-680.

Drug	Trade Name	Class	Threshold
Acebutolol	Sectral	3	
Acecarbromal		2	
Acenocoumarol		5	
Acepromazine	Atrovet, Notensil, PromAce©	3	WAC 260-70-630 (1)(a)
Acetaminophen (Phenacetin)	Tylenol, Temptra, etc.	4	
Acetanilid		4	
Acetazolamide	Diamox, Vetamos	4	
Acetophenazine	Tindal	2	
Acetophenetidin (Phenacetin)		4	
Acetylsalicylic acid (Aspirin)		4	
Aclomethasone	Aclovote	4	
Adinazolam		2	
Adrenochrome monoremicarbazone salicylate		4	
Albuterol (Salbutamol)	Proventil Ventolin	3	WAC 260-70-630 (1)(a)
Alclofenac		2	
Alcuronium	Alloferin	2	
Aldosterone	Aldocortin, Electro cortin	4	
Alfentanil	Alfenta	1	
Almotriptan	Axert	3	
Alphaprodine	Nisentil	2	
Alpidem	Anaxyl	2	
Alprazolam	Xanax	2	
Alprenolol		3	
Althesin	Saffan	2	
Alisulpride	Solian	2	
Ambenonium	Mytelase, Myeuran	3	
Ambroxol	Ambрил, etc.	4	
Amcinonide	Cyclocort	4	
Amiloride	Moduretic; Midamor	4	
Aminocaproic acid	Amicar, Caprocid	4	
Aminodarone		4	
2-Aminoheptaine	Tuamine	4	
Aminophylline	Aminophyllin, etc.	3	
Aminopyrine		4	
Amisometradine	Rolictron	4	
Amisulpride	Solian	2	
Amitraz	Mitaban	3	
Amitriptyline	Elavil, Amitril, Endep	2	
Amlopidine	Norvasc, Ammivin	2	

Drug	Trade Name	Class	Threshold
Amobarbital	Amytal	2	
Amoxapine	Asendin	2	
Amperozide		2	
Amphetamine		1	
Amrinone		4	
Amyl nitrite		3	
Anileridine	Leritine	1	
Anilopam	Anisine	2	
Anisindione		5	
Anisotropine	Valpin	4	
Antipyrine		4	
Apazone (Azapropazone)	Rheumox	4	
Apomorphine		1	
Aprindine		4	
Aprobarbital	Alurate	2	
Arecoline		3	
Arformoterol		3	
Articaine	Septocaine; Ultracaine, etc.	2	
Atenolol	Tenormin	3	
Atomoxetine	Strattera	2	
Atracurium	Tracrium	2	
Atropine		3	
Azacylonol	Frenque	2	
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)	2	
Baclofen	Lioresal	4	
Barbital	Veronal	2	
Barbiturates		2	
Beclomethasone	Propaderm	4	
Bemegride	Megimide, Mikedimide	2	
Benazeprilat, Benazepril and MC-tab	Lotrel, Lotensin	3	
Bendroflumethiazide	Naturetin	4	
Benoxaprofen		2	
Benoxinate	Dorascaine	4	
Benperidol	Anquil	2	
Benzazepam	Tiadipona	2	
Benzactizine	Deprol, Bronchodiletten	2	
Benzocaine		4	WAC 260-70-630 (1)(a)
Benzocetamine		2	
Benzodiazepines		2	
Benzphetamine	Didrex	2	
Benzthiazide		4	
Benztropine	Cogentin	2	
Benzylpiperazine (BZP)		1	
Bepriidil	Bepadil	4	
*Betamethasone	Betasone, etc.	4	
Betaxolol	Kerlone	3	

Drug	Trade Name	Class	Threshold
Bethanechol	Uriecholine, Duvioid	4	
Bethanidine	Esbatal	3	
Biperiden	Akineton	3	
Biriperone		2	
Bisoprolol	Zebeta, Bisobloc, etc.	3	
Bitolterol	Effectin	3	
Bolasterone		3	
Boldenone	Equipose	4	WAC 260-70-630 (3)(a)
Boldione		3	
Bretylium	Bretylol	3	
Brimonidine	Alphagan	2	
Bromazepam	Lexotan, Lectopam	2	
Bromfenac	Duract	3	
Bromhexine	Oletor, etc.	4	
Bromisovalum	Diffucord, etc.	2	
Bromocriptine	Parlodel	2	
Bromodiphenhydramine		3	
Bromperidol	Bromidol	2	
Brompheniramine	Dientane, Disomer	4	
Brotizolam	Brotocol	2	
Budesonide	Pulmacort, Rhinocort	4	
Bufexamac		3	
Bumetanide	Bumex	3	
Bupivacaine	Marcaine	2	WAC 260-70-630 (1)(a)
Buprenorphine	Temgesic	2	
Bupropion	Wellbutrin	2	
Buspirone	Buspar	2	
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2	
Butacaine	Butyn	4	
Butalbital (Talbutal)	Fiorinal	2	
Butamben (butylaminobenzoate)	Butesin	4	
Butanilcaine	Hostacain	2	
Butaperazine	Repoise	2	
Butoctamide	Listomin	2	
*Butorphanol	Stadol, Torbugesic	3	
Butoxycaine	Stadacain	4	
N-Butylscopolamine		3	
Caffeine		2	WAC 260-70-630 (2)(a)
Calusterone		3	
Camazepam	Paxor	2	
Camphor		4	
Candesartan	Atacand	3	
Captodiame	Covatine	2	
Captopril	Capolen	3	
Carazolol	Carbacel, Conducton	3	
Carbachol	Lentin, Doryl	3	
Carbamezapine	Tegretol	3	

Drug	Trade Name	Class	Threshold
Carbazochrome		4	
Carbidopa + levodopa	Sinemet	2	
Carbinoxamine	Clistin	3	
Carbromol	Mifudorm	2	
Carfentanil		1	
Carisoprodol	Soma, Rela	2	
Carphenazine	Proketazine	2	
Carpipramine	Prazinil	2	
Carprofen	Rimadyl	4	
Carteolol	Cartrol	3	
Carticaine (see Articaine)	Septocaine; Ultracaine, etc.	2	
Carvedilol	Coreg	3	
Cathinone (khat, kat, qat, quat, chat, atha, Abyssinian tea, African tea)		1	
Celecoxib	Celebrex	3	
Cetirizine	Zyrtec	4	
Chloral betaine	Beta-Chlor	2	
Chloral hydrate	Nactec, Oridrate, etc.	2	
Chloraldehyde (chloral)		2	
Chloralose (Alpha-Chloralose)		2	
Chlordiazepoxide	Librium	2	
Chlorhexadol		2	
Chlormezanone	Trancopal	2	
Chloroform		2	
Chlorophenesin	Maolate	4	
Chloroprocaine	Nesacaine	2	
Chloroquine	Avloclor	4	
Chlorothiazide	Diuril	4	
Chlorproethazine	Newiplege	2	
Chlorpheniramine	Chlortrimeton, etc.	4	
Chlorpromazine	Thorazine, Largactil	2	
Chlorprothixene	Taractan	2	
Chlorthalidone	Hydroton	4	
Chlorzoxazone	Paraflex	4	
Ciclesonide		4	
Cilostazol	Pletal	5	
Cimeterol		3	
Cimetidine	Tagamet	5	
Cinchocaine	Nupercaine	4	
Citalopram	Celex	2	
Clanobutin		4	
Clemastine	Tavist	3	
Clenbuterol	Ventipulmin	3	WAC 260-70-630 (1)(a)
Clibucaine	Batrax	4	
Clidinium	Quarezan, Clindex, etc.	3	
Clobazam	Urbanyl	2	
Clobetasol	Temovate	4	

Drug	Trade Name	Class	Threshold
Clocapramine		2	
Clocortolone	Cloderm	4	
Clofenamide		4	
Clomethiazole (Chlormethiazole)		2	
Clomipramine	Anafranil	2	
Clonazepam	Klonopin	2	
Clonidine	Catapres	3	
Clorazepate	Tranxene	2	
Clormecaine	Placacid	4	
Clostebol		3	
Clothiapine	Entermin	2	
Clotiazepam	Trecalmo, Rize	2	
Cloxazolam	Enadel, Sepazon, Tolestan	2	
Clozapine	Clozaril, Leponex	2	
a-Cobratoxin		1	
Cocaine		1	
Codeine		1	
Colchicine		4	
Conorphone		2	
Corticaine	Ultracain	2	
Cortisone	Cortone, etc.	4	
Cromolyn	Intel	5	
Crotetamide		2	
Cyamemazine	Tercian	2	
Cyclandelate	Cyclospasmol	3	
Cyclizine	Merazine	4	
Cyclobarbitol	Phanodorm	2	
Cyclobenzaprine	Flexeril	4	
Cyclomethylcaine	Surfacaine	4	
Cyclothiazide	Anyhydron, Renazide	4	
Cycrimine	Pagitane	3	
Cyproheptadine	Pericactin	4	
Danazol	Danocrine	3	
*Dantrolene	Dantrium	4	
Darbepoetin	Aranesp	2	
Decamethonium	Syncurine	2	
Dehydrochloromethyltestosterone		3	
Dembroxol (Dembrexine)	Sputolysin	4	
Demoxepam		2	
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin	4	
Deracoxib	Deremaxx	3	
Dermorphin		1	
Desipramine	Norpromine, Pertofrane	2	
Desonite	Des Owen	4	
Desoximetasone	Topicort	4	
Desoxymethyltestosterone		3	

Drug	Trade Name	Class	Threshold
*Detomidine	Dormosedan	3	
*Dexamethasone	Axium, etc.	4	
Dextromethorphan		4	
Dextromoramide	Palfium, Narcolo	1	
Dextropropoxyphene	Darvon	3	
Dezocine	Dalgan®	2	
Diamorphine		1	
Diazepam	Valium	2	
Diazoxide	Proglycem	3	
Dibucaine	Nupercainal, Cinchocaine	4	
Dichloralphenazone	Febenol, Isocom	2	
Dichlorophenamide	Daramide	4	
Diclofenac	Voltaren, Voltarol	4	
Dicumarol	Dicumarol	5	
Diethylpropion	Tepanil, etc.	2	
Diethylthiambutene	Themalon	2	
Diflorasone	Florone, Maxiflor	4	
Diflucortolone	Flu-Cortinest, etc.	4	
Diflunisal		3	
Digitoxin	Crystodigin	4	
Digoxin	Lanoxin	4	
Dihydrocodeine	Parcodin	2	
Dihydroergotamine		4	
Dilorazepam	Briantum	2	
Diltiazem	Cardizem	4	
Dimeflin		3	
Dimethisoquin	Quotane	4	
Dimethylsulfoxide (DMSO)	Domoso	4	WAC 260-70-630 (1)(a)
Dimethylsulphone (MSM)		5	
Diphenadione		5	
Diphenhydramine	Benadryl	3	
Diphenoxylate	Difenoxin, Lomotil	4	
Diprenorphine	M50/50	2	
Dipyridamole	Persantine	3	
Dipyrene	Novin, Methampyrone	4	
Disopyramide	Norpace	4	
Divalproex	Depakote	3	
Dixyrazine	Esucos	2	
Dobutamine	Dobutrex	3	
Dopamine	Intropin	2	
Donepezil	Aricept	1	
Doxacurium	Nuromax	2	
Doxapram	Dopram	2	
Doxazosin		3	
Doxefazepam	Doxans	2	
Doxepin	Adapin, Sinequan	2	
Doxylamine	Decapryn	3	

Drug	Trade Name	Class	Threshold
Dromostanolone	Drolban	3	
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)	2	
Duloxetine		2	
Dyclonine	Dyclone	4	
Dyphylline		3	
Edrophonium	Tensilon	3	
Elenac		4	
Eletripan	Relpax	3	
Enalapril (metabolite enalaprilat)	Vasotec	3	
Enciprazine		2	
Endorphins		1	
Enkephalins		1	
Ephedrine		2	
Epibatidine		2	
Epinephrine		2	
Ergoloid mesylates		2	
Ergonovine	Ergotrate	4	
Ergotamine	Gynergen, Cafegot, etc.	4	
Erthryl tetranitrate	Cardilate	3	
Erythropoietin (EPO)	Epogen, Procrit, etc.	2	
Esmolol	Brevibloc	3	
Esomeprazole	Nexium	5	
Estazolam	Domnamid, Eurodin, Nuctalon	2	
Etamiphylline		3	
Etanercept	Enbrel	4	
Ethacrynic Acid	Edecrin	3	
Ethamivan		2	
Ethanol		2	
Ethchlorvynol	Placidyl	2	
Ethinamate	Valmid	2	
Ethoheptazine	Zactane	4	
Ethopropazine	Parsidol	2	
Ethosuximide	Zarontin	3	
Ethotoin	Peganone	4	
Ethoxzolamide	Cardase, Ehtamide	4	
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	
Ethylestrenol	Maxibolin, Organon	3	
Ethylisobutrazine	Diquel	2	
Ethylmorphine	Dionin	1	
Ethylnorepinephrine	Bronkephrine	3	
Etidocaine	Duranest	2	
Etifoxin	Stresam	2	
Etizolam	Depas, Pasaden	2	
Etodolac	Lodine	3	
Etodroxizine	Indunox	2	
Etomidate		2	

Drug	Trade Name	Class	Threshold
Etorphine HCl	M99	1	
Famotidine	Gaster, etc.	5	
Felbamate	Felbatol	3	
Felodipine	Plendil	4	
Fenabamate	Tymium	2	
Fenbufen	Cincopal	3	
Fenclozic Acid	Cincopal	2	
Fenfluramine	Pondimin	2	
Fenoldopam	Corlopam	3	
Fenoprofen	Nalfon	3	
Fenoterol	Berotec	3	
Fenspiride	Respiride, Respan, etc.	3	
Fentanyl		1	
Fentiazac		3	
Fexofenadine	Allegra	4	
Firocoxib		4	
Flecainide	Idalon	4	
Floctafenine	Idalon, Idarac	4	
Fluanisone	Sedalande	2	
Flucinolone	Synalar, etc.	4	
Fludiazepam	Erispam	2	
Fludrocortisone	Alforone, etc.	4	
Flufenamic Acid		3	
Flumethasone	Flucort, etc.	4	
Flumethiazide	Ademol	4	
Flunarizine	Sibelium	4	
Flunisolide	Bronilide, etc.	4	
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2	
Flunixin	Banamine	4	
Fluocinolone	Synalar	4	
Flucinonide	Licon, Lidex	4	
Fluopromazine	Psyquil, Siquil	2	
Fluoresone	Caducid	2	
Fluorometholone	FML	4	
Fluoroprednisolone	Predef-2X	4	
Fluoxetine	Prozac	2	
Fluoxymesterone	Halotestin	3	
Flupenthixol	Depixol, Fluanxol	2	
*Fluphenazine	Prolixin, Permitil, Anatensol	2	
Flupirtine	Katadolone	3	
Fluprednisolone	Alphadrol	4	
Flurandrenolide	Cordran	4	
Flurazepam	Dalmane	2	
Flurbiprofen	Froben	3	
Fluspirilene	Imap, Redeptin	2	
Fluticasone	Flixonase, Flutide	4	

Drug	Trade Name	Class	Threshold
Flutoprazepam	Restas	2	
Fluvoxamine	Dumirox, Faverin, etc.	2	
Formebolone		3	
Formeoterol	Altram	3	
Fosinopril, Fosinoprilat	Monopril	3	
Fosphenytoin	Cerebyx	3	
Furazabol		3	
Furosemide	Lasix	N/A	
Gabapentin		4	
Galantamine	Reminyl	2	
Gallamine	Flaxedil	2	
Gepirone		2	
Gestrinone		3	
Glutethimide	Doriden	2	
Glycopyrrolate	Robinul	3	WAC 260-70-630 (1)(a)
Guaifenesin (glycerol guiacolate)	Gecolate	4	
Guanadrel	Hylorel	3	
Guanethidine	Ismelin	3	
Guanabenz	Wytensin	3	
Halazepam	Paxipam	2	
Halcinonide	Halog	4	
Halobetasol	Ultravate	4	
Haloperidol	Haldol	2	
Haloxazolam	Somelin	2	
Hemoglobin glutamers	Oxyglobin, Hemopure	2	
Heptaminol	Corofundol	3	
Heroin		1	
Hexafluorenum	Myalexen	2	
Hexobarbital	Evipal	2	
Hexocyclium	Tral	4	
Hexylcaine	Cyclaine	4	
Homatropine	Homapin	3	
Homophenazine	Pelvichthol	2	
Hydralazine	Apresoline	3	
Hydrochlorothiazide	Hydrodiuril	4	
Hydrocodone (dihydrocodeinone)	Hycodan	1	
Hydrocortisone (Cortisol)	Cortef, etc.	4	
Hydroflumethiazide	Saluron	4	
Hydromorphone	Dilaudid	1	
4-Hydroxtestosterone		3	
Hydroxyamphetamine	Paradrine	1	
*Hydroxyzine	Atarax	2	
Ibomal	Noctal	2	
Ibuprofen	Mortin, Advil, Nuprin, etc.	4	
Ibutilide	Corvert	3	
Iloprost	Ventavis	3	

Drug	Trade Name	Class	Threshold
Imipramine	Imavate, Presamine, Tofranil	2	
Indomethacin	Indocin	3	
Infliximab	Remicade	4	
Ipratropium		3	
Irbesaten	Avapro	3	
Isapirone		2	
Isocarboxazid	Marplan	2	
Isoetharine	Bronkosol	3	
*Isoflupredone	Predef	4	
Isomethadone		2	
Isometheptene	Octin, Octon	4	
Isopropamide	Darbid	4	
Isoproterenol	Isoprel	2	
Isosorbide dinitrate	Isordil	3	
Isoxicam	Maxicam	2	
Isoxsuprine	Vasodilan	4	
Isradipine	DynaCirc	4	
Kebuzone		3	
Ketamine	Ketalar, Ketaset, Vetalar	2	
Ketazolam	Anxon, Laftram, Solatran, Loftran	2	
Ketoprofen	Orudis	4	
Ketorolac	Toradol	3	
Labetalol	Normodyne	3	
Lamotrigine	Lamictal	3	
Lansoprazole		5	
Lenperone	Elanone-V	2	
Letosteine	Viscotiol, Visiotol	4	
Levamisole		2	
Levobunolol	Betagan	3	
Levomethorphan		2	
Levorphanol	Levo-Dremoran	1	
Lidocaine	Xylocaine	2	WAC 260-70-630 (1)(a)
Lisinopril	Prinivil, Zestril	3	
Lithium	Lithizine, Duralith, etc.	2	
Lobeline		2	
Lofentanil		1	
Loflazepate, Ethyl	Victan	2	
Loperamide	Imodium	2	
Loprazolam	Dormonort, Havlane	2	
Loratidine	Claritin	4	
Lorazepam	Ativan	2	
Lormetazepam	Noctamid	2	
Losartan	Hyzaar	3	
Loxapine	Laxitane	3	
Mabuterol		3	
Maprotiline	Ludiomil	2	
Mazindol	Sanorex	1	

Drug	Trade Name	Class	Threshold
Mebutamate	Axiten, Dormate, Capla	2	
Mecamylamine	Inversine	3	
Meclizine	Antivert, Bonine	4	
Meclofenamic Acid	Arquel	4	
Meclofenoxate	Lucidiril, etc.	2	
Medazepam	Nobrium, etc.	2	
Medetomidine	Domitor	3	
Medrysone	Medriusar, etc.	4	
Mefenamic Acid	Ponstel	3	
Meloxicam	Mobic	4	
Melperone	Eunerpan	2	
Memantine	Namenda	2	
Meparfynol	Oblivon	2	
Mepazine	Pacatal	2	
Mepenzolate	Cantil	3	
Meperidine	Demerol	1	
Mephesisin	Tolserol	4	
Mephenoxalone	Control, etc.	2	
Mephentermine	Wyamine	1	
Mephenytoin	Mesantoin	2	
Mephobarbital (Methylphenobarbital)	Mebaral	2	
Mepivacaine	Carbocaine	2	WAC 260-70-630 (1)(a)
Meprobamate	Equanil, Miltown	2	
Meralluride	Mercurhydrin	4	
Merbaphen	Novasural	4	
Mercaptomerin	Thiomerin	4	
Mercumalilin	Cumertilin	4	
Mersalyl	Salyrgan	4	
Mesalamine	Asacol	5	
Mesoridazine	Serentil	2	
Mestanolone		3	
Mesterolone		3	
Metaclazepam	Talis	2	
Metaproterenol	Alupent, Metaprel	3	
Metaraminol	Aramine	1	
Metaxalone	Skelaxin	4	
Metazocine		2	
Metenolone		3	
Methachloline		3	
Methadone	Dolophine	1	
Methamphetamine	Desoxyn	1	
Methandienone		3	
Methandriol	Probolic	3	
Methandrostenolone	Dianabol	3	
Methantheline	Banthine	3	
Methapyrilene	Histadyl, etc.	4	
Methaqualone	Quaalude	1	

Drug	Trade Name	Class	Threshold
Metharbital	Gemonil	2	
Methasterone		3	
Methazolamide	Naptazane	4	
Methcathinone		1	
Methdilazine	Tacaryl	4	
Methixene	Trest	3	
Methocarbamol	Robaxin	4	WAC 260-70-630 (1)(a)
Methohexital	Brevital	2	
Methotrexate	Folex, Nexate, etc.	4	
Methotrimeprazine	Levoprome, Neurocil, etc.	2	
Methoxamine	Vasoxyl	3	
Methoxyphenamine	Orthoxide	3	
Methscopolamine	Pamine	4	
Methsuximide	Celontin	3	
Methylatropine		3	
Methylchlorthiazide	Enduron	4	
Methyldienolone		3	
Methyldopa	Aldomet	3	
Methylergonovine	Methergine	4	
Methylnortestosterone		3	
Methylphenidate	Ritalin	1	
*Methylprednisolone	Medrol	4	
Methyltestosterone	Metandren	3	
Methyl-1-testosterone		3	
Methyprylon	Noludar	2	
Methysergide	Sansert	4	
Metiamide		4	
Metoclopramide	Reglan	4	
Metocurine	Metubine	2	
Metolazone		3	
Metomidate	Hypnodil	2	
Metopon (methyldihydromorphinone)		1	
Metoprolol	Lopressor	3	
Mexazolam	Melex	2	
Mexilitine	Mexilil	4	
Mibefradil	Posicor	3	
Mibolerone		3	
Midazolam	Versad	2	
Midodrine	Pro-Amiline	3	
Milrinone		4	
Minoxidil	Loniten	3	
Mirtazapine	Remeron	2	
Misoprostel	Cytotec	5	
Mivacurium	Mivacron	2	
Modafinil	Provigil	2	
Moexipril (metabolite moexiprilat)	Uniretic	3	
Molindone	Moban	2	

Drug	Trade Name	Class	Threshold
Mometasone	Elocon	4	
Montelukast	Singulair	4	
Moperone	Luvatren	2	
Morphine		1	
Mosaprimine		2	
Muscarine		3	
Nabumetone	Anthraxan, Relafen, Reqlifex	3	
Nadol	Corgard	3	
Naepaine	Amylsine	4	
Nalbuphine	Nubain	2	
Nalorphine	Nalline, Lethidrone	2	
Naloxone	Narcan	3	
Naltrexone	Revia	3	
Nandrolone	Nandrolin, Laurabolin, Durabolin	4	WAC 260-70-630 (3)(a)
Naphazoline	Privine	4	
Naproxen	Equiproxen, Naprosyn	4	
Naratriptan	Amerge	3	
Nebivolol		3	
Nedocromil	Tilade	5	
Nefazodone	Serzone	2	
Nefopam		3	
Neostigmine	Prostigmine	3	
Nicardipine	Cardine	4	
Nifedipine	Procardia	4	
Niflumic Acid	Nifluril	3	
Nikethamide	Coramine	1	
Nimesulide		3	
Nimetazepam	Erimin	2	
Nimodipine	Nemotop	4	
Nitrazepam	Mogadon	2	
Nitroglycerin		3	
Nizatidine	Axid	5	
19-Norandrostenediol		3	
19-Norandrostenedione		3	
Norbolethone		3	
Norclostebol		3	
Nordiazepam	Calmday, Nordaaz, etc.	2	
Norepinephrine		2	
Norethandrolone		3	
Nortestosterone		4	
Nortiptyline	Aventyl, Pamelor	2	
Nylidrine	Arlidin	3	
Olanzapine	Zyprexa	2	
Olmesartan	Benicar	3	
Olsalazine	Dipentum	4	
Omeprazole	Prilosec, Losec	5	
Orphenadrine	Norlfex	4	

Drug	Trade Name	Class	Threshold
Oxabolone		3	
Oxandrolone	Anavar	3	
Oxaprozin	Daypro, Deflam	4	
Oxazepam	Serax	2	
Oxazolam	Serenal	2	
Oxcarbazepine	Trileptal	3	
Oxilofrine (hydroxyephedrine)		2	
Oxprenolol	Trasicor	3	
Oxycodone	Percodan	1	
Oxymesterone		3	
Oxymetazoline	Afrin	4	
Oxymetholone	Adroyd, Anadrol	3	
Oxymorphone	Numorphan	1	
Oxyperitine	Forit, Integrin	2	
Oxyphenbutazone	Tandearil	4	
Oxyphencyclimine	Daricon	4	
Oxyphenonium	Antrenyl	4	
Paliperidone		2	
Pancuronium	Pavulon	2	
Pantoprazole	Protonix	5	
Papaverine	Pavagen, etc.	3	
Paraldehyde	Paral	2	
Paramethadione	Paradione	3	
Paramethasone	Haldrone	4	
Pargyline	Eutonyl	3	
Paroxetine	Paxil, Seroxat	2	
Pemoline	Cylert	1	
Penbutolol	Levatol	3	
Penfluridol	Cyperon	2	
Pentarethritol tetranitrate	Duotrate	3	
Pentazocine	Talwin	3	
Pentobarbital	Nembutal	2	
Pentoxyfylline	Trental, Vazofirin	4	
Pentylene-tetrazol	Metrazol, Nioric	1	
Perazine	Taxilan	2	
Perflurodecolin		2	
Perfluorodecahydronophthalene		2	
Perfluorooctylbromide		2	
Perfluorotripropylamine		2	
Perfluorocarbons		2	
Pericianzine	Alodept, etc.	2	
Perindopril	Biprel	3	
Perlazine	Hypnodin	2	
Perphenazine	Trilafon	2	
Phenacemide	Phenurone	4	
Phenaglycodol	Acalo, Alcamid, etc.	2	
Phenazocine	Narphen	1	

Drug	Trade Name	Class	Threshold
Phencyclidine (PCP)	Sernylan	1	
Phendimetrazine	Bontril, etc.	1	
Phenelzine	Nardelzine, Nardil	2	
Phenindione	Hedulin	5	
Phenmetrazine	Preludin	1	
Phenobarbital	Luminal	2	
Phenoxybenzamine	Dibenzyline	3	
Phenprocoumon	Liquamar	5	
Phensuximide	Milontin	4	
Phentermine	Iomamin	2	
Phentolamine	Regitine	3	
Phenylbutazone		4	
Phenylephrine	Isophrin, Neo-Synephrine	3	
Phenylpropanolamine	Propadrine	3	
Phenytoin	Dilantin	4	
Physostigmine	Eserine	3	
Picrotoxin		1	
Piminodine	Alvodine, Cimadon	2	
Pimozide	Orap	2	
Pinazepam	Domar	2	
Pindolol	Viskin	3	
Pipamperone	Dipiperon	2	
Pipecuronium	Arduan	2	
Pipequaline		2	
Piperacetazine	Psymod, Quide	2	
Piperocaine	Metycaine	2	
Pipotiazine	Lonseren, Piportil	2	
Pipradrol	Datril, Gerondyl, etc.	2	
Piquindone		2	
Pirbuterol	Maxair	3	
Pirenzapine	Gastrozepin	5	
Piretanide	Arelix, Tauliz	3	
Piritramide		1	
Piroxicam	Feldene	3	
Polyethylene glycol		5	
Polythiazide	Renese	4	
Pramoxine	Tronothaine	4	
Prazepam	Verstran, Centrax	2	
Prazosin	Minipress	3	
*Prednisolone	Delta-Cortef, etc.	4	
Prednisone	Meticorten, etc.	4	
Prilocaine	Citanest	2	
Primidone	Mysoline	3	
Probenecid		4	
Procainamide	Pronestyl	4	
Procaine		3	WAC 260-70-630 (1)(a)
Procatamol	Pro Air	3	

Drug	Trade Name	Class	Threshold
Prochlorperazine	Darbazine, Compazine	2	
Procyclidine	Kemadrin	3	
Promazine	Sparine	3	WAC 260-70-630 (1)(a)
Promethazine	Phenergan	3	
Propafenone	Rythmol	4	
Propanidid		2	
Propantheline	Pro-Banthine	3	
Proparacaine	Ophthaine	4	
Propentophylline	Karsivan	3	
Propiomazine	Largon	2	
Propionylpromazine	Tranvet	2	
Propiram		2	
Propofol	Diprivan, Disoprivan	2	
Propoxycaine	Ravocaine	2	
Propranolol	Inderal	3	
Propylhexedrine	Benzedrex	4	
Prostanazol		3	
Prothipendyl	Dominal	2	
Protolylol	Ventaire	3	
Protriptyline	Concordin, Triptil	2	
Proxibarbital	Axeen, Centralgol	2	
Pseudoephedrine	Cenafed, Novafed	3	
Pryidostigmine	Mestinon, Regonol	3	
Pyrilamine	Neoantergan, Equihist	3	WAC 260-70-630 (1)(a)
Pyrithyldione	Hybersulfan, Sonodor	2	
Quazipam	Doral	2	
Quetiapine	Seroquel	2	
Quinapril, Quinaprilat	Accupril	3	
Quinbolone		3	
Quinidine	Quinidex, Quinocardine	4	
Rabeprazole	Aciphex	5	
Racemethorphan		2	
Racemorphan		2	
Raclopride		2	
Ractopamine	Raylean	3	
Ramipril, metabolite Ramiprilat	Altace	3	
Rantidine	Zantac	5	
Remifentanil	Ultiva	1	
Remoxipride	Roxiam	2	
Reserpine	Serpasil	2	
Rilmazafone		2	
Risperidone		2	
Ritanserin		2	
Ritodrine	Yutopar	3	
Rivastigmine	Exelon	2	
Rizatriptan	Maxalt	3	
Rocuronium	Zemuron	2	

Drug	Trade Name	Class	Threshold
Rofecoxib	Vioxx	2	
Romifidine	Sedivet	2	
Ropivacaine	Naropin	2	
Salicylamide		4	
Salicylates		4	WAC 260-70-630 (1)(a)
Salmeterol		3	
Scopolamine (Hyoscine)	Triptone	3	
Secobarbital (Quinalbarbitone)	Seconal	2	
Selegiline	Eldepryl, Jumex	2	
Sertraline	Lustral, Zoloft	2	
Sibutramine	Meridia	3	
Sildenafil	Viagra	3	
Snake Venoms		2	
Somatrem		2	
Somatropin	Nutropin	2	
Sotalol	Betapace, Sotacor	3	
Spiclomazine		2	
Spiperone		2	
Spirapril, metabolite Spiraprilat	Renomax	3	
Spironalactone	Aldactone	4	
Stanozolol	Winstrol-V	4	WAC 260-70-630 (3)(a)
Stenbolone		3	
Strychine		1	
Succinylcholine	Sucostrin, Quelin, etc.	2	
Sufentanil	Sufenta	1	
Sulfasalazine	Axulfidine, Azaline	4	
Sulfondiethylmethane		2	
Sulfonmethane		2	
Sulforidazine	Inofal	2	
Sulindac	Clinoril	3	
Sulpiride	Aiglonyl, Sulpitol	2	
Sultopride	Barnetil	2	
Sumatriptan	Imitrex	3	
Synthetic cannabis	Spice, K2, Kronic	1	
Tadalafil	Cialis	3	
Talbutal	Lotusate	2	
Tandospirone		2	
Telmisartan	Micardis	3	
Temazepam	Restoril	2	
Tenoxicam	Alganex, etc.	3	
Tepoxalin		3	
Terazosin	Hytrin	3	
Terbutaline	Brethine, Bricanyl	3	
Terfenadine	Seldan, Triludan	4	
Testolactone	Teslac	3	
Testosterone		4	WAC 260-70-630 (3)(a)
Tetrabenzaine	Nitoman	2	

Drug	Trade Name	Class	Threshold
Tetracaine	Pontocaine	2	
Tetrahydrogestrinone		3	
Tetrahydrozoline	Tyzine	4	
Tetrazepam	Musaril, Myolastin	2	
Thebaine		2	
Theobromine		4	WAC 260-70-630 (1)(a)
Theophylline	Aqualphyllin, etc.	3	
Thialbarbital	Kemithal	2	
Thiamylal	Surital	2	
Thiethylperazine	Torecan	2	
Thiopental	Pentothal	2	
Thiopropazate	Dartal	2	
Thiorpoperazine	Mejeptil	2	
Thioridazine	Mellaril	2	
Thiosalicylate		4	
Thiothixene	Navane	2	
Thiphenamil	Trocinate	4	
Tiapride	Italprid, Luxoben, etc.	2	
Tiaprofenic Acid	Surgam	3	
Tiletamine	Component of Telazol	2	
Timiperone	Tolopelon	2	
Timolol	Blocardrin	3	
Tocainide	Tonocard	4	
Tofisopam	Grandaxain, Seriel	2	
Tolazoline	Priscoline	3	
Tolmetin	Tolectin	3	
Topirimate	Topamax	2	
Torsemide (Torasemide)	Demadex	3	
Tramadol	Ultram	2	
Trandolapril (and metabolite, Trandolaprilat)	Tarka	3	
Tranexamic Acid		4	
Tranylcypromine	Parnatet	2	
Trazonde	Desyrel	2	
Trenbolone	Finoplax	3	
Tretoquinol	Inolin	2	
*Triamcinolone	Vetalog, etc.	4	
Triamterene	Dyrenium	4	
Triazolam	Halcion	2	
Tribromethanol		2	
Tricaine methanesulfonate	Finquel	2	
Trichlormethiazide	Naqua, Naquasone	4	
Trichloroethanol		2	
Trichloroethylene	Trilene, Trimar	2	
Triclofos	Triclos	2	
Tridihexethyl	Pathilon	4	
Trifluomeprazine	Nortran	2	

Drug	Trade Name	Class	Threshold
Trifluoperazine	Stelazine	2	
Trifluoperidol	Triperidol	2	
Triflupromazine	Vetame, Vesprin	2	
Trihexylphenidyl	Artane	3	
Trimeprazine	Temaril	4	
Trimethadione	Tridione	3	
Trimethaphan	Arfonad	3	
Trimipramine	Surmontil	2	
Tripelennamine	PBZ	3	
Tripolidine	Actidil	4	
Tuaminoheptane	Tuamine	4	
Tubocurarine (Curare)	Metubin	2	
Tybamate	Benvil, Nospan, etc.	2	
Urethane		2	
Valdecocixib		2	
Valerenic Acid		3	
Valnoctamide	Nirvanyl	2	
Valsartan	Diovan	3	
Vardenafil	Levitra	3	
Vedaprofen		4	
Venlafaxine	Effexor	2	
Veralipride	Accional, Veralipril	2	
Verapamil	Calan, Isoptin	4	
Vercuronium	Norcuron	2	
Viloxazine	Catatrol, Vivalan, etc.	2	
Vinbarbital	Delvinol	2	
Vinylbital	Optanox, Speda	2	
Warfarin	Coumadin, Coufarin	5	
Yohimbine		2	
Xylazine	Rompun, Bay VA 1470	3	
Xylometazoline	Otrivin	4	
Yohimbine		2	
Zafirlukast	Accolate	4	
Zaleplon	Sonata	2	
Zeranol	Ralgro	4	
Ziconotide		1	
Zileuton	Zyflo	4	
Zilpaterol hydrochloride		3	
Ziprasidone	Geodon	2	
Zolazepam		2	
Zolmitriptan	Zomig	3	
Zolpidem	Ambien, Stilnox	2	
Zomepirac	Zomax	2	
Zonisamide	Zonegran	3	
Zopiclone	Imovan	2	
Zotepine	Lodopin	2	
Zuclopenthixol	Ciatyl, Cesordinol	2	

Drug	Trade Name	Class	Threshold
Δ -1-androstene-3, 17-diol		3	
Δ -1-androstene-3, 17-dione		3	
Δ -1-dihydrotestosterone		3	

WSR 12-07-010**PERMANENT RULES****HORSE RACING COMMISSION**

[Filed March 9, 2012, 3:33 p.m., effective April 9, 2012]

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

Purpose: Updates the RMTC's recommendations for accepted threshold levels on therapeutic medications.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-630 Threshold levels.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 12-03-056 on January 11, 2012.

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

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

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

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

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

Date Adopted: March 9, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 08-17-051, filed 8/14/08, effective 9/14/08)

WAC 260-70-630 Threshold levels. (1) Permitted medications.

(a) The following quantitative medications are permissible in test samples up to the stated concentrations:

~~((Procaine - 25 ng/ml urine
Benzocaine - 50 ng/ml urine
Mepivacaine - 10 ng/ml urine
Lidocaine - 50 ng/ml urine
Bupivacaine - 5 ng/ml urine
Clenbuterol - 25 pg/ml serum or plasma
Acepromazine - 25 ng/ml urine
Promazine - 25 ng/ml urine
Salicylates - 750,000 ng/ml urine
Albuterol - 1 ng/ml urine
Pyrilamine - 50 ng/ml urine
Theobromine - 2000 ng/ml urine))~~

Acepromazine - 25 ng/ml urine

Albuterol - 1 ng/ml urine

Benzocaine - 50 ng/ml urine

Bupivacaine - 5 ng/ml urine

Clenbuterol - 25 pg/ml serum or plasma

DMSO - 10 mc/ml serum or plasma

Firocoxib - 40 ng/ml serum or plasma

Glycopyrrolate - 3.5 pg/ml serum or plasma

Lidocaine - 50 ng/ml urine

Mepivacaine - 10 ng/ml urine

Methocarbamol - 1 ng/ml serum or plasma

Procaine - 25 ng/ml urine

Promazine - 25 ng/ml urine

Pyrilamine - 50 ng/ml urine

Salicylates - 750,000 ng/ml urine

Theobromine - 2000 ng/ml urine

(b) The official urine or blood test sample may not contain more than one of the above substances, including their metabolites or analogs, and may not exceed the concentrations established in this rule.

(2) Environmental substances.

(a) Certain substances can be considered "environmental" in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination or exposure during the cultivation, processing, treatment, storage, or transportation phases. Certain drugs are recognized as substances of human use and could therefore be found in a horse. The following substances are permissible in test samples up to the stated concentrations:

Caffeine - 100 ng/ml serum or plasma

Benzoyllecgonine - 50 ng/ml urine

Morphine Glucuronides - 50 ng/ml urine

(b) If a preponderance of evidence presented shows that a positive test is the result of environmental substance or inadvertent exposure due to human drug use, that evidence should be considered as a mitigating factor in any disciplinary action taken against the trainer.

(3) Androgenic-anabolic steroids.

(a) The following androgenic-anabolic steroids are permissible in test samples up to the stated concentrations:

Stanozolol (Winstrol) - 1 ng/ml urine in all horses regardless of sex.

Boldenone (Equipose) - 15 ng/ml urine in intact males. No level is permitted in geldings, fillies or mares.

Nandrolone (Durabolin) - 1 ng/ml urine in geldings, fillies, and mares, and for nandrolone metabolite (5 α -oestrane-3 β ,17 α -diol) - 45 ng/ml urine in intact males.

Testosterone - 20 ng/ml urine in geldings. 55 ng/ml urine in fillies and mares. Samples from intact males will not be tested for the presence of testosterone.

(b) All other androgenic-anabolic steroids are prohibited in race horses.

WSR 12-07-011
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-31—Filed March 12, 2012, 9:13 a.m., effective April 12, 2012]

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

Purpose: The purpose of this proposal is to change the state's recreational clam and oyster seasons on selected public beaches, based on abundance and usage surveys and agreements with comanagers and other state agencies.

Reasons Supporting Proposal: This rule change proposal was discussed during the fish and wildlife commission meeting and public hearing on February 3-4, 2012. The proposed changes were adopted by the commission at the March 2, 2012, commission conference call. The changes will allow recreational clam and oyster seasons to be opened or extended on some public beaches and closed on other beaches to achieve maximum recreational opportunity while conserving shellfish resources.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 12-01-090 on December 20, 2011.

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 2, Repealed 0.

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

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

Date Adopted: March 12, 2012.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 11-66, filed 4/19/11, effective 5/20/11)

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. A person can take, dig for, and possess clams and mussels for personal use on Puget Sound the entire year except from public tidelands at the beaches listed below, which are closed unless otherwise provided.

- (1) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Belfair State Park: Open January 1 through December 31.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut Bay: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR-144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) Dosewallips State Park: Open March 1 through ~~(July)~~ October 31 only in area defined by boundary markers and signs posted on the beach.
- (20) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.
- (21) Eagle Creek: Open July 1 through July 31.
- (22) East San de Fuca: Closed the entire year.
- (23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~(April)~~ May 15 through ~~(July 31)~~ September 30.
- (24) Fort Ward State Park: Closed the entire year.
- (25) Freeland County Park: Closed the entire year.
- (26) Frye Cove County Park: Open January 1 through May 15.
- (27) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (28) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (29) Golden Gardens: Closed the entire year.
- (30) Graveyard Spit: Closed the entire year.
- (31) Harrington Beach: Closed the entire year.
- (32) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed the entire year.
- (33) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (34) Howarth Park: Closed the entire year.
- (35) Illahee State Park: Open April 1 through July 31.
- (36) Kayak Point County Park: Closed the entire year.
- (37) Kitsap Memorial State Park: ~~((Open May 15 through June 30.))~~ Closed the entire year.
- (38) Kopachuck State Park: Open June 1 through July 31.
- (39) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (40) Lincoln Park: Closed the entire year.
- (41) Lions Park (Bremerton): Closed the entire year.
- (42) Little Clam Bay: Closed the entire year.
- (43) Lower Roto Vista Park: Closed the entire year.

- (44) Manchester State Park: Closed the entire year.
- (45) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (46) Meadowdale County Park: Closed the entire year.
- (47) Mee-Kwa-Mooks Park: Closed the entire year.
- (48) Monroe Landing: Closed the entire year.
- (49) Mukilteo State Park - Closed the entire year.
- (50) Mystery Bay State Park: Open October 1 through April 30.
- (51) Nisqually National Wildlife Refuge: Closed the entire year.
- (52) North Beach County Park: Closed the entire year.
- (53) North Fort Lewis: Closed the entire year.
- (54) North Point Hudson: Closed the entire year.
- (55) Northeast Cultus Bay: Closed the entire year.
- (56) Oak Bay County Park: Open May 1 through July 31.
- (57) Oak Harbor City Park: Closed the entire year.
- (58) Old Man House State Park: Closed the entire year.
- (59) Olympia Shoal: Closed the entire year.
- (60) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
- North Bay: State-owned oyster reserves open the entire year.
 - Oakland Bay: State-owned oyster reserves open the entire year except in areas defined by boundary markers and signs posted on the beach.
 - Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (61) Penrose Point State Park: Open March 1 through May ~~(31)~~ 15.
- (62) Picnic Point County Park: Closed the entire year.
- (63) Pitship Point: Closed the entire year.
- (64) Pitt Island - All tidelands on Pitt Island are closed the entire year.
- (65) Pleasant Harbor State Park: Closed the entire year.
- (66) Point Whitney (excluding Point Whitney Lagoon): Open March ~~(15)~~ 1 through ~~(April 30)~~ March 31.
- (67) Point Whitney Lagoon: Open ~~(March)~~ April 1 through ~~(March 31)~~ April 30.
- (68) Port Angeles Coast Guard: Closed the entire year.
- (69) Port Angeles Harbor: Closed the entire year.
- (70) Port Gardner: Closed the entire year.
- (71) Port Townsend Ship Canal/Portage Canal: Open January 1 through July 31.
- (72) Post Point: Closed the entire year.
- (73) Potlatch DNR tidelands: Open April 1 through ~~(August 15)~~ June 30.
- (74) Potlatch State Park: Open April 1 through ~~(August 15)~~ June 30.
- (75) Priest Point County Park: Closed the entire year.
- (76) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (77) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.
- (78) Reid Harbor - South Beach: Closed the entire year.
- (79) Retsil: Closed the entire year.
- (80) Richmond Beach Saltwater Park: Closed the entire year.
- (81) Saltwater State Park: Closed the entire year.
- (82) Samish Beach: Closed the entire year.
- (83) Scenic Beach State Park: Closed the entire year.
- (84) Seahurst County Park: Closed the entire year.
- (85) Semiahmoo: Closed the entire year.
- (86) Semiahmoo County Park: Closed the entire year.
- (87) Sequim Bay State Park - Open May 1 through June 30.
- (88) Shine Tidelands State Park: Open January 1 through May 15.
- (89) Silverdale Waterfront Park: Closed the entire year.
- (90) Sinclair Inlet: Closed the entire year.
- (91) Skagit Wildlife Area: Closed the entire year.
- (92) South Carkeek Park: Closed the entire year.
- (93) South Gordon Point: Closed the entire year.
- (94) South Indian Island County Park: Open ~~(April 1)~~ May 15 through ~~(July)~~ August 31.
- (95) South Mukilteo Park: Closed the entire year.
- (96) South Oro Bay: Closed the entire year.
- (97) South Point Wilson (Port Townsend): Closed the entire year.
- (98) Southworth Ferry Dock: Closed the entire year.
- (99) Spencer Spit State Park: Open March 1 through July 31.
- (100) Suquamish (Old Man House): Closed the entire year.
- (101) Taylor Bay: Closed the entire year.
- (102) Triton Cove Tidelands: Open June 1 through August 31.
- (103) Twanoh State Park: Open ~~(July 15)~~ August 1 through September 30.
- (104) Walker County Park: Closed the entire year.
- (105) West Dewatto: DNR Beach 44A open August 1 through September 30.
- (106) West Pass Access: Closed the entire year.
- (107) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
- (108) Wolfe Property State Park: Open January 1 through May 15.
- (109) Woodard Bay: Closed the entire year.
- A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- A person can take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 11-66, filed 4/19/11, effective 5/20/11)

WAC 220-56-380 Oysters—Areas and seasons. A person can take and possess oysters for personal use from public tidelands the entire year except from public tidelands at the beaches listed below, which are closed unless otherwise provided.

- (1) Ala Spit: Open May 1 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bangor: Closed the entire year.
- (5) Bay View State Park: Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Cama Beach State Park: Closed the entire year.
- (8) Camano Island State Park: Closed the entire year.
- (9) Chuckanut: Closed the entire year.
- (10) Coupeville: Closed the entire year.
- (11) Dash Point State Park: Closed the entire year.
- (12) Dave Mackie County Park: Closed the entire year.
- (13) Des Moines City Park: Closed the entire year.
- (14) Discovery Park: Closed the entire year.
- (15) DNR-79: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR 144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) Dungeness Spit/National Wildlife Refuge: Open May 15 - September 30.
- (20) East San de Fuca: Closed the entire year.
- (21) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~((April))~~ May 15 through ((July 31)) September 30.
- (22) Fort Ward State Park: Closed the entire year.
- (23) Freeland County Park: Closed the entire year.
- (24) Frye Cove County Park: Open January 1 through May 15.
- (25) Golden Gardens: Closed the entire year.
- (26) Graveyard Spit: Closed the entire year.
- (27) Harrington Beach: Closed the entire year.
- (28) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (29) Hope Island State Park (South Puget Sound): Open May 1 through May 31.
- (30) Howarth Park: Closed the entire year.
- (31) Illahee State Park: Open April 1 through July 31.
- (32) Kayak Point County Park: Closed the entire year.
- (33) Kitsap Memorial State Park: ~~((Open May 15 through June 30.))~~ Closed the entire year.
- (34) Kopachuck State Park: Open March 1 through July 31.
- (35) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- (36) Lincoln Park: Closed the entire year.
- (37) Lions Park (Bremerton): Closed the entire year.
- (38) Little Clam Bay: Closed the entire year.
- (39) Lower Roto Vista Park: Closed the entire year.
- (40) Manchester State Park: Closed the entire year.
- (41) Meadowdale County Park: Closed the entire year.
- (42) Mee-Kwa-Mooks Park: Closed the entire year.
- (43) Monroe Landing: Closed the entire year.

- (44) Mukilteo State Park: Closed the entire year.
- (45) Mystery Bay State Park: Open October 1 through April 30.
- (46) Nisqually National Wildlife Refuge: Closed the entire year.
- (47) North Beach County Park: Closed the entire year.
- (48) North Fort Lewis: Closed the entire year.
- (49) North Point Hudson: Closed the entire year.
- (50) Northeast Cultus Bay: Closed the entire year.
- (51) Oak Bay County Park: Open May 1 through July 31.
- (52) Oak Harbor Beach Park: Closed the entire year.
- (53) Oak Harbor City Park: Closed the entire year.
- (54) Old Man House State Park: Closed the entire year.
- (55) Olympia Shoal: Closed the entire year.
- (56) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:
 - (a) Oakland Bay - State-owned oyster reserves open the entire years except in areas defined by boundary markers and signs posted on the beach.
 - (b) North Bay - State-owned reserves open the entire year.
 - (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (57) Penrose Point State Park: Open March 1 through May ~~((31))~~ 15.
- (58) Picnic Point: Closed the entire year.
- (59) Pitt Island: Closed the entire year.
- (60) Pleasant Harbor State Park: Closed the entire year.
- (61) Point Whitney tidelands (excluding Point Whitney Lagoon): Open January 1 through June 30.
- ~~((62))~~ (62) Port Angeles Coast Guard: Closed the entire year.
- ~~((62))~~ (63) Port Angeles Harbor: Closed the entire year.
- ~~((63))~~ (64) Port Gardner: Closed the entire year.
- ~~((64))~~ (65) Port Townsend Ship Canal/Portage Canal: Open January 1 through July 31.
- ~~((65))~~ (66) Post Point: Closed the entire year.
- ~~((66))~~ (67) Potlatch DNR Tidelands: Open April 1 through ~~((August 15))~~ June 30.
- ~~((67))~~ (68) Potlatch State Park: Open April 1 through ~~((August 15))~~ June 30.
- ~~((68))~~ (69) Priest Point County Park: Closed the entire year.
- ~~((69))~~ (70) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- ~~((70))~~ (71) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.
- ~~((71))~~ (72) Reid Harbor - South Beach: Closed the entire year.
- ~~((72))~~ (73) Retsil: Closed the entire year.

~~((73))~~ (74) Richmond Beach Saltwater Park: Closed the entire year.

~~((74))~~ (75) Saltwater State Park: Closed the entire year.

~~((75))~~ (76) Samish Beach: Closed the entire year.

~~((76))~~ (77) Seahurst County Park: Closed the entire year.

~~((77))~~ (78) Scenic Beach State Park: Closed the entire year.

~~((78))~~ (79) Semiahmoo: Closed the entire year.

~~((79))~~ (80) Semiahmoo County Park: Closed the entire year.

~~((80))~~ (81) Shine Tidelands State Park: Open January 1 through May 15.

~~((81))~~ (82) Silverdale Waterfront Park: Closed the entire year.

~~((82))~~ (83) Sinclair Inlet: Closed the entire year.

~~((83))~~ (84) Skagit Wildlife Area: Closed the entire year.

~~((84))~~ (85) South Carkeek Park: Closed the entire year.

~~((85))~~ (86) South Gordon Point: Closed the entire year.

~~((86))~~ (87) South Indian Island County Park: Open ~~((April))~~ May 15 through ~~((July))~~ August 31.

~~((87))~~ (88) South Mukilteo Park: Closed the entire year.

~~((88))~~ (89) South Oro Bay: Closed the entire year.

~~((89))~~ (90) South Point Wilson (Port Townsend): Closed the entire year.

~~((90))~~ (91) Southworth Ferry Dock: Closed the entire year.

~~((91))~~ (92) Spencer Spit State Park: Open March 1 through July 31.

~~((92))~~ (93) Suquamish (Old Man House): Closed the entire year.

~~((93))~~ (94) Taylor Bay: Closed the entire year.

~~((94))~~ (95) Walker County Park: Closed the entire year.

~~((95))~~ (96) West Pass Access: Closed the entire year.

~~((96))~~ (97) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

~~((97))~~ (98) Woodard Bay: Closed the entire year.

~~((98))~~ (99) Wolfe Property State Park: Open January 1 through May 15.

WSR 12-07-016**PERMANENT RULES****UNIVERSITY OF WASHINGTON**

[Filed March 12, 2012, 2:14 p.m., effective April 12, 2012]

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

Purpose: RCW 28B.15.558 establishes an optional waiver of tuition and fees for state and educational employees and sets criteria for eligibility. The statute also establishes that the institution can consider employees of the University of Washington before considering other state and educational employees. Amendments to WAC 478-160-163 implement the waiver such that the University of Washington

administration considers cost and programmatic needs in a consistent manner.

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

Statutory Authority for Adoption: RCW 28B.15.558 and 28B.20.130.

Adopted under notice filed as WSR 12-04-035 on January 27, 2012.

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 0, Repealed 0.

Date Adopted: March 8, 2012.

Rebecca Goodwin Deardorff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 10-22-058, filed 10/28/10, effective 11/28/10)

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. A number of these statutes authorize, but do not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. For the waivers that are authorized but not required by state law, 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 permissive 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 permissive 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 permissive 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 sub-

section (8) of this section. All permissive waivers are subject to subsection (8) 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 (8) 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.15.621 (2)(a) for eligible veterans and National Guard members, shall be awarded only to:

(i) 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; and

(ii) Full-time graduate or professional degree students, provided however, that the waiver may be applied only toward a single degree program at the University of Washington, and, provided further, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2)(a) as undergraduates at the University of Washington shall not be eligible for this waiver.

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 as an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from services, has received an honorable discharge.

(b) 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.

(c) All waivers authorized by RCW 28B.15.558 shall be subject to such additional limitations as determined by the provost, pursuant to the terms of subsection (8) of this section. In addition, waivers authorized by RCW 28B.15.558 shall be awarded only to the classes of employees described in (i) of this subsection before considering waivers for the employees described in (ii) and (iii) of this subsection:

(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) Teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(6) Waivers mandated by RCW 28B.15.621(4), as amended by section 1, chapter 450, Laws of 2007, for children and spouses or surviving 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 in accordance with, and subject to the limitations set forth in state law.

(7) Waivers mandated by RCW 28B.15.380, as amended by section 4, chapter 261, Laws of 2010, for children and surviving spouses of any law enforcement officer (as defined in chapter 41.26 RCW), firefighter (as defined in chapter 41.24 or 41.26 RCW), or Washington state patrol officer, who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full-time volunteer fire department in this state, shall be awarded in accordance with, and subject to the limitations set forth in, state law.

(8) 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 12-07-017

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed March 12, 2012, 3:04 p.m., effective April 12, 2012]

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

Purpose: Making editorial corrections to chapter 51-11 WAC, 2009 Washington State Energy Code, in Sections 503.8.1, 901, 1412.4, and 1436.2.

WAC 51-11-0503, in Section 503.8.1, redundant language was added to the end of the second paragraph. The

requirement for a second seven day programmable thermostat is stricken.

WAC 51-11-0900, in Section 901, Chapter 6 was added to the charging language to clarify that the use of Chapter 6 for base compliance is allowed.

WAC 51-11-1412, Section 1412.4 was amended to provide clarity on the requirements applicable to multifamily residential buildings.

WAC 51-11-1436, a typographical error in Section 1436.2 was corrected.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11-0503, 51-11-0900, 51-11-1412, and 51-11-1436.

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.025, and 19.27A.045.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 11-18-086 on September 7, 2011.

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 4, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

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

Date Adopted: November 18, 2011.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 10-03-115, 10-13-113 and 10-22-056, filed 1/20/10, 6/21/10 and 10/28/10, effective 1/1/11)

WAC 51-11-0503 Mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct sealing. For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-52 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Mechanical systems for all buildings which provide

space heating and/or space cooling shall be sized as required in IRC Section M1401.3.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for the larger of the space heating or space cooling load for the selected system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is 40,000 Btu/h or less is exempt from the sizing limit.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

4. Electric resistance heaters under 2 kW.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: The primary space conditioning system within each dwelling unit shall be provided with at least one programmable thermostat for the regulation of temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/weekends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within a dwelling unit shall be provided with at least one adjustable thermostat for the regulation of temperature. ~~((The thermostat shall allow for, at a minimum, a 5-2 programmable scheduled (weekdays/weekends).))~~

EXCEPTIONS: 1. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to thirty minutes.
2. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Control Setback and Shutoff:

One- and Two-Family and Individual Multifamily dwelling units—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.4 Systems Serving Multiple Dwelling Units, Guest Rooms, and Common Areas: Systems that serve more than two dwelling units, guest rooms, and common areas shall comply with the control requirements in Sections 1412 and 1432, with the exceptions of Sections 1412.4.2 and 1432.1.

503.8.3.5 Heat Pump Controls: Heat pumps with supplementary electric resistance heaters shall have controls

complying with Section 503.8.1. In addition, controls shall meet the following requirements:

1. Prevent supplementary heater operation when the heating load can be met by the heat pump alone; and

2. The cut-on temperature for compression heating shall be higher than the cut-on temperature for supplementary heating, and the cut-off temperature for compressing heating shall be higher than the cut-off temperature for supplementary heating.

All heat pumps installed under this section shall include the capability to lock out the supplementary heat based on outdoor temperature. This control shall have a maximum setting of 40°F. At final inspection, the lock out control shall be set to 32°F or less.

EXCEPTION: The controls may allow supplementary heater operation during defrost.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in basements or cellars in one- and two-family dwellings.
5. The insulation required on supply air ducts may be reduced to R-4 when installed in buffer spaces not intended for human occupancy such as insulation crawl spaces and enclosed attic spaces. The buffer space must be air sealed and insulated to the full value of conditioned spaces.

503.10 Ducts.

503.10.1 Installation of ducts in exterior walls, floors or ceilings shall not displace required envelope insulation. Building cavities may not be used as ducts.

503.10.2 Leakage Testing: Ducts shall be leak tested in accordance with RS-33, using the maximum duct leakage rates specified in Section 503.10.3.

503.10.3 Sealing: All ducts, air handlers, filter boxes, and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.3 of the International Residential Code or Section 603.9 of the International Mechanical Code. Duct tightness testing shall be conducted to verify that the ducts are sealed. A signed affidavit documenting the test results shall be provided to the jurisdiction having authority by the testing agent. When required by the building official, the test shall be conducted in the presence of department staff. Duct tightness shall be verified by either of the following:

1. Postconstruction test: Leakage to outdoors shall be less than or equal to 6 cfm per 100 ft² of conditioned floor area or a total leakage less than or equal to 8 cfm per 100 ft² of conditioned floor area when tested at a pressure differen-

tial of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm per 100 ft² of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the roughed-in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm per 100 ft² of conditioned floor area.

EXCEPTIONS: 1. Duct tightness test is not required if the air handler and all ducts are located within conditioned space.
 2. Duct tightness test is not required if the furnace is a nondirect vent type combustion appliance installed in an unconditioned space. A maximum of six feet of connected ductwork in the unconditioned space is allowed. All additional supply and return ducts shall be within the conditioned space. Ducts outside the conditioned space shall be sealed with a mastic type duct sealant and insulated on the exterior with R-8 insulation for above grade ducts and R-5 water resistant insulation when within a slab or earth.

503.10.4 Dampers: Requirements for Automatic or manual dampers are found in Chapter 15 of the Washington State Residential Code (chapter 51-51 WAC).

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter 51-56 WAC).

AMENDATORY SECTION (Amending WSR 10-22-057, filed 10/28/10, effective 1/1/11)

WAC 51-11-0900 Chapter 0900—Additional residential energy efficiency requirements.

901 Additional Residential Energy Efficiency Requirements. Dwelling units permitted under this Code shall comply with all provisions of Chapter 5 or Chapter 6 of this Code and develop 1 credit from Table 9-1.

EXCEPTION: Buildings complying using Chapter 4 Building Design by Systems Analysis shall meet this provision of this section by demonstrating that the proposed building energy use is 8 percent less than the target building energy use.

**TABLE 9-1
ENERGY CREDITS (DEBITS)**

OPTION	DESCRIPTION	CREDIT(S)
1a	HIGH EFFICIENCY HVAC EQUIPMENT 1: Gas, propane or oil-fired furnace or boiler with minimum AFUE of 92%, or Air-source heat pump with minimum HSPF of 8.5.	1.0
1b	HIGH EFFICIENCY HVAC EQUIPMENT 2: Closed-loop ground source heat pump; with a minimum COP of 3.3.	2.0
1c	HIGH EFFICIENCY HVAC EQUIPMENT 3: DUCTLESS SPLIT SYSTEM HEAT PUMPS, ZONAL CONTROL: In home where the primary space heating system is zonal electric heating, a ductless heat pump system shall be installed and provide heating to at least one zone of the housing unit.	1.0
2	HIGH EFFICIENCY HVAC DISTRIBUTION SYSTEM: ¹ All heating and cooling system components installed inside the conditioned space. All combustion equipment shall be direct vent or sealed combustion. Locating system components in conditioned crawl spaces is not permitted under this option. Electric resistance heat is not permitted under this option. Direct combustion heating equipment with AFUE less than 80% is not permitted under this option.	1.0
3a	EFFICIENT BUILDING ENVELOPE 1: Prescriptive compliance is based on Table 6-1, Option III with the following modifications: Window U = 0.28 floor R-38, slab on grade R-10 full, below grade slab R-10 full. or Component performance compliance: Reduce the Target UA from Table 5-1 by 5%, as determined using EQUATION 1.	0.5

OPTION	DESCRIPTION	CREDIT(S)	OPTION	DESCRIPTION	CREDIT(S)
3b	<p>EFFICIENT BUILDING ENVELOPE 2: Prescriptive compliance is based on Table 6-1, Option III with the following modifications: Window U = 0.25 and wall R-21 plus R-4 and R-38 floor, slab on grade R-10 full, below grade slab R-10 full, and R-21 plus R-5 below grade basement walls.</p> <p>or</p> <p>Component performance compliance: Reduce the Target UA from Table 5.1 by 15%, as determined using EQUATION 1.</p>	1.0	4b	<p>ADDITIONAL AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION: Envelope leakage reduced to SLA of 0.00015 building envelope tightness shall be considered acceptable when tested air leakage is less than specific leakage area of 0.00015 when tested with a blower door at a pressure difference of 50 PA. Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation, and combustion appliances.</p> <p>and</p> <p>All whole house ventilation requirements as determined by Section M1508 of the Washington State Residential Code shall be met with a heat recovery ventilation system in accordance with Section M1508.7 of that Code.</p>	1.0
3c	<p>SUPER-EFFICIENT BUILDING ENVELOPE 3: Prescriptive compliance is based on Table 6-1, Option III with the following modifications: Window U = 0.22 and wall R-21 plus R-12 and R-38 floor, slab on grade R-10 full, below grade slab R-10 full and R-21 plus R-12 below grade basement walls and R-49 advanced ceiling and vault.</p> <p>or</p> <p>Component performance compliance: Reduce the Target UA from Table 5.1 by 30%, as determined using EQUATION 1.</p>	2.0	5a	<p>EFFICIENT WATER HEATING: Water heating system shall include one of the following: Gas, propane or oil water heater with a minimum EF of 0.62.</p> <p>or</p> <p>Electric Water Heater with a minimum EF of 0.93.</p> <p>and for both cases</p> <p>All showerhead and kitchen sink faucets installed in the house shall meet be rated at 1.75 GPM or less. All other lavatory faucets shall be rated at 1.0 GPM or less.²</p>	0.5
4a	<p>AIR LEAKAGE CONTROL AND EFFICIENT VENTILATION: Envelope leakage reduced to SLA of 0.00020 building envelope tightness shall be considered acceptable when tested air leakage is less than specific leakage area of 0.00020 when tested with a blower door at a pressure difference of 50 PA. Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation, and combustion appliances.</p> <p>and</p> <p>All whole house ventilation requirements as determined by Section M1508 of the Washington State Residential Code shall be met with a heat recovery ventilation system in accordance with Section M1508.7 of that Code.</p>	0.5	5b	<p>HIGH EFFICIENCY WATER HEATING: Water heating system shall include one of the following: Gas, propane or oil water heater with a minimum EF of 0.82.</p> <p>or</p> <p>Solar water heating supplementing a minimum standard water heater. Solar water heating will provide a rated minimum savings of 85 therms or 2000 kWh based on the Solar Rating and Certification Corporation (SRCC) Annual Performance of OG-300 Certified Solar Water Heating Systems.</p> <p>or</p> <p>Electric heat pump water heater with a minimum EF of 2.0.</p>	1.5

OPTION	DESCRIPTION	CREDIT(S)
6	SMALL DWELLING UNIT 1: Dwelling units less than 1500 square feet in floor area with less than 300 square feet of window + door area. Additions to existing building that are less than 750 square feet of heated floor area.	1.0
7	LARGE DWELLING UNIT 1: Dwelling units exceeding 5000 square feet of floor area shall be assessed a deduction for purposes of complying with Section 901 of this Code.	-1.0
8	RENEWABLE ELECTRIC ENERGY: For each 1200 kWh of electrical generation provided annually by on-site wind or solar equipment a 0.5 credit shall be allowed, up to 3 credits. Generation shall be calculated as follows: For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATTS. Documentation noting solar access shall be included on the plans. For wind generation projects designs shall document annual power generation based on the following factors: The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.	[0.5]

- (b) Residential kitchen faucets: Maximum flow rate - 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.
- (c) Residential showerheads: Maximum flow rate - 6.6 L/min (1.75 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.

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 WSR 10-03-115, 10-13-113 and 10-22-056, filed 1/20/10, 6/21/10 and 10/28/10, effective 1/1/11)

WAC 51-11-1412 Controls.

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone. Controls on systems required to have economizers and serving single zones shall have multiple cooling stage capability and that activate the economizer when appropriate as the first stage of cooling. See Section 1423 or 1433 for further economizer control requirements.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

- EXCEPTIONS:
1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
 2. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shutoff: For all occupancies other than Group R, HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of nonuse or alternate use of the spaces served by the system. The automatic controls shall:

- a. Have a minimum seven-day clock and be capable of being set for seven different day types per week,
- b. Be capable of retaining programming and time setting during loss of power for a period of at least ten hours, and
- c. Include an accessible manual override, or equivalent function (e.g., telephone interface), that allows temporary operation of the system for up to two hours.

- EXCEPTIONS:
1. Systems serving areas which require continuous operation at the same temperature setpoint.
 2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.
 3. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.
 4. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

Footnotes: 1. **Interior Duct Placement:** Ducts included as Option 2 of Table 9-1 shall be placed wholly within the heated envelope of the housing unit. The placement shall be inspected and certified to receive the credits associated with this option.

EXCEPTION: Ducts complying with this section may have up to 5% of the total linear feet of ducts located in the exterior cavities or buffer spaces of the dwelling. If this exception is used the ducts will be tested to the following standards:
Post-construction test: Leakage to outdoors shall be less than or equal to 1 CFM per 100 ft² of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. **Plumbing Fixtures Flow Ratings.** Low flow plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following requirements:
(a) Residential bathroom lavatory sink faucets: Maximum flow rate - 3.8 L/min (1.0 gal/min) when tested in accordance with ASME A112.18.1/CSA B125.1.

For Group R-1 hotel and motel guest rooms, a minimum of one of the following control technologies shall be required in hotels/motels with over 50 guest rooms such that the space temperature would automatically setback (winter) or set up (summer) by no less than 3°C (5°F) when the occupant is not in the room:

1. Controls that are activated by the room occupant via the primary room access method - key, card, deadbolt, etc.
2. Occupancy sensor controls that are activated by the occupant's presence in the room.

For Group R-2 and R-3 dwelling units, the primary space conditioning system within each dwelling unit shall be provided with at least one programmable thermostat for the regulation of temperature. The thermostat shall allow for, at a minimum, a 5-2 programmable schedule (weekdays/week-ends) and be capable of providing at least two programmable setback periods per day.

Each additional system provided within a dwelling unit shall be provided with at least one adjustable thermostat for the regulation of temperature.

EXCEPTIONS:

1. Systems controlled by an occupant sensor that is capable of shutting the system off when no occupant is sensed for a period of up to 30 minutes.
2. Systems controlled solely by a manually operated timer capable of operating the system for no more than two hours.

Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

When used to control heating only: 55°F to 75°F.

When used to control cooling only: 70°F to 85°F.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure. Return air dampers shall be equipped with motorized dampers. Stair shaft and elevator shaft smoke relief openings shall be equipped with normally open (fails to open upon loss of power) dampers. These dampers shall remain closed until activated by the fire alarm system or other approved smoke detection system.

EXCEPTIONS:

1. Systems serving areas which require continuous operation.
2. Combustion air intakes.
3. Gravity (nonmotorized) relief dampers are acceptable in equipment with less than 5,000 cfm total supply flow when in buildings less than 3 stories in height.
4. Type 1 grease hoods exhaust.
5. In Group R occupancies dampers shall comply with the requirements of the State Mechanical Code (chapter 51-52 WAC).

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

(a) Motorized dampers: 10 cfm/ft² of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft² of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft² of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.1.1 Damper Controls: Dampers for outdoor air supply and exhaust shall automatically shut when the systems or spaces served are not in use or during building warm-up, cooldown, and setback. Operation of dampers shall be allowed during ventilation prepurge one hour before expected occupancy and for unoccupied period precooling during the cooling season.

Classrooms, gyms, auditoriums and conference rooms larger than 500 square feet of floor area shall have occupancy sensor control that will either close outside air dampers or turn off serving equipment when the space is unoccupied except where equipped with another means to automatically reduce outside air intake below design rates when spaces are partially occupied.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 2,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators). Heat pumps equipped with supplementary heaters shall be installed with controls that prevent supplemental heater operation above 40°F.

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS:

- Boilers.
- Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

1412.8 Ventilation Controls for High-Occupancy Areas. Demand control ventilation (DCV) is required for spaces that are larger than 500 ft², have an occupant density for ventilation of greater than 25 people per 1000 ft² of floor area (based on the Default Occupant Density column of Table 403.3 of the Washington State Mechanical Code), and are served by systems with one or more of the following:

- a. An air-side economizer,
- b. Automatic modulating control of the outdoor air damper, or
- c. A design outdoor ventilation airflow of all systems serving the space combined greater than 3000 cfm.

- EXCEPTIONS:
1. Systems with energy recovery complying with Section 1436.
 2. Spaces with a combined design outdoor airflow less than 1000 cfm.
 3. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1000 cfm.

1412.9 Enclosed Loading Dock and Parking Garage Exhaust Ventilation System Control. Mechanical ventilation systems for enclosed loading docks and parking garages shall be designed to exhaust the airflow rates (maximum and minimum) determined in accordance with the State Mechanical Code (chapter 51-52 WAC).

Ventilation systems shall be equipped with a control device that operates the system automatically upon detection of vehicle operation or the presence of occupants by approved automatic detection devices. Each of the following types of controllers shall be capable of shutting off fans or modulating fan speed.

1. Gas sensor controllers used to activate the exhaust ventilation system shall stage or modulate fan speed upon detection of specified gas levels. All equipment used in sensor controlled systems shall be designed for the specific use and installed in accordance with the manufacturer's recommendations. The following are minimum gas sensor system requirements:

- a. Garages and loading docks used predominantly by gasoline-powered vehicles shall be equipped with a controller and a full array of carbon monoxide (CO) sensors set to maintain levels of carbon monoxide below 35 parts per million (ppm). Spacing and location of the sensors shall be installed in accordance with manufacturer recommendations.

- b. Where more than 20 percent of the vehicles using the garage or loading dock are powered by nongasoline fuels, the area exposed to nongasoline fueled vehicle exhaust shall be equipped with a controller and fuel-appropriate sensors. The set-point for the nongasoline sensors shall be no less than the standard used by OSHA for eight hour exposure. The controller shall activate the ventilation system when sensor set-point is reached. Spacing and location of the sensors shall be installed in accordance with manufacturer recommendations.

2. Automatic time clocks used to activate the system shall activate the system during occupied periods. The time clock shall be capable of scheduling multiple start and stop times for each day of the week, varying the daily schedule, and retaining programming for a 10-hour period during loss of power.

3. Occupant detection sensors used to activate the system shall detect entry into the parking garage along both the vehicle and pedestrian pathways.

1412.9.1 System Activation Devices for Enclosed Loading Docks. Ventilation systems for enclosed loading docks shall be activated by one of the following:

1. Gas sensors; or

2. Time clock and a manual over-ride switch located in the dock area that is accessible to persons in the loading dock area.

1412.9.2 System Activation Devices for Enclosed Parking Garages. Ventilation systems for enclosed parking garages shall be activated by gas sensors.

EXCEPTION: A parking garage ventilation system having a total design capacity under 8,000 cfm may use a time clock or occupant sensors.

AMENDATORY SECTION (Amending WSR 10-03-115, 10-13-113 and 10-22-056, filed 1/20/10, 6/21/10 and 10/28/10, effective 1/1/11)

WAC 51-11-1436 Heat recovery.

1436.1 Fan Systems: Fan systems which have a minimum outdoor air capacity of 5,000 cfm or greater shall have a heat recovery system with at least 50 percent recovery effectiveness. Fifty percent heat recovery effectiveness shall mean an increase in the outside air supply temperature at design heating conditions of one half the difference between the outdoor design air temperature and 65 degrees F. Provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section 1433. Heat recovery energy may be provided from any site-recovered or site-solar source. Where a single room or space is supplied by multiple units, the aggregate ventilation (cfm) of those units shall be used in applying this requirement.

EXCEPTIONS: These exceptions only apply to the particular exhaust subsystems. The remaining cfm of the main supply system is subject to the energy recovery requirements.

1. Laboratory systems equipped with both variable air volume supply and variable air volume or two-speed exhaust fume hoods provided that an instruction label is placed on the face of the hood that provides the information in Exhibit 14-1.

Exhibit 14-1

INSTRUCTIONS TO OPERATOR

To be in compliance with the Energy Code, this fume hood is designed to operate as variable air volume (VAV) by adjusting the sash or controller. Maintain sash in the minimum position during use and close totally when the fume hood is not in use.

2. Systems serving spaces heated to less than 60 degrees F.
3. Systems which can be shown to use as much energy with the addition of heat recovery equipment as without it.
4. Systems exhausting toxic, flammable, paint exhaust or corrosive fumes making the installation of heat recovery equipment impractical.
5. Type I commercial kitchen hoods.
6. Systems that only provide cooling.
7. Cooling only air handling units or air conditioning units where the minimum outdoor air is less than 70 percent of total supply air.

1436.2 Condensate Systems: On-site steam heating systems shall have condensate water recovery. On-site includes a system that is located within or adjacent to one or more buildings within the boundary of a contiguous area or campus under

one ownership and which serves one or more of those buildings.

Buildings using steam generated off-site with steam heating systems which do not have condensate water recovery shall have condensate water heat recovery.

1436.3 Heat Recovery for Service Water Heating: Condenser water heat recovery systems shall be installed for heating or preheating of service hot water provided all of the following are true:

- a. The facility operates 24 hours a day.
- b. The total installed heat rejection capacity of the water-cooled systems exceeds 1,500,000 Btu/h of heat rejection.
- c. The capacity of service water heating equipment exceeds 250,000 Btu/h.

The required heat recovery system shall have the capacity to provide the smaller of:

- a. 60 percent of the peak heat rejection load at design conditions; or
- b. Preheat of the peak service hot water draw to 85°F; or
- c. 50 percent of the service water heating load.

- EXCEPTIONS:
1. Facilities that employ condenser heat recovery for space heating with a heat recovery design exceeding 30 percent of the peak water-cooled condenser load at design conditions.
 2. Facilities that provide 60 percent of their service water heating from site solar or site recovered energy or from other sources.

1436.4 Condenser Heat Recovery: Facilities having food service, meat or deli departments and having 500,000 Btu/h or greater of remote refrigeration condensers shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, space heating or for dehumidification reheat. Facilities having a gross conditioned floor area of 40,000 ft² or greater and 1,000,000 Btu/h or greater of remote refrigeration shall have condenser waste heat recovery from freezers and coolers and shall use the waste heat for service water heating, and either for space heating or for dehumidification reheat for maintaining low space humidity.

WSR 12-07-018

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed March 12, 2012, 3:06 p.m., effective April 12, 2012]

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

Purpose: Making editorial corrections to chapter 51-56 WAC, Washington state amendments to 2009 Uniform Plumbing Code.

WAC 51-56-0600, in Section 601.2.2 language was added to clarify that markings required for rainwater piping in Chapter 16 do not conflict with the marking requirements in Chapter 6.

WAC 51-56-1600, Section 1617.2.1 was modified to require pipe markings per industry standards. Section 1617.2.2 was amended to specify purple markings for rainwater system piping, per industry standards, as were Sections 1628.6.3 and 1629.2.

Citation of Existing Rules Affected by this Order: Amending WAC 51-56-0600 and 51-56-1600.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.035, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 11-18-087 on September 7, 2011.

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 2, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: November 18, 2011.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 10-03-101, filed 1/20/10, effective 7/1/10)

WAC 51-56-0600 Chapter 6—Water supply and distribution. 601.1 Except where not deemed necessary for safety or sanitation by the AHJ, each plumbing fixture shall be provided with an adequate supply of potable running water piped thereto in an approved manner, so arranged as to flush and keep it in a clean and sanitary condition without danger of backflow or cross-connection. Water closets and urinals shall be flushed by means of an approved flush tank or flushometer valve.

EXCEPTION: Listed fixtures that do not require water for their operation and are not connected to the water supply.

Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water. This requirement shall not supersede the requirements for individual temperature control limitations for public lavatories, bidets, bathtubs, whirlpool bathtubs and shower control valves.

601.2.2 Color and Information. Each system shall be identified with a colored pipe or band and coded with paints, wraps and materials compatible with the piping.

Except as required in Chapter 16, nonpotable water systems shall have a yellow background with black uppercase lettering, with the words "CAUTION: NONPOTABLE WATER, DO NOT DRINK." Each nonpotable system shall be identified to designate the liquid being conveyed, and the direction of normal flow shall be clearly shown. The minimum size of the letters and the length of color field shall conform to Table 6-1.

The background color and required information shall be indicated every twenty (20) feet (6,096 mm) but not less than once per room, and shall be visible from the floor level.

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

603.1 Approval of Devices or Assemblies. Before any device or assembly is installed for the prevention of back-

flow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction. Backflow prevention devices and assemblies shall comply with Table 6-2, except for specific applications and provisions as stated in Section 603.4 through 603.4.22.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.3.3 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

TABLE 6-2
Backflow Prevention Devices, Assemblies and Methods
The following line is deleted from the table:

Device, Assembly or Method	Applicable Standards	Pollution (Low Hazard)		Contamination (High Hazard)		Installation
		Back Siphonage	Back Pressure	Back Siphonage	Back Pressure	
Backflow preventer for carbonated beverage dispensers (two independent check valves with a vent to the atmosphere.)	ASSE 1022	X				Installation includes carbonated beverage machines or dispensers. These devices operate under intermittent or continuous pressure conditions.

603.3.3 For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

603.4.6.1 Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Spill-resistant pressure vacuum breaker.

(4) Reduced pressure backflow preventer.

(5) A double check valve may be allowed when approved by the water purveyor and the authority having jurisdiction.

603.4.10 Potable Water Make Up Connections to Steam or Hot Water Boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

603.4.12 Potable Water Supply to Carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use. The backflow preventer shall be located in accordance with Section 603.3.4. The piping downstream of the backflow preventer shall not be of copper, copper alloy, or other material that is affected by carbon dioxide.

603.4.14 Backflow preventers shall not be located in any area containing fumes or aerosols that are toxic, poisonous, infectious, or corrosive.

603.4.16.1 Except as provided under Sections 603.4.16.2 and 603.4.16.3, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

604.15 Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

608.5 Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

610.4 Systems within the range of Table 6-6 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

AMENDATORY SECTION (Amending WSR 10-03-101, filed 1/20/10, effective 7/1/10)

WAC 51-56-1600 Chapter 16—Gray water systems.

Part I, Gray Water Systems, is not adopted. Gray water shall not be used for irrigation except as permitted by the department of health rules.

Part II

1613. Nonpotable Reuse Water Systems—General.

(A) The provisions of Part II of this chapter shall apply to the installation, construction, alteration, and repair of non-potable reuse water intended to supply uses such as water

closets, urinals, and trap primers for floor drains, and floor sinks, irrigation, industrial processes, water features and other uses approved by the Authority Having Jurisdiction. Potable water supplied as makeup water in these systems shall be protected against back-pressure and backsiphonage in accordance with Sections 602.0 and 603.0.

(B) No permit for any nonpotable reuse water system shall be issued until complete plumbing plans, with appropriate data satisfactory to the Authority Having Jurisdiction, have been submitted and approved. No changes or connections shall be made to either the nonpotable water system or the potable water system within any site containing a nonpotable reuse water system without approval by the Authority Having Jurisdiction.

(C) Before the building is occupied, the installer shall perform the initial cross-connection test in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction. The test shall be ruled successful by the Authority Having Jurisdiction before final approval is granted.

(D) A nonpotable reuse water system shall be designed by a person registered or licensed to perform plumbing design work.

1614.0 Definitions. Nonpotable reuse water shall include the following:

Reclaimed Water - Water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater (RCW 90.46.010);

Greywater or Gray Water - Domestic type flows from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks. Gray water does not include flow from a toilet or urinal (RCW 90.46.010); and

Other nonpotable wastewater sources from appliances and fixtures excluding wastewater streams containing black water.

For rainwater harvesting, see Part III.

1615.0 Permit. It shall be unlawful for any person to construct, install, alter, or cause to be constructed, installed, or altered any nonpotable reused water system within a building or on a premises without first obtaining a permit to do such work from the Authority Having Jurisdiction.

1616.0 Drawings and Specifications. The Authority Having Jurisdiction shall be permitted to require any or all of the following information to be included with or in the plot plan before a permit is issued for a nonpotable reused water system.

(A) A plot plan drawn to scale and completely dimensioned, showing lot lines and structures, location of present and proposed potable water supplies and meters, water wells, streams, auxiliary water supply and systems, nonpotable reused water supply and meters, drain lines, and locations of private sewage disposal systems and 100 percent expansion areas or building sewer connected to the public sewer.

(B) Details of construction including riser diagrams or isometrics and a full description of the complete installation, including installation methods, construction, and materials as

required by the Authority Having Jurisdiction. To the extent permitted by structural conditions, nonpotable reused water risers within the toilet room, including appurtenances such as air/vacuum relief valves, pressure reducing valves, etc., shall be installed in the opposite end of the room containing the served fixtures from the potable water risers or opposite walls, as applicable. To the extent permitted by structural conditions, nonpotable reused water headers and branches off risers shall not be run in the same wall or ceiling cavity of the toilet room where potable water piping is run.

(C) Detailed initial and annual testing requirements as outlined elsewhere in this chapter.

1617.0 Pipe Material/Pipe Identification. Nonpotable reused water systems shall comply with Sections 1617.1 and 1617.2.

1617.1 Pipe Materials. Reclaimed water and nonpotable water reuse pipe, valves and fittings shall conform to the requirements of Sections 604.0, 605.0 and 606.0.

1617.2 Color and Information.

1617.2.1 Reclaimed Water. Reclaimed water systems shall have a purple background with black uppercase lettering with the words "CAUTION: RECLAIMED WATER, DO NOT DRINK." The minimum size of the letters and length of the color field shall conform to Table 6-1. Where used, a colored identification band shall be indicated every twenty feet (6,096 mm) not less than once per room, and shall be visible from the floor level. Where concealed within construction, the piping shall be labeled on two opposing sides of the pipe within each stud or joist bay. Marking is not required for pipe manufactured with purple color integral to the pipe and marked with black uppercase lettering to read "CAUTION: NONPOTABLE RECLAIMED WATER, DO NOT DRINK" in intervals not to exceed five feet (1,524 mm). All valves, except fixture supply control valves shall be equipped with a locking feature. All mechanical equipment that is appurtenant to the reclaimed water system shall be painted purple.

1617.2.2 Other Nonpotable Reused Water. Except as noted in Section 1617.2.1, nonpotable water systems shall have a ((yellow)) purple background with black uppercase lettering, with the words "CAUTION: NONPOTABLE WATER, DO NOT DRINK." Each nonpotable system shall be identified to designate the liquid being conveyed, and the direction of normal flow shall be clearly shown. The minimum size of the letters and length of the color field shall conform to Table 6-1.

The background color and required information shall be indicated every twenty feet but not less than once per room, and shall be visible from the floor level. Where concealed within construction, the piping shall be labeled on two opposing sides of the pipe within each stud or joist bay. All mechanical equipment that is appurtenant to the nonpotable reused water system shall be painted purple.

1618.0 Installation.

1618.1 Collection Reservoir. Nonpotable reuse water shall be collected in an approved reservoir constructed of durable, nonabsorbent and corrosion-resistant materials. The reservoir

shall be a closed and gas-tight vessel. Access openings shall be provided to allow inspection and cleaning of the reservoir interior. The reservoir shall be sized to limit the retention time of nonpotable reuse water to a maximum of seventy-two hours.

1618.1.1 Filtration. Nonpotable reuse water entering the reservoir shall pass through an approved filter such as a media, sand or diatomaceous earth filter.

1618.1.2 Required Valve. A full-open valve shall be installed downstream of the last fixture connection to the nonpotable reuse water discharge pipe before entering the required filter.

1618.1.3 Overflow. The collection reservoir shall be equipped with an overflow pipe of the same diameter as, or larger than, the influent pipe for the nonpotable reuse water. The overflow shall be indirectly connected to the sanitary drainage system.

1618.1.4 Drain. A drain shall be located at the lowest point of the collection reservoir and shall be indirectly connected to the sanitary drainage system. The drain shall be the same diameter as the overflow pipe required in Section 1618.1.3.

1618.1.5 Disinfection. Nonpotable reuse water shall be disinfected by an approved method that uses one or more disinfectants such as chlorine, iodine or ozone.

1618.1.6 Makeup Water. Potable water shall be supplied as a source of makeup water for nonpotable water systems that serve plumbing fixtures. The potable supply shall be protected against backflow in accordance with Chapter 6. A full-open valve shall be located on the makeup water supply line to the collection reservoir.

(A) Hose bibbs shall not be allowed on nonpotable reuse water piping systems.

(B) The nonpotable reuse water system and the potable water system within the building shall be provided with the required appurtenances (valves, air/vacuum relief valves, etc.) to allow for deactivation or drainage as required by this chapter for a cross-connection test in Section 1620.0.

(C) Nonpotable reuse water pipes shall not be run or laid in the same trench as potable water pipes. A ten foot (3,048 mm) horizontal separation shall be maintained between pressurized, buried reclaimed and potable water piping. Buried potable water pipes crossing pressurized nonpotable reuse water pipes shall be laid not less than twelve inches (305 mm) above the nonpotable reuse water pipes. Nonpotable reuse water pipes laid in the same trench or crossing building sewer or drainage piping shall be installed in compliance with Sections 609.0 and 720.0 of this code. Nonpotable reuse water pipes shall be protected similar to potable water pipes.

1619.0 Signs.

1619.1 Commercial, Industrial and Institutional Room Entrance Signs. In commercial, industrial, and institutional occupancies, all rooms using nonpotable reuse water for water closets and/or urinals shall be identified with signs. Each sign shall contain one-half inch (12.7 mm) letters of a highly visible color on a contrasting background. The location of the sign(s) shall be such that the sign(s) shall be visible

to all users. The number and location of the signs shall be approved by the Authority Having Jurisdiction and shall contain the following text:

**TO CONSERVE WATER,
THIS BUILDING USES RECLAIMED WATER TO FLUSH TOILETS AND URINALS.**

1619.2 Equipment Room Signs. Each room containing nonpotable reuse water equipment shall have a sign posted with the following wording in one-inch (25.4 mm) letters on a purple background:

**CAUTION
NONPOTABLE RECLAIMED WATER, DO NOT DRINK.
DO NOT CONNECT TO DRINKING WATER SYSTEM.
NOTICE
CONTACT BUILDING MANAGEMENT BEFORE PERFORMING ANY WORK ON THIS WATER SYSTEM.**

This sign shall be posted in a location that is visible to anyone working on or near nonpotable reuse water equipment.

1619.3 Where water closets and/or urinals are flushed with nonpotable reuse water, the fixture shall be labeled:

**CAUTION
TO CONSERVE WATER, THIS BUILDING USES NONPOTABLE RECLAIMED WATER TO FLUSH TOILETS AND URINALS**

1619.4 Valve Access Door Signs. Each nonpotable reuse water valve within a wall shall have its access door into the wall equipped with a warning sign approximately six inches by six inches (152 mm x 152 mm) with wording in one-half inch (12.7 mm) letters on a purple background. The size, shape, and format of the sign shall be substantially the same as that specified in subsection (B) above. The signs shall be attached inside the access door frame and shall hang in the center of the access door frame. This sign requirement shall be applicable to any and all access doors, hatches, etc., leading to nonpotable reuse water piping and appurtenances.

1620.0 Inspection and Testing.

1620.1 Nonpotable reuse water piping shall be inspected and tested as outlined in this code for testing of potable water piping.

1620.2 An initial and subsequent annual inspection and test shall be performed on both the potable and nonpotable reuse water systems. The potable and nonpotable reuse water systems shall be isolated from each other and independently inspected and tested to ensure there is no cross-connection as follows:

1620.2.1 Visual Dual System Inspection. Prior to commencing the cross-connection testing, a dual system inspection shall be conducted by the Authority Having Jurisdiction and other authorities having jurisdiction.

(i) Meter locations of the nonpotable reuse water and potable water lines shall be checked to verify that no modifications were made, and that no cross-connections are visible.

(ii) Pumps and equipment, equipment room signs, and exposed piping in the equipment room shall be checked.

(iii) Valves shall be checked to ensure that valve lock seals are still in place and intact. Valve control door signs shall be checked to verify that no signs have been removed.

1620.2.2 Cross-Connection Test. The following procedure shall be followed by the applicant in the presence of the Authority Having Jurisdiction and other authorities having jurisdiction to determine whether a cross connection occurred.

(i) The potable water system shall be activated and pressurized. The nonpotable reuse water system shall be shut down and completely drained.

(ii) The potable water system shall remain pressurized for a minimum period of time specified by the Authority Having Jurisdiction while the nonpotable reuse water system is empty. The minimum period the nonpotable reuse water system is to remain depressurized shall be determined on a case-by-case basis, taking into account the size and complexity of the potable and nonpotable reuse water distribution systems, but in no case shall that period be less than one hour.

(iii) Fixtures, potable and reclaimed, shall be tested and inspected for flow. Flow from any nonpotable reuse water system outlet shall indicate a cross-connection. No flow from a potable water outlet would indicate that it is connected to the nonpotable reuse water system.

(iv) The drain on the nonpotable reuse water system shall be checked for flow during the test and at the end of the period.

(v) The potable water system shall then be completely drained.

(vi) The nonpotable reuse water system shall then be activated and pressurized.

(vii) The nonpotable reuse water system shall remain pressurized for a minimum period of time specified by the Authority Having Jurisdiction while the potable water system is empty. The minimum period the potable water system is to remain depressurized shall be determined on a case-by-case basis, but in no case shall that period be less than one hour.

(viii) Fixtures, potable and reclaimed, shall be tested and inspected for flow. Flow from any potable water system outlet shall indicate a cross-connection. No flow from a nonpotable reuse water outlet would indicate that it is connected to the potable water system.

(ix) The drain on the potable water system shall be checked for flow during the test and at the end of the period.

(x) If there is no flow detected in any of the fixtures that would have indicated a cross-connection, the potable water system shall be repressurized.

1620.2.3 Cross-Connection Discovered. The following procedure, in the presence of the Authority Having Jurisdiction, shall be activated immediately:

(i) Nonpotable reuse water piping to the building shall be shut down at the meter, and the nonpotable reuse water riser shall be drained.

(ii) Potable water piping to the building shall be shut down at the meter.

(iii) The cross-connection shall be uncovered and disconnected.

(iv) The building shall be retested following procedures listed in subsections (B)(1) and (2) above.

(v) The potable water system shall be chlorinated with fifty ppm chlorine for twenty-four hours.

(vi) The potable water system shall be flushed after twenty-four hours, and a standard bacteriological test shall be performed. If test results are acceptable, the potable water system shall be permitted to be recharged.

1620.3 An annual inspection of the nonpotable reuse water system, following the procedures listed in subsection 1620.0 (B)(1), shall be required. Annual cross-connection testing, following the procedures listed in subsection 1620.0 (B)(2), shall be required by the Authority Having Jurisdiction, unless site conditions do not require it. In no event shall the test occur less often than once in four years. Alternate testing requirements shall be permitted by the Authority Having Jurisdiction.

1621.0 Sizing. Nonpotable reuse water piping shall be sized as outlined in this code for sizing potable water piping.

1622.0 Abandonment of Nonpotable Reuse Water Systems. Where nonpotable reuse water systems are abandoned, the procedure for abandonment shall be as required by the Authority Having Jurisdiction. Components of the abandoned system, including, but not limited to, pipe, tubing, fittings and valves shall not be used for potable water systems.

Part III

1623.0 Rainwater Harvesting Systems - General. All components of the system not specifically addressed by the provisions of Part III of this chapter shall meet all applicable sections of this code, and any applicable manufacturer's installation instructions.

Engineered systems shall be installed per plans and specifications of the engineer of record.

1624.0 Scope. Applications for rainwater harvesting are unique for each application. For this reason, each rainwater harvesting system proposed for use must be engineered and site-specific and are subject to the approval of the Authority Having Jurisdiction. The requirement for the system to be engineered may be waived by the Authority Having Jurisdiction.

1624.1 Water Uses. Harvested rainwater uses may include water closets, urinals, hose bibbs, industrial applications, and irrigation purposes. Other uses may be allowed when first approved by the Authority Having Jurisdiction.

1625.0 Definitions. In addition to other definitions used in the Uniform Plumbing Code, the following definitions apply to rainwater harvesting systems.

1625.1 Auxiliary Supply. The piping arranged and protected from contamination to provide an alternate means of filling a cistern.

1625.2 Cistern. The central storage component of the rainwater harvesting system. Protection and maintenance of the cistern is essential for the health of the system.

1625.3 Debris Excluder. A screen or other device installed on the gutter or downspout system to prevent the accumulation of leaves, needles, or other debris in the system.

1625.4 Flat. Having a slope no greater than 1 in 50.

1625.5 Piping System. The system of pipes that conveys the harvested rainwater and distributes it to various fixtures.

1625.6 Prefiltration. A device to mechanically remove sediment and debris.

1625.7 Pump or Pressure System. The mechanical device necessary to distribute the harvested rainwater from the cistern to the designated fixtures.

1625.8 Rainwater Harvesting System (RWS). A cistern(s), pipe, fittings, pumps and other plumbing appurtenances required for and/or used to harvest and distribute rainwater.

1625.9 Return Elbow. A section of pipe with a 180-degree bend.

1625.10 Roof Drainage System. The roof drains, overflow drains, scuppers, gutters and downspouts used to convey the rainwater from the roof surface to the system.

1625.11 Roof Surface. The surface rainwater harvesting systems rely on for the collection of rainwater that has fallen on a building roof.

1625.12 Roof Wash or Roof Washer. A device or method for removal of sediment and debris from collected roof water by diverting initial rainfall from entry into the cistern(s).

1625.13 Screen. Corrosion resistant wire or other approved mesh having openings in determined sizes.

1625.14 Slope or Sloping. Having a slope greater than 1 in 50.

1625.15 Transfer Pump. The mechanical device to transfer collected water from downspouts to remote cistern(s).

1626.0 Permit. It shall be unlawful for any person to construct, install, alter, or cause to be constructed, installed, or altered any rainwater harvesting system within a building or on a premises without first obtaining a permit to do such work from the Authority Having Jurisdiction.

In addition to the permits required by this Code, the following additional permits may be required for the installation of a rainwater harvesting system: An electrical permit for the pump or other electrical controls; a building permit for cistern footings, foundations, enclosures and roof structures; a grading permit may be necessary for underground tanks. In addition, contact your regional office of the department of ecology regarding a registration form.

1626.1 Application. The following information must be provided with each permit application for a rainwater harvesting system:

1. Site or plot plan, including site elevations.
2. A diagram of the rainwater harvesting system (including piping and equipment) and domestic potable water systems, including sizing and dimensions.
3. Specifications and manufacturer's installation instructions for cistern(s), pump(s), filtration and/or disinfection, and roof washing or pre-filtration system(s).
4. Engineering. Installation, including, but not limited to, the following systems, will require structural engineering:

Cisterns that are located on top of a building structure or cisterns that are located on sloping sites.

Information in addition to that listed above may be necessary in some instances. The size and complexity of the building, site and system will determine the necessity for additional information.

1627.0 General Provisions. A rainwater harvesting system begins at the point of collection and terminates as waste after the water collected has been used in plumbing fixtures, industrial applications, or used for irrigation purposes. The parts of the collection and distribution system include the roof surface, gutters and downspouts, roof washer, cistern, pump and the piping system.

1627.1 Collection System. Rainwater shall only be harvested from roof surfaces. Harvest shall not occur from the following locations:

1. Any vehicular or pedestrian area;
2. Surface water runoff; or
3. Bodies of standing water.

1627.2 Collection Pretreatment. Rainwater harvested from roof surfaces shall be pretreated by either a roof washing system or other filtration system of no more than 50 microns. The quantity of the first flush generated by the rainwater harvesting system during any rain event shall be calculated as the first 0.02 inch of rainfall per 24-hour period per square foot of roof area and shall be diverted away from the cistern. Discharge of any diverted water shall go to a location approved by the Administrative Authority.

EXCEPTIONS:

1. A first flush is not required where a post storage filtration or treatment system is installed and approved by the Administrative Authority.
2. A first flush is not required for systems used exclusively for irrigation purposes.

1628.0 System Components.

1628.1 Roof Surface. The roof surface may be constructed of any material accepted by the Administrative Authority.

EXCEPTION: Copper, zinc or lead roofing materials shall not be used.

1628.2 Roof Drainage System. Gutters and downspouts used to collect rainwater shall comply with the following:

1. Gutters and downspouts may be manufactured of any material. Gutter and downspout materials are not required to meet material specifications found in the Uniform Plumbing Code.

EXCEPTION: Copper or zinc gutters and downspouts shall not be used. If existing gutters and downspouts are already in place, the interior shall be coated with a NSF-quality epoxy paint.

2. Gutter and downspout systems leading to the cistern shall be fitted with debris excluders.

1628.3 Roof Washers and Prefiltration. All rainwater harvesting systems using impervious roof surfaces shall have at least one roof washer per downspout or prefiltration system. A roof washer or prefiltration system is not required for pervious roof surfaces such as green roofs. Roof washers and prefiltration systems shall meet the following design requirements.

1628.3.1 All collected rainwater shall pass through a roof washer or prefiltration system before the water enters the cistern(s).

1628.3.2 If more than one cistern is used, a roof washer or prefiltration system shall be provided for each cistern.

EXCEPTION: Where a series of cisterns are interconnected to supply water to a single system.

1628.3.3 The following requirements apply to all roof washers.

1628.3.3.1 The inlet to the roof washer shall be provided with a debris screen that protects the roof washer from the intrusion of waste and vermin.

1628.3.3.2 The roof washer shall rely on manually operated valves or other devices to do the diversion.

1628.3.3.8 Roof washers shall be readily accessible for regular maintenance.

1628.3.4 Prefiltration screens or filters shall be maintained consistent with manufacturer's specifications.

1628.4 Cisterns. The following are the minimum requirements for cisterns.

1628.4.1 General.

1628.4.1.1 All cisterns shall be listed for use with potable water.

1628.4.1.2 Cisterns shall be capable of being filled from both the rainwater harvesting system and the public or private water system.

1628.4.1.3 The municipal or on-site well water system shall be protected from cross-contamination in accordance with Section 603.4.5.

1628.4.1.4 Backflow assemblies shall be maintained and tested in accordance with Section 603.3.3.

1628.4.1.5 Cisterns may be used as storm water collection points that help to minimize flood damage, while providing a reservoir for later use.

1628.4.1.6 Cisterns shall have access to allow inspection and cleaning.

1628.4.2 Size. Any cistern, or combination of cisterns used, shall be sized adequately for the intended use of the water.

1628.4.2.1 For above grade cisterns, the ratio of the cistern size shall not be greater than 1:1 height to width, provided that for an engineered tank with an engineered foundation, the height may exceed the width, subject to approval of the Authority Having Jurisdiction. The ratio for below grade cisterns is not limited.

1628.4.3 Location. Cisterns may be installed either above or below grade. All cisterns shall be installed in accordance with the manufacturer's installation instructions. Where the installation requires a foundation, the foundation shall be flat and shall be capable of supporting the cistern weight when the cistern is full.

1628.4.3.1 Below Grade Cisterns. Below grade cisterns shall be provided with manhole risers a minimum of 8 inches above surrounding grade. Underground cisterns shall have tiedowns per manufacturer's specifications, or the excavated site must have a daylight drain or some other drainage mechanism to prevent floating of the cistern resulting from elevated groundwater levels.

1628.4.4 Protection. Cisterns shall be protected from sunlight to inhibit algae growth and ensure life expectancy of tank.

1628.4.5 Inlets, Outlets and Openings. All cistern openings shall be protected from unintentional entry by humans or vermin. Manhole covers shall be provided and shall be secured to prevent tampering. Where an opening is provided that could allow the entry of personnel, the opening shall be marked, "DANGER - CONFINED SPACE."

Cistern outlets shall be located at least 4 inches above the bottom of the cistern.

1628.4.6 Overflow. The cistern shall be equipped with an overflow device.

1628.4.6.1 The overflow device shall consist of a pipe equal to or greater than the cistern inlet and a minimum of 4 inches below any makeup device from other sources.

1628.4.6.2 The overflow outlet shall be protected with a screen having openings no greater than 0.25 inches or a self-sealing cover.

1628.4.6.3 The Authority Having Jurisdiction shall approve the discharge location of the overflow water.

1628.5 Pump. Where a pump is provided in conjunction with the rainwater harvesting system, the pump shall meet the following provisions.

1628.5.1 The pump and all other pump components shall be listed and approved for use with potable water systems.

1628.5.2 The pump shall be capable of delivering a minimum of 15 psi residual pressure at the highest outlet served. Minimum pump pressure shall allow for friction and other pressure losses. Maximum pressures shall not exceed 80 psi.

1628.6 Piping.

1628.6.1 There shall be no direct connection of any rainwater harvesting pipe system and any domestic potable water pipe system.

1628.6.2 Materials. Pipe used to convey harvested rainwater shall be identified per Section 601.2 and Table 6-1. Fittings and other system components shall be listed for use in conjunction with specified piping. Both piping and fittings shall be installed as required by applicable code and standards.

1628.6.2.1 All other products entering into the construction of a rainwater harvesting system shall be listed as required by code for the purpose intended, and suitable for use in a potable water system.

1628.6.3 Color and Information. All rainwater pipe shall ~~(be marked)~~ have a purple background with black uppercase lettering, with the words "CAUTION: NONPOTABLE RAIN-

WATER, DO NOT DRINK" every ((four)) twenty feet along its length, but in no case less than once per room((~~The pipe and lettering shall comply with Section 601.2~~)), and shall be visible from the floor level. The minimum size of the letters and the length of the color field shall conform to Table 6-1. Where concealed within construction, the piping shall be labeled on two opposing sides of the pipe within each stud or joist bay. All mechanical equipment that is appurtenant to the nonpotable rainwater system shall be painted purple.

1629.0 Signs.

1629.1 Commercial, Industrial and Institutional Room Entrance Signs. In commercial, industrial, and institutional occupancies, all rooms using nonpotable reuse water for water closets and/or urinals shall be identified with signs. Each sign shall contain one-half inch (12.7 mm) letters of a highly visible color on a contrasting background. The location of the sign(s) shall be such that the sign(s) shall be visible to all users. The number and location of the signs shall be approved by the Authority Having Jurisdiction and shall contain the following text:

TO CONSERVE WATER,
THIS BUILDING USES RAINWATER TO FLUSH TOILETS AND
URINALS.

1629.2 Equipment Room Signs. Each room containing nonpotable ~~((reuse water))~~ rainwater equipment shall have a sign posted with the following wording in one-inch (25.4 mm) letters ~~((of a highly visible color))~~ on a ~~((contrasting))~~ purple background:

CAUTION
NONPOTABLE RAINWATER, DO NOT DRINK.
DO NOT CONNECT TO DRINKING WATER SYSTEM.
NOTICE
CONTACT BUILDING MANAGEMENT
BEFORE PERFORMING ANY WORK ON THIS WATER
SYSTEM.

This sign shall be posted in a location that is visible to anyone working on or near nonpotable reuse water equipment.

1629.3 Every water closet or urinal supply, hose bibb or irrigation outlet shall be permanently identified with an indelibly marked placard stating:

CAUTION
NONPOTABLE RAINWATER, DO NOT DRINK

1630.0 Inspection and Testing.

(A) Rainwater harvesting systems shall be inspected and tested as outlined in this code for testing of potable water piping.

(B) An initial inspection and test shall be performed on both the potable and rainwater harvesting systems. The potable and rainwater system shall be isolated from each other and independently inspected and tested to ensure there is no cross-connection.

1631.0 System Maintenance. Rainwater harvesting systems shall be maintained in functioning order for the life of the system. It is the property owner's responsibility to maintain

the system until the system is abandoned as prescribed in this code.

1632.0 System Abandonment. If the owner of a rainwater harvesting system elects to cease use of, or fails to properly maintain such system, they shall abandon the system. To abandon the system one shall:

1. Remove the system entirely; and
2. Replace the rainwater harvesting pipe system with an approved potable water supply pipe system. Where an existing potable pipe system is already in place, fixtures may be reconnected to the existing system.

Rainwater harvesting system abandonment and potable water installations require permit, inspection(s) and approval(s).

Date Adopted: November 18, 2011.

C. Ray Allhouse
Council Chair

AMENDATORY SECTION (Amending WSR 10-03-098, filed 1/20/10, effective 7/1/10)

WAC 51-51-1508 Section M1508—Whole house ventilation.

M1508.1 General. This section establishes minimum prescriptive design requirements for whole house ventilation systems. Each dwelling unit or guest room shall be equipped with a ventilation system complying with Section M1508.4, M1508.5, M1508.6 or M1508.7. Compliance is also permitted to be demonstrated through compliance with the International Mechanical Code.

M1508.1.1 (~~Operating Instructions.~~ Installers shall provide the manufacturer's installation, operating instructions, and a whole house ventilation system operation description.)) Control and Operation.

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole house ventilation systems shall be provided to the occupant by the installer of the system.

3. Source specific ventilation systems. Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole house ventilation systems. Continuous whole house ventilation systems shall operate continuously. Exhaust fans, forced-air system fans, or supply fans shall be equipped with "fan on" as override controls. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

5. Intermittent whole house ventilation systems. Intermittent whole house ventilation systems shall comply with the following:

5.1 They shall be capable of operating intermittently and continuously.

5.2 They shall have controls capable of operating the exhaust fans, forced-air system fans, or supply fans without energizing other energy-consuming appliances.

5.3 The ventilation rate shall be adjusted in accordance with Section M1508.3.

5.4 The system shall be designed so that it can operate automatically based on the type of control timer installed.

5.5 The intermittent mechanical ventilation system shall operate at least one hour out of every twelve.

5.6 The system shall have a manual control and automatic control, such as a 24-hour clock timer.

5.7 At the time of final inspection, the automatic control shall be set to operate the whole house fan according to the schedule used to calculate the whole house fan sizing.

5.8 A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

M1508.2 Continuously Operating Exhaust Ventilation Systems. Continuously operating exhaust ventilation sys-

WSR 12-07-019

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed March 12, 2012, 3:07 p.m., effective April 12, 2012]

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

Purpose: Making editorial corrections to chapter 51-51 WAC, Washington state amendments to 2009 International Residential Code.

WAC 51-51-1508, this section contained several editorial errors that were carried over from the previous whole house ventilation method in the Ventilation and Indoor Air Quality Code. Various instances of the term "intermediate" were removed where they were not appropriate in the methodology adopted for the 2009 code. In addition, a new section was added as Section 1508.1.1 that consolidated requirements found scattered throughout the section to increase clarity. The other sections on controls and system operation were deleted.

Citation of Existing Rules Affected by this Order: Amending WAC 51-51-1508.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.035, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 11-18-089 on September 7, 2011.

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 0, Repealed 0.

tems shall provide the minimum flow rates specified in Table M1508.2.

TABLE M1508.2
MINIMUM VENTILATION RATES
(Continuously operating systems)

	Bedrooms				
	0-1	2-3	4-5	6-7	>7
<1500	30	45	60	75	90
1501-3000	45	60	75	90	105
3001-4500	60	75	90	105	120
4501-6000	75	90	105	120	135
6001-7500	90	105	120	135	150
>7500	105	120	135	150	165

M1508.3 Intermittently Operating Ventilation Systems. The delivered ventilation rate for intermittently operating ventilation systems shall be the combination of its delivered capacity from Table M1508.2, and its ventilation effectiveness and daily fractional operation time from Table M1508.3.

$$Q_f = Q_r / (\epsilon f)$$

Where:

- Q_f = Fan flow rate
- Q_r = Ventilation air requirement (from Table M1508.2)
- ϵ = Ventilation effectiveness (from Table M1508.3)
- f = Fractional operation time

TABLE M1508.3
VENTILATION EFFECTIVENESS FOR INTERMITTENT FANS

Daily Fractional Operation Time, f	Ventilation Effectiveness, ϵ
$f \leq 35\%$	0.33
$35\% \leq f < 60\%$	0.50
$60\% \leq f < 80\%$	0.75
$80\% \leq f$	1.0

For systems designed to operate at least once every three hours, ventilation effectiveness can be 1.0.

M1508.4 ((Intermittent)) Whole House Ventilation Using Exhaust Fans. This section establishes minimum prescriptive requirements for ((intermittent)) whole house ventilation systems using exhaust fans. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

M1508.4.1 Whole House Ventilation Fans. Exhaust fans providing whole house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table ((M1503.2 fM1508.2)) M1508.2 or M1508.3, as applicable. Manufac-

urers' fan flow ratings shall be determined according to HVI 916 (April 1995) or AMCA 210.

M1508.4.2 Fan Noise. Whole house fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (October 1995). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

M1508.4.3 ((Fan Controls. The whole house ventilation fan shall be controlled by a 24-hour clock timer with the capability of continuous operation, manual and automatic control. The 24-hour timer shall be readily accessible. The 24-hour timer shall be capable of operating the whole house ventilation fan without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for at least 8 hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

M1508.4.4)) Exhaust Ducts. All exhaust ducts shall terminate outside the building. Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

((M1508.4.5) M1508.4.4 Outdoor Air Inlets. Outdoor air shall be distributed to each habitable room by individual outdoor air inlets. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means. Doors shall be undercut to a minimum of 1/2 inch above the surface of the finish floor covering.

Individual room outdoor air inlets shall:

1. Have controllable and secure openings;
2. Be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;
3. Provide not less than 4 square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard (HVI 901 November 1996) are deemed equivalent to 4 square inches net free area.

Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

M1508.5 ((Intermittent)) Whole House Ventilation Integrated With a Forced-Air System. This section establishes minimum prescriptive requirements for ((intermittent)) whole house ventilation systems integrated with forced-air ventilation systems. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

M1508.5.1 Integrated Whole House Ventilation Systems. Integrated whole house ventilation systems shall provide outdoor air at the rate calculated using Section M1508.2 or M1508.3, as applicable. Integrated forced-air ventilation systems shall distribute outdoor air to each habitable room through the forced-air system ducts. Integrated forced-air ventilation systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced-air system, at a point within 4 feet upstream of the air handler. The outdoor air inlet duct connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The system will be equipped with a motorized damper connected to the automatic ventilation control as specified in Section M1508.5.2. The required flow rate shall be verified by field testing with a flow hood or a flow measuring station.

~~**M1508.5.2 ((Ventilation Controls.** The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the forced air system blower and the automatic damper. The 24-hour timer shall be readily accessible. The 24-hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for at least 8 hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."~~

~~**M1508.5.3)) Ventilation Duct Insulation.** All supply ducts in the conditioned space shall be insulated to a minimum of R-4.~~

~~**((M1508.5.4)) M1508.5.3 Outdoor Air Inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:~~

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

M1508.6 ((-Intermittent)) Whole House Ventilation Using a Supply Fan. This section establishes minimum pre-

scriptive requirements for ((intermittent)) whole house ventilation systems using an inline supply fan. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

M1508.6.1 Outdoor Air. Supply fan ventilation systems shall distribute outdoor air to each habitable room through the forced-air system ducts or through dedicated ducts to each habitable room. Supply fans shall have the capacity to provide the amount of outdoor air specified in Table M1508.2 or M1508.3, as applicable, at 0.40 inches water gauge as per HVI 916 (April 1995). The outdoor air must be filtered before it is delivered to habitable rooms. The filter may be located at the intake device, in line with the fan, or, in the case of a connection to the return plenum of the air handler, using the furnace filter. An outdoor air inlet shall be connected to either the supply or return air stream.

M1508.6.2 Ducts. An outdoor air inlet duct connection to the supply air stream shall be located downstream of the forced-air system blower. An outdoor air inlet duct connection to the return air stream shall be located at least 4 feet upstream of the forced-air system blower and its filter. Neither type of duct shall be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The outdoor air inlet duct shall be prescriptively sized in accordance with Table M1508.6.2. The terminal element on the outside of the building shall be sized 2 inches in diameter larger than the outdoor air inlet duct.

TABLE M1508.6.2
PRESCRIPTIVE SUPPLY FAN DUCT SIZING

Supply Fan Tested cfm at 0.40" wg		
Specified Volume from Table M1508.2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

M1508.6.3 Dampers. The system shall be equipped with a back-draft damper and one of the following:

1. A calibrated manual volume damper installed and set to meet the measured flow rates specified in Table ((M1508.2)) M1508.3 by field testing with a pressure gauge and/or following manufacturer's installation instructions; or
2. A manual volume damper installed and set to meet the measured flow rates specified in Table ((M1508.2)) M1508.3 by field testing with a flow hood or a flow measuring station; or
3. An automatic flow-regulating device sized to the specified flow rates in Table M1508.2 which provides constant flow over a pressure range of 0.20 to 0.60 inches water gauge.

~~**M1508.6.4 ((Ventilation Controls.** The whole house ventilation system shall be controlled by a 24-hour clock timer with the capability of continuous operation, manual and automatic control. This will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24-hour timer~~

shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for at least 8 hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

M1508.6.5)) Ventilation Duct Insulation. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

((M1508.6.6)) M1508.6.5 Outdoor Air Inlets. Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

M1508.7 ((Intermittent)) Whole House Ventilation Using a Heat Recovery Ventilation System. This section establishes minimum prescriptive requirements for ((intermittent)) whole house ventilation using a heat recovery ventilation system.

M1508.7.1 Heat Recovery Ventilation Systems. All duct work in heat recovery systems shall be sized and installed per the manufacturer's instructions. System minimum flow rating shall be not less than that specified in Table M1508.2 or M1508.3, as applicable. Heat recovery ventilation systems shall have a filter on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a minimum efficiency ratings value (MERV) of 6.

M1508.7.2 ((Ventilation Controls. ~~The whole house ventilation system shall be controlled by a 24-hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24-hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for at least 8 hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."~~

M1508.7.3)) Ventilation Duct Insulation. All supply ducts in the conditioned space installed upstream of the heat exchanger shall be insulated to a minimum of R-4.

((M1508.7.4)) M1508.7.3 Outdoor Air Inlets. Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**WSR 12-07-020
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed March 12, 2012, 3:08 p.m., effective April 12, 2012]

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

Purpose: Making editorial corrections to chapter 51-52 WAC, Washington state amendments to 2009 International Mechanical Code.

WAC 51-52-0403, a typographical error in the exception to Section 403.8.5.2 was corrected.

Citation of Existing Rules Affected by this Order: Amending WAC 51-52-0403.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.035, and 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 11-18-088 on September 7, 2011.

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

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

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

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

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

Date Adopted: November 18, 2011.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 10-03-099, filed 1/20/10, effective 7/1/10)

WAC 51-52-0403 Section 403—Mechanical ventilation.

403.2 Outdoor air required. The minimum ventilation rate of outdoor air shall be determined in accordance with Section 403.3.

- EXCEPTIONS:
1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.
 2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

403.2.1 Recirculation of air. The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply air-stream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.
(Item 4 is not adopted.)

403.3 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3 estimated maximum occupancy rates.

**Table 403.3
Required Outdoor Ventilation Air**

Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R _a cfm/ft ^{2a}	Default Occupant Density #/1000 ft ^{2a}	Exhaust Airflow Rate cfm/ft ²
Correctional facilities				
Cells				
without plumbing fixtures	5	0.12	25	—
with plumbing fixtures	5	0.12	25	1.0
Dining halls (see food and beverage service)	—	—	—	—
Guard stations	5	0.06	15	—
Day room	5	0.06	30	—
Booking/waiting	7.5	0.06	50	—
Dry cleaners, laundries				
Coin-operated dry cleaner	15	—	20	—
Coin-operated laundries	7.5	0.06	20	—
Commercial dry cleaner	30	—	30	—
Commercial laundry	25	—	10	—
Storage, pick up	7.5	0.12	30	—
Education				
Art classroom	10	0.18	20	0.7
Auditoriums	5	0.06	150	—
Classrooms (ages 5-8)	10	0.12	25	—
Classrooms (ages 9 plus)	10	0.12	35	—
Computer lab	10	0.12	25	—
Corridors (see public spaces)	—	—	—	—
Day care (through age 4)	10	0.18	25	—
Lecture classroom	7.5	0.06	65	—

Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R _a cfm/ft ^{2a}	Default Occupant Density #/1000 ft ^{2a}	Exhaust Airflow Rate cfm/ft ²
Lecture hall (fixed seats)	7.5	0.06	150	—
Locker/dressing room	—	—	—	0.25
Media center	10	0.12	25	—
Multiuse assembly	7.5	0.06	100	—
Music/theater/dance	10	0.06	35	—
Science laboratories	10	0.18	25	1.0
Smoking lounges ^b	60	—	70	—
Sports locker rooms	—	—	—	0.5
Wood/metal shops	10	0.18	20	0.5
Food and beverage service				
Bars, cocktail lounges	7.5	0.18	100	—
Cafeteria, fast food	7.5	0.18	100	—
Dining rooms	7.5	0.18	70	—
Kitchens (cooking) ^b	—	—	—	0.7
Hospitals, nursing and convalescent homes				
Autopsy rooms ^b	—	—	—	0.5
Medical procedure rooms	15	—	20	—
Operating rooms	30	—	20	—
Patient rooms	25	—	10	—
Physical therapy	15	—	20	—
Recovery and ICU	15	—	20	—
Hotels, motels, resorts and dormitories				
Multipurpose assembly	5	0.06	120	—
Bathrooms/toilet—private	—	—	—	25/50 ^f
Bedroom/living room	5	0.06	10	—
Conference/meeting	5	0.06	50	—
Dormitory sleeping areas	5	0.06	20	—
Gambling casinos	7.5	0.18	120	—
Kitchens	—	—	—	25/100 ^f
Lobbies/prefunction	7.5	0.06	30	—
Offices				
Conference rooms	5	0.06	50	—
Office spaces	5	0.06	5	—
Reception areas	60	0.06	30	—
Telephone/data entry	5	0.06	60	—
Main entry lobbies	5	0.06	10	—
Private dwellings, single and multiple				
Garages, common for multiple units ^b	—	—	—	0.75
Garages, separate for each dwelling ^b	—	—	—	100 cfm per car
Kitchens ^b	—	—	—	25/100 ^f
Living areas ^c	See Tables 403.8.5.1 and 403.8.5.2	—	Based on the number of bedrooms. First bedroom: 2; each additional bedroom, 1	—
Toilet rooms, bathrooms and laundry areas ⁱ	—	—	—	20/50 ^f
Public spaces				
Corridors	—	0.06	—	—
Elevator car	—	—	—	1.0

Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Default Occupant Density #/1000 ft ^{2a}	Exhaust Airflow Rate cfm/ft ²
Shower room (per shower head)	—	—	—	50/20 ^f
Smoking lounges ^b	60	—	70	—
Toilet rooms - public	—	—	—	50/70 ^e
Places of religious worship	5	0.06	120	—
Courtrooms	5	0.06	70	—
Legislative chambers	5	0.06	50	—
Libraries	5	0.12	10	—
Museums (children's)	7.5	0.12	40	—
Museums/galleries	7.5	0.06	40	—
Retail stores, sales floors and show-room floors				
Sales (except as below)	7.5	0.12	15	—
Dressing rooms	—	—	—	0.25
Mall common areas	7.5	0.06	40	—
Shipping and receiving	—	0.12	—	—
Smoking lounges ^b	60	—	70	—
Storage rooms	—	0.12	—	—
Warehouses (see storage)	—	—	—	—
Specialty shops				
Automotive motor-fuel-dispensing stations ^b	—	—	—	1.5
Barber	7.5	0.06	25	0.5
Beauty and nail salons ^{b,h}	20	0.12	25	0.6
Embalming room ^b	—	—	—	2.0
Pet shops (animal areas) ^b	7.5	0.18	10	0.9
Supermarkets	7.5	0.06	8	—
Sports and amusement				
Disco/dance floors	20	0.06	100	—
Bowling alleys (seating areas)	10	0.12	40	—
Game arcades	7.5	0.18	20	—
Ice arenas, without combustion engines	—	0.30	—	0.5
Gym, stadium arena (play area)	—	0.30	—	—
Spectator areas	7.5	0.06	150	—
Swimming pools (pool and deck area)	—	0.48	—	—
Health club/aerobics room	20	0.06	40	—
Health club/weight room	20	0.06	10	—
Storage				
Repair garages, enclosed parking garage ^{b,d}	—	—	—	0.75
Warehouses	—	0.06	—	—
Theaters				
Auditoriums (see education)	—	—	—	—
Lobbies	5	0.06	150	—
Stages, studios	10	0.06	70	—
Ticket booths	5	0.06	60	—
Transportation				
Platforms	7.5	0.06	100	—
Transportation waiting	7.5	0.06	100	—
Workrooms				
Bank vaults/safe deposit	5	0.06	5	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	5	0.06	4	0.5

Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R _a cfm/ft ^{2a}	Default Occupant Density #/1000 ft ^{2a}	Exhaust Airflow Rate cfm/ft ²
Meat processing ^c	15	—	10	—
Pharmacy (prep area)	5	0.18	10	—
Photo studios	5	0.12	10	—
Computer (without printing)	5	0.06	4	—

For SI: 1 cubic foot per minute = 0.0004719 m³/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m³/(s•m²), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m².

- a. Based upon net occupiable floor area.
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited (see Section 403.2.1, Item 3).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Rates are per water closet or urinal. The higher rate shall be provided where periods of heavy use are expected to occur, such as toilets in theaters, schools and sports facilities. The lower rate shall be permitted where periods of heavy use are not expected.
- f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted where the exhaust system is designed to operate continuously during normal hours of use.
- g. Reserved.
- h. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm per station.
- i. A laundry area within a kitchen or bathroom is not required to have source specific exhaust. Where there are doors that separate the laundry area from the kitchen or bathroom the door shall be louvered.

403.8 Ventilation systems for Group R occupancies. Each dwelling unit or guest room shall be equipped with source specific and whole house ventilation systems and shall comply with Sections 403.8.1 through 403.8.11. All public corridors and other than Group R occupied spaces that support the Group R occupancy shall meet the ventilation requirements of Section 402 or Sections 403.1 to 403.7.

403.8.1 Minimum ventilation performance. Ventilation systems shall be designed and installed to satisfy the ventilation requirements of Table 403.3 or Table 403.8.1.

Table 403.8.1
Ventilation Rates for All Group R Private Dwellings, Single and Multiple
 (Continuously Operating Systems)

Floor Area (ft ²)	Bedrooms ¹				
	0-1	2-3	4-5	6-7	>7
<1500	30	45	60	75	90
1501 - 3000	45	60	75	90	105
3001 - 4500	60	75	90	105	120
4501 - 6000	75	90	105	120	135
6001 - 7500	90	105	120	135	150
>7500	105	120	135	150	165

¹Ventilation rates in table are minimum outdoor airflow rates measured in cfm.

403.8.2 Control and operation.

- 1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.
- 2. Instructions. Operating instructions for whole house ventilation systems shall be provided to the occupant by the installer of the system.
- 3. Source specific ventilation systems. Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.
- 4. Continuous whole house ventilation systems. Continuous whole house ventilation systems shall operate continuously. Exhaust fans, forced-air system fans, or supply fans shall be equipped with "fan on" as override controls. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A

label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

- 5. Intermittent whole house ventilation systems. Intermittent whole house ventilation systems shall comply with the following:
 - 5.1 They shall be capable of operating intermittently and continuously.
 - 5.2 They shall have controls capable of operating the exhaust fans, forced-air system fans, or supply fans without energizing other energy-consuming appliances.
 - 5.3 The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.
 - 5.4 The system shall be designed so that it can operate automatically based on the type of control timer installed.
 - 5.5 The intermittent mechanical ventilation system shall operate at least one hour out of every twelve.

5.6 The system shall have a manual control and automatic control, such as a 24-hour clock timer.

5.7 At the time of final inspection, the automatic control shall be set to operate the whole house fan according to the schedule used to calculate the whole house fan sizing.

5.8 A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

403.8.3 Outdoor air intake locations. Outdoor air intakes shall be classified as either operable openings or mechanical air intakes and shall be located per the following criteria. The intake locations for operable openings and mechanical air intakes shall comply with the following:

1. Openings for mechanical air intakes shall comply with Section 401.4. Operable openings shall comply with Section 401.4 items 2 and 4 only.
2. Intake openings shall not be located closer than 10 feet from an appliance vent outlet unless such vent outlet is 3 feet above the outdoor air inlet. The vent shall be permitted to be closer if specifically allowed by Chapter 8 or by the International Fuel Gas Code.
3. Intake openings shall be located where they will not pick up objectionable odors, fumes, or flammable vapors.
4. Intake openings shall be located where they will not take air from a hazardous or unsanitary location.
5. Intake openings shall be located where they will not take air from a room or space having a fuel-burning appliances.
6. Intake openings shall not be located closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
7. Intake openings shall not be located where they will take air from an attic, crawl space, or garage.

403.8.4 Source specific ventilation requirements. Source specific exhaust ventilation systems shall exhaust at least the volume of air required for exhaust in Table 403.3. Exhaust shall be provided in each kitchen, bathroom, water closet, laundry area, indoor swimming pool, spa, and other room where water vapor or cooking odor is produced.

403.8.4.1 Source specific exhaust systems. Exhaust systems shall be designed and installed to meet all of the criteria below:

1. Source specific exhaust shall be discharged outdoors.
2. Exhaust outlets shall comply with Section 501.2.

3. Pressure equalization shall comply with Section 501.3.

4. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

5. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

6. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

7. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.2.2.

8. Exhaust fans in separate dwelling units or guest rooms shall not share common exhaust ducts unless the system is engineered for this operation.

9. Where permitted by Chapter 5, multiple source specific exhaust ducts may be combined. If more than one of the exhaust fans in a dwelling unit or guest room shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

403.8.4.2 Source specific exhaust fans. Exhaust fan construction and sizing shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

EXCEPTION: Where a range hood or down draft exhaust fan is used for source specific exhaust for a kitchen, the device is not required to be rated per these standards.

2. Installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.3. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTIONS:

1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.4.2.
2. Where a range hood or down draft exhaust fan is used to satisfy the source specific ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

**Table 403.8.4.2
Prescriptive Exhaust Duct Sizing**

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows ¹
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches ²	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches ²	NA	5 inches	50	3

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows ¹
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

1. For each additional elbow, subtract 10 feet from length.
2. Flex ducts of this diameter are not permitted with fans of this size.

403.8.5 Whole house ventilation requirements. Each dwelling unit or guest room shall be equipped with one of the following four types of mechanical whole house ventilation systems: A system using exhaust fans (see Section 403.8.6); a system integrated with forced-air systems (see Section 403.8.7); a system using supply fans (see Section 403.8.8); or a heat or energy recovery ventilation system (see Section 403.8.9).

403.8.5.1 Outdoor air. Outdoor air shall be distributed to each habitable space.

Where outdoor air supply intakes are separated from exhaust vents by doors, means shall be provided to ensure airflow to all separated habitable spaces by installing distribution ducts, installed grilles, transoms, doors undercut to a minimum of 1/2-inch above the surface of the finish floor covering, or other similar means where permitted by the International Building Code.

The mechanical system shall operate continuously to supply at least the volume of outdoor air required in Table 403.3 or Table 403.8.1.

EXCEPTION: Intermittently operating ventilation systems: The mechanical system shall have controls for intermittent operation per Section 403.8.2 and shall supply at least the volume of outdoor air required for intermittent operation based on the combination of its delivered capacity (from Table 403.3 or Table 403.8.1), its ventilation effectiveness (from Table 403.8.5.1) and its daily fractional operation time (from Table 403.8.5.1) using the formula:

$$Q_f = Q_r / (\epsilon \cdot f)$$

Where:

- Q_f = outdoor air flow rate
- Q_r = ventilation air requirement (from Table 403.3 or 403.8.1)
- ε = ventilation effectiveness (from Table 403.8.5.1)
- f = fractional operation time (from Table 403.8.5.1)

**Table 403.8.5.1
Ventilation Effectiveness for Intermittent Fans**

Daily Fractional Operation Time, f	Ventilation Effectiveness, ε
f ≤ 35%	0.33
35% ≤ f < 60%	0.50
60% ≤ f < 80%	0.75
80% ≤ f	1.0

403.8.5.2 Whole house supply system general requirements. Whole house ventilation systems integrated with a forced-air system, systems using supply fans and systems using a heat or energy recovery ventilation system shall comply with the following.

1. Outdoor air louvers shall be adequately sized for the required airflow and shall comply with Section 401.5. Outdoor air intake locations shall comply with mechanical air intakes requirements of Section 403.8.3.

2. Outdoor air ducts for dedicated or central supply systems and exhaust ducts for heat or energy recovery systems shall be provided with a means for balancing the system to the required airflow via balance dampers or other devices.

3. Outdoor air ducts, for dedicated or central systems shall be provided with motorized dampers.

EXCEPTION: Outdoor air ducts at heat or energy recovery ventilation systems are not required to have motorized dampers.

4. Ducts in the conditioned space shall be insulated to a minimum of R-4. In heat or energy recovery ventilation systems, ducts upstream of the heat exchanger shall also be insulated to at least R-4.

5. All outdoor air ducts shall be designed and installed to deliver at least the outdoor airflow required by Section 403.8.5.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: The outdoor air duct for supply fan systems and heat or energy recovery systems may be prescriptively sized per Table 403.8.5.2 for dedicated outdoor air ducts upstream of the supply fan. Supply fans shall have the capacity to provide the amount of outdoor air required by Section 403.8.5.1 at 0.40 in. w.g. as per HVI 916 (April 1995). When prescriptively sized the system shall be tested and balanced using a flow hood, flow-grid, or other airflow measurement device.

6. Whole house ventilation controls for continuous and intermittent operation shall be provided at both the forced-air fan and the motorized damper.

**Table 403.8.5.2
Prescriptive Supply Fan Duct Sizing**

Supply Fan Tested cfm at 0.40" w.g.		
Specified Volume from Table 408.1	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

403.8.6 Whole house ventilation with exhaust fan systems.

This section establishes minimum requirements for mechanical whole house ventilation systems using exhaust fans.

403.8.6.1 Outdoor air. Exhaust fan only ventilation systems shall provide outdoor air through one of the following methods:

1. Outdoor air may be drawn through air inlets installed in exterior walls or windows. For interior spaces without openings to the outdoor, air inlets cannot be used unless a transfer fan is provided in compliance with Section 403.8.6.1 Item 3. The air inlets shall comply with all of the following:

a. Inlets shall have controllable, secure openings and shall be designed to not compromise the thermal properties of the building envelope.

b. Inlets shall be accessible to occupants.

c. Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material.

d. Inlets shall provide not less than 4 square inches of net free area of opening for each 10 cfm of outdoor air required in Table 403.3 or Table 403.8.1.

e. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilation Institute Air Flow Test Standard (HVI 901 (November 1996)) are deemed equivalent to 4 square inches of net free area.

f. Each occupiable space shall have a minimum of one air inlet that has a minimum of 4 square inches of net free area.

2. In high-rise buildings, outdoor air may be drawn in through operable windows, doors, louvers or other operable openings to the outdoors. Exterior spaces shall have a minimum openable area of 4 percent of the total floor area being ventilated. Doors exiting to a corridor, court or public way shall not be used to provide outdoor air. For interior spaces without openings to the outdoors, the opening to the adjoining room shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The operable openings shall comply with the following:

a. Openings shall be controllable, securable, and shall be designed to not compromise the thermal properties of the building envelope.

b. Openings shall be accessible to occupants.

3. For interior spaces, in buildings with air inlets in accordance with Section 403.8.6.1 Item 1 or in high-rise building without operable openings in accordance with Section 403.8.6.1 Item 2 shall have a whole house transfer fan sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

403.8.6.2 Outside air intake locations. All outside air intake opening types described in Section 403.8.6.1 shall be classified operable openings and shall not be classified as mechanical air intakes. The intake locations shall comply with Section 403.8.3.

403.8.6.3 Whole house exhaust system. Whole house exhaust system shall be designed and installed to meet all of the applicable criteria below:

1. Whole house ventilation exhaust shall be discharged outdoors.

2. Exhaust outlets shall comply with Section 501.2.

3. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

4. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.5. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

5. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.2.2.

6. One of the required source specific exhaust fans for the laundry room or bathroom may be designated as the whole house exhaust fan.

7. Exhaust fans in separate dwelling units or guest rooms shall not share common exhaust ducts unless the system is engineered for this operation.

8. Where permitted by Chapter 5 whole house exhaust ducts may be combined with other source specific exhaust ducts. If more than one of the exhaust fans in a dwelling unit or guest room shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

403.8.6.4 Whole house exhaust and transfer fans. Exhaust fan construction and sizing shall meet the following criteria.

1. Exhaust and transfer fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

2. Installation of system or equipment shall be carried out in accordance with manufacturers' design requirements and installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the outdoor airflow required by Table 403.3 or Table 403.8.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: An airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.5.2.

403.8.6.5 Fan noise. Whole house exhaust and transfer fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.10 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached ductwork using insulated flexible duct or other approved material.

403.8.7 Whole house ventilation integrated with forced-air systems. This section establishes minimum requirements

for mechanical whole house ventilation systems using forced-air system fans.

403.8.7.1 Outdoor air. Forced-air system fan ventilation systems shall provide outdoor air through one of the following methods:

1. A dedicated outdoor air louver and outdoor air duct for each dwelling unit or guest room shall supply outdoor air to the return side of the forced-air system fan; or
2. A central outdoor air delivery system that supplies multiple dwelling units or guest rooms shall supply outdoor air to the return side of the forced air system fan.

403.8.7.2 Whole house forced-air system. Where outdoor air is provided to each habitable dwelling unit or guest room by a forced-air system, the outdoor air duct shall be connected to the return air stream at a point within 4 feet upstream of the forced-air unit. It shall not be connected directly to the forced-air unit cabinet in order to prevent thermal shock to the heat exchanger. At a minimum, filtration of the outdoor air shall be provided at the forced-air unit. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

403.8.8 Whole house ventilation with supply fan systems. This section establishes minimum requirements for mechanical whole house ventilation systems using supply fan systems.

403.8.8.1 Outdoor air. Supply fan ventilation systems shall provide outdoor air through one of the following methods:

1. A dedicated outdoor air louver and outdoor air duct for each dwelling unit or guest room shall supply outdoor air to a supply fan; or
2. A central outdoor air supply fan system shall distribute unconditioned or conditioned air to multiple dwelling units or guest rooms.

403.8.8.2 Whole house supply system. Where outdoor air is provided to each habitable dwelling unit or guest room by supply fan systems the outdoor air shall be filtered.

The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

403.8.9 Whole house ventilation with heat recovery or energy recovery ventilation systems. This section establishes minimum requirements for mechanical whole house ventilation systems using heat recovery or energy recovery ventilation systems.

403.8.9.1 Outdoor air. Heat recovery or energy recovery ventilation systems shall provide outdoor air through one of the following methods:

1. A dedicated outdoor air louver and outdoor air duct for each dwelling unit or guest room shall supply outdoor air to the heat recovery or energy recovery ventilator; or
2. A central outdoor air heat recovery or energy recovery unit shall distribute conditioned air to multiple dwelling units or guest rooms.

403.8.9.2 Whole house heat recovery ventilator system.

Where outdoor air is provided to each habitable dwelling unit or guest room by heat recovery or energy recovery ventilator the outdoor air shall be filtered. The filter shall be located on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a Minimum Efficiency Rating Value (MERV) of at least 6. The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement.

403.8.10 Source specific exhaust ventilation and whole house ventilation alternate performance or design requirements. In lieu of complying with Sections 403.8.4 or 403.8.5 compliance with the section shall be demonstrated through engineering calculations by an engineer licensed to practice in the state of Washington or by performance testing. Documentation of calculations or performance test results shall be submitted to and approved by the building official. Performance testing shall be conducted in accordance with approved test methods.

403.8.11 Alternate systems. When approved by the code official, systems designed in accordance with ASHRAE Standard 62.2-2007 shall be permitted.

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.

WSR 12-07-022
PERMANENT RULES
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed March 12, 2012, 3:31 p.m., effective April 12, 2012]

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

Purpose: During the reorganization of chapter 182-543 WAC, long-standing policy language regarding reimbursement was unintentionally deleted. This rule-making action reinstates the language that was deleted. This rule revision also clarifies in WAC 182-543-5500 that prior authorization is required for the purchase of replacement batteries for wheelchairs.

Citation of Existing Rules Affected by this Order: Amending WAC 182-543-5500, 182-543-9100, 182-543-9200, 182-543-9300, and 182-543-9400.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 12-04-026 on January 26, 2012.

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 5, 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 5, Repealed 0.

Date Adopted: March 12, 2012.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-543-5500 Covered—Medical supplies and related services. The ((department)) agency covers, without prior authorization unless otherwise specified, the following medical supplies and related services:

- (1) Antiseptics and germicides:
 - (a) Alcohol (isopropyl) or peroxide (hydrogen) - One pint per month;
 - (b) Alcohol wipes (box of two hundred) - One box per month;
 - (c) Betadine or pHisoHex solution - One pint per month;
 - (d) Betadine or iodine swabs/wipes (box of one hundred) - One box per month;
- (2) Bandages, dressings, and tapes;
- (3) Batteries - Replacement batteries:
 - (a) The ((department)) agency pays for the purchase of replacement batteries for wheelchairs with prior authorization.
 - (b) The ((department)) agency does not pay for wheelchair replacement batteries that are used for speech generating devices (SGDs) or ventilators. See WAC ((388-543-3400)) 182-543-3400 for speech generating devices and chapter ((388-548)) 182-548 WAC for ventilators.
- (4) Blood monitoring/testing supplies:
 - (a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - One in a three-month period;
 - (b) Spring-powered device for lancet - One in a six-month period;
 - (c) Diabetic test strips as follows:
 - (i) For clients, twenty years of age and younger, as follows:
 - (A) Insulin dependent, three hundred test strips and three hundred lancets per client, per month.
 - (B) For noninsulin dependent, one hundred test strips and one hundred lancets per client, per month.
 - (ii) For clients, twenty-one years of age and older:
 - (A) Insulin dependent, one hundred test strips and one hundred lancets per client, per month.
 - (B) For noninsulin dependent, one hundred test strips and one hundred lancets per client, every three months.
 - (iii) For pregnant women with gestational diabetes, the ((department)) agency pays for the quantity necessary to support testing as directed by the client's physician, up to sixty days postpartum.
 - (d) See WAC ((388-543-5500)) 182-543-5500(12) for blood glucose monitors.
- (5) Braces, belts, and supportive devices:
 - (a) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - Two per twelve-month period;

- (b) Ankle, elbow, or wrist brace - Two per twelve-month period;
- (c) Lumbosacral brace, rib belt, or hernia belt - One per twelve-month period;
- (d) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - One per twelve-month period.
- (6) Decubitus care products:
 - (a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - One per twelve-month period;
 - (b) Synthetic or lamb's wool sheepskin pad - One per twelve-month period;
 - (c) Heel or elbow protectors - Four per twelve-month period.
- (7) Ostomy supplies:
 - (a) Adhesive for ostomy or catheter: Cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - Four total ounces per month.
 - (b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - Ten per month.
 - (c) Adhesive remover or solvent - Three ounces per month.
 - (d) Adhesive remover wipes, fifty per box - One box per month.
 - (e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - Sixty per month.
 - (f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - Ten per month.
 - (g) Continent plug for continent stoma - Thirty per month.
 - (h) Continent device for continent stoma - One per month.
 - (i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - Twenty per month.
 - (j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - Twenty per month.
 - (k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - Ten per month.
 - (l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - Ten per month.
 - (m) Irrigation bag - Two every six months.
 - (n) Irrigation cone and catheter, including brush - Two every six months.
 - (o) Irrigation supply, sleeve - One per month.
 - (p) Ostomy belt (adjustable) for appliance - Two every six months.
 - (q) Ostomy convex insert - Ten per month.
 - (r) Ostomy ring - Ten per month.
 - (s) Stoma cap - Thirty per month.
 - (t) Ostomy faceplate - Ten per month. The ((department)) agency does not pay for either of the following when billed in combination with an ostomy faceplate:
 - (i) Drainable pouches with plastic face plate attached; or
 - (ii) Drainable pouches with rubber face plate.
- (8) Syringes and needles;
- (9) Urological supplies - Diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., briefs, diapers, pull-up pants, underpads for beds, liners, shields, guards, pads, and undergarments). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic;

(v) The product must meet the flammability requirements of both federal law and industry standards; and

(vi) All products are covered for client personal use only.

(b) In addition to the standards in subsection (a) of this section, diapers must meet all the following specifications. They must:

(i) Be hourglass shaped with formed leg contours;

(ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;

(iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a back sheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a top sheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

(A) For child diapers, at least two tapes, one on each side.

(B) The tape adhesive must release from the back sheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up pants and briefs must meet the following specifications. They must:

(i) Be made like regular underwear with an elastic waist or have at least four tapes, two on each side or two large tapes, one on each side;

(ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a back sheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads are covered only for incontinent purposes in a client's bed and must meet the following specifications:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of non-woven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(vi) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners, shields, guards, pads, and undergarments are covered for incontinence only and must meet the following specifications:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) The ((department)) agency pays for urological products when they are used alone. The following are examples of products which the ((department)) agency does not pay for when used in combination with each other:

(i) Disposable diapers;

(ii) Disposable pull-up pants and briefs;

(iii) Disposable liners, shields, guards, pads, and undergarments;

(iv) Rented reusable diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (e.g., from a diaper service), or pull-up pants.

(g) The ((department)) agency approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use. Example: pull-up pants for daytime use and disposable diapers for nighttime use. The total quantity of all products in this section used in combination cannot exceed the monthly limitation for the product with the highest limit.

(h) Purchased disposable diapers (any size) are limited to two hundred per month for clients three years of age and older.

(i) Reusable cloth diapers (any size) are limited to:

(i) Purchased - Thirty-six per year; and

(ii) Rented - Two hundred per month.

(j) Disposable briefs and pull-up pants (any size) are limited to:

(i) Two hundred per month for a client age three to eighteen years of age; and

(ii) One hundred fifty per month for a client nineteen years of age and older.

(k) Reusable briefs, washable protective underwear, or pull-up pants (any size) are limited to:

(i) Purchased - Four per year.

(ii) Rented - One hundred fifty per month.

(l) Disposable pant liners, shields, guards, pads, and undergarments are limited to two hundred per month.

(m) Underpads for beds are limited to:

(i) Disposable (any size) - One hundred eighty per month.

(ii) Purchased, reusable (large) - Forty-two per year.

(iii) Rented, reusable (large) - Ninety per month.

(10) Urological supplies - Urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - Two per month. The ((department)) agency does not pay for these when billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adapter; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - Two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adapter, for use with urinary leg bag or urostomy pouch. The ((department)) agency does not pay for these when billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - Two per twelve-month period.

(e) Indwelling catheters (any type) - Three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - One hundred and twenty per month. The ((department)) agency does not pay for these when billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - Three per month. The ((department)) agency does not pay for these when billed in combination with other insertion trays without drainage bag and/or indwelling catheter, individual indwelling catheters, and/or individual lubricant packets.

(g) Intermittent urinary catheter - One hundred twenty per month. The ((department)) agency does not pay for these when billed in combination with an insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston). The ((department)) agency does not pay for these when billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - Thirty per month. The ((department)) agency does not pay for these when billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - Thirty per month. The ((department)) agency does not pay for these when billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric), replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - Sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - Two per month. The ((department)) agency does not pay for these when billed in combination with a latex urinary leg bag, urinary suspensory without leg bag, extension drainage tubing, or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - Two per month.

(o) Urinary leg bag, vinyl, with or without tube - Two per month. The ((department)) agency does not pay for these when billed in combination with drainage bag and without catheter.

(p) Urinary leg bag, latex - One per month. The ((department)) agency does not pay for these when billed in combination with or without catheter.

(11) Miscellaneous supplies:

(a) Bilirubin light therapy supplies when provided with a bilirubin light which the ((department)) agency prior authorized - Five days supply.

(b) Continuous passive motion (CPM) softgoods kit - One, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - One box of twenty.

(d) Eye patch (adhesive wound cover) - One box of twenty.

(e) Nontoxic gel (e.g., LiceOff TM) for use with lice combs - One bottle per twelve-month period.

(f) Nonsterile gloves - Two hundred, per client, per month.

(i) For clients residing in an assisted living facility, the ((department)) agency pays, with prior authorization, for additional nonsterile gloves up to the quantity necessary as directed by the client's physician, not to exceed a total of four hundred per client, per month.

(ii) Prior authorization requests must include a completed:

(A) General Information for Authorization form ((DSHS)) HCA 13-835). The ((department's)) agency's electronic forms are available online (see WAC ((388-543-7000)) 182-543-7000 Authorization); and

(B) Limitation Extension Request Incontinent Supplies and Gloves form ((DSHS)) HCA 13-870).

(g) Sterile gloves - Thirty pair, per client, per month.

(12) Miscellaneous DME:

(a) Bilirubin light or light pad - Five days rental per twelve-month period for at-home newborns with jaundice.

(b) Blood glucose monitor (specialized or home) - One in a three-year period. See WAC ((388-543-5500)) 182-543-5500(4) for blood monitoring/testing supplies. The ((department)) agency does not pay for continuous glucose monitoring systems including related equipment and supplies under the durable medical equipment benefit. See WAC ((388-553-500)) 182-553-500 home infusion therapy/parenteral nutrition program.

(c) Continuous passive motion (CPM) machine - Up to ten days rental and requires prior authorization.

(d) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - Two per twelve-month period.

(e) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap with adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - Two per twelve-month period.

(f) Pneumatic compressor - One in a five-year period.

(g) Positioning car seat - One in a five-year period.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-543-9100 Reimbursement method—Other DME. (1) The ~~((department))~~ agency sets, evaluates and updates the maximum allowable fees for purchased other durable medical equipment (DME) at least once yearly using one or more of the following:

(a) The current medicare rate, as established by the federal centers for medicare and medicaid services (CMS), for a new purchase if a medicare rate is available;

(b) A pricing cluster; or

(c) On a by-report basis.

(2) Establishing reimbursement rates for purchased other DME based on pricing clusters.

(a) A pricing cluster is based on a specific healthcare common procedure coding system (HCPCS) code.

(b) The ~~((department's))~~ agency's pricing cluster is made up of all the brands/models for which the ~~((department))~~ agency obtains pricing information. However, the ~~((department))~~ agency may limit the number of brands/models included in the pricing cluster. The ~~((department))~~ agency considers all of the following when establishing the pricing cluster:

(i) A client's medical needs;

(ii) Product quality;

(iii) Introduction, substitution or discontinuation of certain brands/models; and/or

(iv) Cost.

(c) When establishing the fee for other DME items in a pricing cluster, the maximum allowable fee is the median amount of available manufacturers' list prices for all brands/models as noted in subsection (2)(b) of this section.

(3) The ~~((department))~~ agency evaluates a by report (BR) item, procedure, or service for medical necessity, appropriateness and reimbursement value on a case-by-case basis. The ~~((department))~~ agency calculates the reimbursement rate for these items at eighty-five percent of the manufacturer's ~~((list))~~ suggested retail price (MSRP) as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(4) Monthly rental reimbursement rates for other DME. The ~~((department's))~~ agency's maximum allowable fee for monthly rental is established using one of the following:

(a) For items with a monthly rental rate on the current medicare fee schedule as established by the federal centers for medicare and medicaid services (CMS), the ~~((depart-~~

~~ment))~~ agency equates its maximum allowable fee for monthly rental to the current medicare monthly rental rate;

(b) For items that have a new purchase rate but no monthly rental rate on the current medicare fee schedule as established by the federal centers for medicare and medicaid services (CMS), the ~~((department))~~ agency sets the maximum allowable fee for monthly rental at one-tenth of the new purchase price of the current medicare rate;

(c) For items not included in the current medicare fee schedule as established by the federal centers for medicare and medicaid services (CMS), the ~~((department))~~ agency considers the maximum allowable monthly reimbursement rate as by-report. The ~~((department))~~ agency calculates the monthly reimbursement rate for these items at one-tenth of eighty-five percent of the manufacturer's list price.

(5) Daily rental reimbursement rates for other DME. The ~~((department's))~~ agency's maximum allowable fee for daily rental is established using one of the following:

(a) For items with a daily rental rate on the current medicare fee schedule as established by the centers for medicare and medicaid services (CMS), the ~~((department))~~ agency equates its maximum allowable fee for daily rental to the current medicare daily rental rate;

(b) For items that have a new purchase rate but no daily rental rate on the current medicare fee schedule as established by CMS, the ~~((department))~~ agency sets the maximum allowable fee for daily rental at one-three-hundredth of the new purchase price of the current medicare rate;

(c) For items not included in the current medicare fee schedule as established by CMS, the ~~((department))~~ agency considers the maximum allowable daily reimbursement rate as by-report. The ~~((department))~~ agency calculates the daily reimbursement rate at one-three-hundredth of eighty-five percent of the manufacturer's ~~((list))~~ suggested retail price (MSRP) as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(6) The ~~((department))~~ agency does not reimburse for DME and related supplies, prosthetics, orthotics, medical supplies, related services, and related repairs and labor charges under fee-for-service (FFS) when the client is any of the following:

(a) An inpatient hospital client;

(b) Eligible for both medicare and medicaid, and is staying in a skilled nursing facility in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(7) The ~~((department))~~ agency rescinds any purchase order for a prescribed item if the equipment was not delivered to the client before the client:

(a) Dies;

(b) Loses medical eligibility;

(c) Becomes covered by a hospice agency; or

(d) Becomes covered by a managed care organization.

(8) A provider may incur extra costs for customized equipment that may not be easily resold. In these cases, for purchase orders rescinded in subsection (7) of this section, the ~~((department))~~ agency may pay the provider an amount it considers appropriate to help defray these extra costs. The

((department)) agency requires the provider to submit justification sufficient to support such a claim.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-543-9200 Reimbursement method—Wheelchairs. (1) The ((department)) agency reimburses a DME provider for purchased wheelchairs based on the specific brand and model of wheelchair dispensed. The ((department)) agency decides which brands and/or models of wheelchairs are eligible for reimbursement based on all of the following:

- (a) A client's medical needs;
- (b) Product quality;
- (c) Cost; and
- (d) Available alternatives.

(2) The ((department)) agency sets, evaluates and updates the maximum allowable fees at least once yearly for wheelchair purchases, wheelchair rentals, and wheelchair accessories (e.g., cushions and backs) using the lesser of the following:

- (a) The current medicare fees;
- (b) The actual invoice for the specific item; or
- (c) A percentage of the manufacturer's ((list)) suggested retail price (MSRP) as of January 31st of the base year, or a percentage of the wholesale acquisition cost (AC). The ((department)) agency uses the following percentages:

(i) For basic standard wheelchairs, sixty-five percent of MSRP or one hundred forty percent of AC;

(ii) For add-on accessories and parts, eighty-four percent of MSRP or one hundred forty percent of AC;

(iii) For up-charge modifications and cushions, eighty percent of MSRP or one hundred forty percent of AC;

(iv) For all other manual wheelchairs, eighty percent of MSRP or one hundred forty percent of AC; and

(v) For all other power-drive wheelchairs, eighty-five percent of MSRP or one hundred forty percent of AC.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-543-9300 Reimbursement method—Prosthetics and orthotics. (1) The ((department)) agency sets, evaluates and updates the maximum allowable fees for prosthetics and orthotics at least once yearly as follows:

(a) For items with a rate on the current medicare fee schedule, as established by the federal centers for medicare and medicaid services (CMS), the ((department)) agency equates its maximum allowable fee to the current medicare rate; and

(b) For those items not included in the medicare fee schedule, as established by CMS, the rate is considered by-report. The ((department)) agency evaluates a by-report item, procedure, or service based upon medical necessity criteria, appropriateness, and reimbursement value on a case-by-case basis. The ((department)) agency calculates the reimbursement for these items at eighty-five percent of the manufacturer's ((list)) suggested retail price as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(2) The ((department)) agency follows healthcare common procedure coding system (HCPCS) guidelines for product classification and code assignment.

(3) The ((department's)) agency's reimbursement for a prosthetic or orthotic includes the cost of any necessary molds, fitting, shipping, handling or any other administrative expenses related to provision of the prosthetic or orthotic to the client.

(4) The ((department's)) agency's hospital reimbursement rate includes any prosthetics and/or orthotics required for surgery and/or placed during the hospital stay.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-543-9400 Reimbursement method—Medical supplies and related services. (1) The ((department)) agency sets, evaluates and updates the maximum allowable fees for medical supplies and nondurable medical equipment (DME) items at least once yearly using one or more of the following:

(a) The current medicare rate, as established by the federal centers for medicare and medicaid services (CMS), if a medicare rate is available;

(b) A pricing cluster;

(c) Based on input from stakeholders or other relevant sources that the ((department)) agency determines to be reliable and appropriate; or

(d) On a by-report basis.

(2) Establishing reimbursement rates for medical supplies and non-DME items based on pricing clusters.

(a) A pricing cluster is based on a specific healthcare common procedure coding system (HCPCS) code.

(b) The ((department's)) agency's pricing cluster is made up of all the brands for which the ((department)) agency obtains pricing information. However, the ((department)) agency may limit the number of brands included in the pricing cluster if doing so is in the best interests of its clients as determined by the ((department)) agency. The ((department)) agency considers all of the following when establishing the pricing cluster:

(i) A client's medical needs;

(ii) Product quality;

(iii) Cost; and

(iv) Available alternatives.

(c) When establishing the fee for medical supplies or other nonDME items in a pricing cluster, the maximum allowable fee is the median amount of available manufacturers' list prices.

(3) The ((department)) agency evaluates a by-report (BR) item, procedure, or service for its medical necessity, appropriateness and reimbursement value on a case-by-case basis. The ((department)) agency calculates the reimbursement rate at eighty-five percent of the manufacturer's ((list)) suggested retail price as of July 31st of the base year or one hundred twenty-five percent of the wholesale acquisition cost from the manufacturer's invoice.

(4) For clients residing in skilled nursing facilities, see WAC ((388-543-5700)) 182-543-5700.

WSR 12-07-059
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed March 19, 2012, 2:09 p.m., effective April 19, 2012]

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

Purpose: WAC 458-30-200 Definitions (Open Space Taxation Act rules) provides definitions for the terms used in conjunction with land classified under the Open Space Taxation Act, codified as chapter 84.34 RCW.

The department has amended WAC 458-30-200 to recognize and incorporate legislation from recent years:

- SSB 5359 (2011), which amended the definition of "contiguous" land;
- E2SHB 1597 (2010), which made technical and administrative corrections;
- EHB 1815 (2009), which amended provisions related to the income or investment requirements for parcels of "farm and agricultural land" between five and twenty acres; and
- SHB 1733 (2009), which amended provisions relating to land used primarily for equestrian related activities for which a charge is made.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-200 Definitions (Open Space Taxation Act rules).

Statutory Authority for Adoption: RCW 84.08.070 and 84.08.010(2).

Adopted under notice filed as WSR 12-01-046 on December 14, 2011.

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 0, Repealed 0.

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

Date Adopted: March 19, 2012.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-20-041, filed 9/24/02, effective 10/25/02)

WAC 458-30-200 Definitions. (1) **Introduction.** This ~~(rule)~~ section provides definitions for the terms used in conjunction with land classified under the Open Space Taxation Act, codified as chapter 84.34 RCW. The terms listed in this ~~(rule)~~ section are intended to act in concert with each other as appropriate.

(2) **Definitions.** For purposes of land classified under chapter 84.34 RCW, the following definitions apply:

(a) "Additional tax" means the additional property taxes that will be collected when classification is withdrawn or removed from land classified under chapter 84.34 RCW.

(b) "Affidavit" means the real estate excise tax affidavit required by chapter 82.45 RCW and chapter 458-61 WAC. The affidavit will be prescribed by the department and furnished to county treasurers. This form is used by landowners to report sales or transfers of classified land. The owner or transferor and the purchaser or transferee, or agents of each, must sign the affidavit under penalty of perjury.

(c) "Agreement" means an agreement executed between an owner and the granting authority regarding the classification or reclassification of land as either open space or timber land under chapter 84.34 RCW.

(d) "Agricultural product" means livestock and plants that are produced for commercial purposes and includes any agricultural, horticultural, or aquacultural produce or crop; the raising of livestock, poultry, bees, or fur-bearing animals; or the production of milk, eggs, wool, fur, meat, honey, or other substances obtained therefrom. When used in relation to livestock or fur-bearing animals used for food or fiber, "raising" means breeding or increasing the value, size, or weight of the animal.

(e) "Applicant" means the owner who submits an application for classification or reclassification of land under chapter 84.34 RCW.

~~((e))~~ ~~(f)~~ "Application" means an application for classification or reclassification of land under chapter 84.34 RCW.

~~((f))~~ ~~(g)~~ "Approval" means a determination by the granting authority that land qualifies for classification or reclassification under chapter 84.34 RCW.

~~((g))~~ ~~(h)~~ "Appurtenance" refers to something used with, and related to or dependent upon another thing; that is, something that belongs to something else, an adjunct. The thing appurtenant is strictly necessary and essential to the proper use and enjoyment of the land, as well as useful or necessary for carrying out the purposes for which the land was classified under chapter 84.34 RCW.

(i) In terms of farm and agricultural land, an appurtenance is something used for a particular sort of farm and is widely and routinely used in the operation of the commercial agricultural enterprise.

(ii) For example, an appurtenance may be an outhouse, barn, or tool shed (~~attached to or adjoining a dwelling~~) or it may be equipment used for a particular purpose or task, such as tools, instruments, or machinery.

~~((h))~~ ~~(i)~~ "Aquaculture" means the growing and harvesting of marine or fresh water flora or fauna in a soil or water medium for commercial agricultural ~~(activities)~~ purposes.

~~((i))~~ ~~(j)~~ "Assessor" means the county assessor or any agency or person who is authorized to act on behalf of the assessor.

~~((j))~~ ~~(k)~~ "Assessment year" means the year in which the property is listed and valued by the assessor and precedes the year in which the taxes on the property are due and payable.

~~((k))~~ ~~(l)~~ "Change in use" means a direct action taken by an owner that actually changes the use of, or has started changing the use of, classified land to a use that is not in com-

pliance with the conditions of the agreement executed between the owner and the granting authority or to a use that is otherwise not in compliance with the provisions of chapter 84.34 RCW (see WAC 458-30-295).

~~((H))~~ (m) "Classified land" means a parcel(s) of land that has been approved by the appropriate granting authority for taxation under chapter 84.34 RCW.

~~((M))~~ (n) "Commercial agricultural purposes" means the use of land on a continuous and regular basis, prior to and subsequent to application for classification or reclassification, that demonstrates that the owner or lessee is engaged in and intends to obtain through lawful means, a monetary profit from cash income ~~((received by engaging in the following commercial agricultural activities:~~

~~(i) Raising, harvesting, and selling lawful crops;~~
~~(ii) Feeding, breeding, managing, and selling of live-stock, poultry, fur-bearing animals, or honey bees, or any products thereof;~~

~~(iii) Dairying or selling of dairy products;~~

~~(iv) Animal husbandry;~~

~~(v) Aquaculture;~~

~~(vi) Horticulture;~~

~~(vii) Participating in a government-funded crop reduction or acreage set-aside program; or~~

~~(viii) Cultivating Christmas trees or short rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing such trees)) by producing an agricultural product. In addition, commercial agricultural purposes include the following uses of agricultural land:~~

~~(i) Land enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture;~~

~~(ii) Land used primarily for equestrian related activities for which a charge is made, including but not limited to stabling, training, riding, clinics, schooling, shows, or grazing for feed;~~

~~(iii) Land used for incidental uses that do not exceed twenty percent of the total classified land and are compatible with commercial agricultural purposes;~~

~~(iv) Land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products;~~

~~(v) Land on which employee housing or the principal residence of the farm owner or operator is located, if the housing or residence is on or contiguous to a classified parcel of twenty acres or more, and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes;~~

~~(vi) Land, one to five acres which is not contiguous to a classified parcel, that constitutes an integral part of the farming operation being conducted on land qualifying as "farm and agricultural land";~~

~~(vii) Cultivating Christmas trees or short rotation hardwoods, or growing other standing crops on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing such trees or other standing crops.~~

An owner or lessee must engage in commercial agricultural activities on the land to demonstrate a commercial agricultural purpose.

~~((H))~~ (o) "Contiguous" means land that adjoins and touches other land owned by the same owner or held under the same ownership. Land that is an integral part of a farming operation is considered contiguous even though the land may be separated by a public road, railroad, right of way, or waterway.

For purposes of this subsection (2)(o):

(i) "Same ownership" means owned by the same person or persons, except that parcels owned by different persons are deemed held by the same ownership if the parcels are:

(A) Managed as part of a single operation; and

(B) Owned by:

(I) Members of the same family;

(II) Legal entities that are wholly owned by members of the same family; or

(III) An individual who owns at least one of the parcels and a legal entity or entities that own the other parcel or parcels if the entity or entities are wholly owned by that individual, members of his or her family, or that individual and members of his or her family.

(ii) "Family" includes only:

(A) An individual and his or her spouse or domestic partner, child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(B) The spouse or domestic partner of an individual's child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(C) A child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling of the individual's spouse or the individual's domestic partner; and

(D) The spouse or domestic partner of any individual described in this subsection (2)(o)(i)(B)(III).

~~((H))~~ (p) "County financial authority" and "financial authority" mean the treasurer or any agency or person charged with the responsibility of billing and collecting property taxes.

~~((H))~~ (q) "County legislative authority" means the county commission, council, or other legislative body.

~~((H))~~ (r) "County recording authority" means the auditor or any agency or person charged with the recording of documents.

~~((H))~~ (s) "Current" and "currently" means as of the date on which property is to be listed and valued by the assessor.

~~((H))~~ (t) "Current use value" means the taxable value of a parcel of land placed on the assessment rolls following its classification or reclassification under chapter 84.34 RCW.

~~((H))~~ (u) "Department" means the department of revenue.

~~((H))~~ (v) "Farm woodlot" means an area of land within a parcel(s) of classified farm and agricultural land that is used in a manner compatible with commercial agricultural ~~((activities))~~ purposes including, but not limited to, the growing and cutting of trees for the use of the owner or the sheltering of livestock.

~~((H))~~ (w) "Granting authority" means the appropriate agency or official that acts on an application for classification

or reclassification under chapter 84.34 RCW. The granting authority for:

(i) Open space classification under RCW 84.34.020(1) and 84.34.037 is the county legislative authority. However, for applications within an incorporated area of a county, the granting authority is made up of three members of the county legislative body and three members of the city legislative body in the county in which the land is located;

(ii) Farm and agricultural classification under RCW 84.34.020(2) and 84.34.035 is the assessor or the assessor's designee; and

(iii) Timber land classification under RCW 84.34.020(3) and 84.34.041 is the county legislative authority. However, for applications within an incorporated area of a county, the granting authority is made up of three members of the county legislative body and three members of the city legislative body in the county in which the land is located.

~~((w))~~ (x) "Gross income" means cash income derived from commercial agricultural ~~((activities, including))~~ purposes, as defined in (n) of this subsection. Gross income includes payments received from the United States Department of Agriculture for participating in a crop reduction or acreage set-aside program when such payments are based on the productive capacity of the land. It also includes the wholesale value of agricultural products produced from any parcel of classified land of at least five acres but less than twenty acres in which the agricultural products are donated to nonprofit food banks or feeding programs. The term ~~((shall))~~ does not include the following:

(i) The value of any products produced on the land and consumed by the owner or lessee;

(ii) Cash income derived from leases for the use of the land for noncommercial agricultural activities; ~~((or))~~

(iii) Payments for soil conservation programs; or

(iv) The value represented from an exchange of goods or services for other goods or services (bartering).

~~((x))~~ (y) "Incidental use" means a use of land classified as farm and agricultural land or timber land that is compatible with commercial agricultural ~~((activities if it does not exceed twenty percent of the classified land))~~ purposes or the commercial growing and harvesting of timber. Incidental use for land classified as farm and agricultural land cannot exceed twenty percent of the total classified land, while incidental use for timber land cannot exceed ten percent of the total classified land. An incidental use may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand.

~~((y))~~ (z) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural ~~((activities))~~ purposes.

~~((z))~~ (aa) "Interest" means the amount of applicable interest upon additional tax.

~~((aa))~~ (bb) "Net cash rental" means the earning or production capacity of farm and agricultural land less the production costs customarily or typically paid by an owner or landlord. See WAC 458-30-260 for a more detailed explanation.

~~((bb))~~ (cc) "Notice of continuance" means the notice signed when land classified under chapter 84.34 RCW is sold or transferred if the new owner of the land intends to continue

the classified use of the land and elects to have the land remain classified under chapter 84.34 RCW. This notice is part of the real estate excise tax affidavit or may be a separate document prepared by the department and attached to this affidavit.

~~((ee))~~ (dd) "Owner" means:

(i) Any person(s) having a fee interest in a parcel of land; or

(ii) The contract vendee when the land is subject to a real estate contract.

~~((dd))~~ (ee) "Parcel of land" means a property identified as such on the assessment roll. For purposes of chapter 84.34 RCW and this WAC chapter, a parcel ~~((shall))~~ does not include any land area not owned by the applicant including, but not limited to, a public road, right of way, railroad, or waterway.

~~((ee))~~ (ff) "Penalty" means the amount due when land is removed from classification under chapter 84.34 RCW. The amount of the penalty is equal to twenty percent of the additional tax and interest calculated in accordance with RCW 84.34.080 or 84.34.108.

~~((ff))~~ (gg) "Planning authority" means the local government agency empowered by the appropriate legislative authority to develop policies and proposals relating to land use.

~~((gg))~~ (hh) "Primary use" means the existing use of a parcel or parcels of land so prevalent that when the characteristic use of the land is evaluated a conflicting or nonrelated use appears to be very limited or excluded. The primary use of a parcel does not represent a specific percentage of the total classified land.

~~((hh))~~ (ii) "Qualification of land" means the approval of an application for classification or reclassification of land by a granting authority in accordance with chapter 84.34 RCW.

~~((ii))~~ (jj) "Rating system" means a public benefit rating system adopted for classified open space land according to RCW 84.34.055.

~~((jj))~~ (kk) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to a different classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as open space land under RCW 84.34.020(1).

~~((kk))~~ (ll) "Removal" or "removed" means land classified under chapter 84.34 RCW is removed from classification by the assessor either because the owner requests removal, the new owner fails to sign the notice of ~~((classification))~~ continuance, the assessor does not approve a notice of continuance, or the land is no longer being used for the purpose for which classification was granted.

~~((ll))~~ (mm) "Sale of ownership" means the conveyance of the ownership of a parcel of land in exchange for valuable consideration.

~~((mm))~~ (nn) "Standing crop" includes short rotation hardwoods, Christmas trees, vineyards, fruit trees, or other perennial crops that:

(i) Are planted using agricultural methods normally used in the commercial production of that particular crop; and

(ii) Typically do not produce harvestable quantities in the initial years after planting.

(oo) "Tax year" means the year when property tax is due and payable.

~~((mm))~~ (pp) "Timber management plan" means the plan filed with the county legislative authority or the assessor when classified timber land is sold or transferred. It is synonymous with a "forest management plan" and details an owner's plan regarding the management of classified timber land including, but not limited to, the planting, growing and/or harvesting of timber. The elements of such a plan are set forth in WAC 458-30-232.

~~((oo))~~ (qq) "Transfer" means the conveyance of the ownership of a parcel of land without an exchange of valuable consideration and may include situations where classified land is donated to an owner, corporation, partnership, or limited liability corporation.

~~((pp))~~ (rr) "True and fair value" is the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use. The term also refers to market value, that is, the amount of money a buyer of property willing, but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might reasonably be applied.

~~((qq))~~ (ss) "Withdrawal" or "withdrawn" means action taken by the owner of land classified under chapter 84.34 RCW by filing a notice of request to withdraw the land from classification under the current use program in compliance with RCW 84.34.070. Once land has been classified under chapter 84.34 RCW, it must remain so classified for at least ten years from the date of classification. At any time after eight years of the initial ten-year classification period have elapsed, the owner may file a notice of request to withdraw all or a portion of the land from classification with the assessor of the county in which the land is located. Land is withdrawn from classification as a result of a voluntary act by the owner.

WSR 12-07-060

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed March 19, 2012, 2:21 p.m., effective April 19, 2012]

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

Purpose: The department amended WAC 458-20-119 (Rule 119) and 458-20-124 (Rule 124) to recognize chapter 55, Laws of 2011 (SB 5501), which provides a B&O, retail sales, and use tax exemption for meals provided without specific charge to employees of restaurants. Amended Rule 124 incorporates this legislation, and amended Rule 119 refers readers to Rule 124 for guidance on this subject.

Also removed from Rule 119 was other tax-reporting information that is addressed in other documents. For example, Rule 119 provided tax reporting information regarding sales of meals in school, college, and university dining rooms and by hospitals, nursing homes, and other similar institu-

tions. Tax reporting guidance for these sales can be found in WAC 458-20-167 Educational institutions, school districts, student organizations, and private schools and 458-20-168 Hospitals, nursing homes, boarding homes, adult family homes and similar health care facilities. The department has changed the title for Rule 119 from Sales of meals to Sales by caterers and food service contractors to more accurately reflect the information retained in the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-119 Sales by caterers and food service contractors and 458-20-124 Restaurants, cocktail bars, taverns and similar businesses.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Other Authority: Chapter 55, Laws of 2011.

Adopted under notice filed as WSR 12-01-094 on December 20, 2011.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

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

Date Adopted: March 19, 2012.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-06-069, filed 2/25/10, effective 3/28/10)

WAC 458-20-119 ((Sales of meals.)) Sales by caterers and food service contractors. ~~((1) Introduction.~~ This section explains Washington's B&O and retail sales tax applications to the sales of meals. This section also gives tax reporting information to persons who provide meals without a specific charge. It explains how meals furnished to employees are taxed. Persons in the business of operating restaurants should also refer to WAC 458-20-124 and persons operating hotels, motels, or similar businesses should refer to WAC 458-20-166.

~~(2) Business and occupation tax.~~ The sales of meals and the providing of meals as a part of services rendered are subject to tax as follows:

~~(a) Retailing.~~ The retailing B&O tax applies as follows:

~~(i) Restaurants, cafeterias and other eating places.~~ Sales of meals to consumers by restaurants, cafeterias, clubs, and other eating places are subject to the retailing tax. (See WAC 458-20-124 restaurants, etc.)

~~(ii) Caterers.~~ Sales of meals and prepared food by caterers are subject to the retailing tax when sold to consumers.

"Caterer" means a person who provides, prepares and serves meals for immediate consumption at a location selected by the customer. The tax liability is the same whether the meals are prepared at the customer's site or the caterer's site. The retailing tax also applies when caterers prepare and serve meals using ingredients provided by the customer. Persons providing a food service for others should refer to the subsection below entitled "Food service contractors."

~~(iii) **Hotels, motels, bed and breakfast facilities, resort lodges and other establishments offering meals and transient lodging.** Sales of meals by hotels, motels, and other persons who provide transient lodging are subject to the retailing tax.~~

~~(iv) **Boarding houses, American plan hotels, and other establishments offering meals and nontransient lodging.** Sales of meals by boarding houses and other such places are subject to retailing tax.~~

(A) Except for guest ranches and summer camps, when a lump sum is charged to nontransients for providing both lodging and meals, the fair selling price of the meals is subject to the retailing tax. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. This cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other incidental costs, including an appropriate portion of overhead expenses.

(B) It will be presumed that guest ranches and summer camps are not making sales of meals when a lump sum is charged for the furnishing of lodging, and meals are included.

~~(v) **Railroad, Pullman car, ship, airplane, or other transportation company diners.** Sales of meals by a railroad, Pullman car, ship, airplane, or other transportation company served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retailing tax.~~

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount charged is deemed a charge for transportation and the retailing tax does not apply to any part of the charge.

~~(vi) **Hospitals, nursing homes, and other similar institutions.** The serving of meals by hospitals, nursing homes, sanitariums, and similar institutions to patients as a part of the service rendered in the course of business by such institutions is not a sale at retail. However, many hospitals and similar institutions have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses, and other employees. Some of these institutions have agreements where the employees are paid a fixed wage in payment for services rendered and are provided meals at no charge. Under those circumstances, all sales of meals to such persons are subject to the retailing tax, including the value of meals provided at no charge to employees. Refer to the subsection below entitled "Meals furnished to employees."~~

~~(vii) **School, college, or university dining rooms.** Public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, dining rooms, or snack bars for the exclusive purpose of providing students and faculty with meals or prepared foods are not considered to be engaged in the business of making retail sales of meals. However, if guests are permitted to dine with students or fac-~~

ulty in such areas, the sales of meals to the guests are retail sales.

(A) Unless the eating area is situated so that it is available only to students and faculty, the lunch room, cafeteria, dining room, or snack bar must have a posted sign stating that the area is only open to students and faculty. In the absence of such a sign, there will be a presumption that the facility is not exclusively for the use of students and faculty. The actual policy in practice in these areas must be consistent with the posted policy.

(B) If the cafeteria, lunch room, dining room, or snack bar is generally open to the public, all sales of meals, including meals sold to students, are considered retail sales.

(C) For some educational institutions, the meals provided to students is considered to be part of the charge for tuition and may not be subject to the B&O tax. Public schools, high schools, colleges, universities, and private schools should refer to WAC 458-20-167 to determine whether the retailing B&O tax applies to the sales of meals described above. (See also WAC 458-20-189 for a discussion of B&O tax for schools operated by the state.)

~~(viii) **Fraternalities and sororities.** Fraternalities, sororities, and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members.~~

~~(b) **Wholesaling other.** Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling other tax classification. Sellers must obtain resale certificates for sales made before January 1, 2010, or reseller permits for sales made on or after January 1, 2010, from their customers to document the wholesale nature of any sale as provided in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.~~

~~(e) **Service and other business activities.** Private schools, which do not meet the definition of "educational institutions," operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing meals to students and faculty are subject to the service and other business activities B&O tax on the charges to students and faculty for meals. (See WAC 458-20-167 for definitions of the terms "private school" and "educational institution.") Persons managing a food service operation for a private school should refer to the subsection below entitled "Food service contractors."~~

~~(3) **Retail sales tax.** The sales of meals, upon which the retailing tax applies under the provisions above, are generally subject to tax under the retail sales tax classification. However, a retail sales tax exemption is available for the following sales of meals:~~

~~(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6).~~

~~(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. However,~~

this exemption does not apply to purchases of prepared meals by not-for-profit organizations, such as hospitals, which provide the meals to patients as a part of the services they render.

(c) Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of meals being sold at retail or wholesale.

(d) Purchases of food products and prepared meals by persons who are not in the business of selling meals at retail or wholesale are subject to the retail sales tax. However, certain food products are statutorily exempt of retail sales or use tax. (See WAC 458-20-244 Food and food ingredients.)

(e) Private schools, educational institutions, nursing homes, and similar institutions who are not making sales of meals at retail or wholesale are required to pay retail sales tax on all purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. However, purchases of such items by restaurants and similar businesses which are making retail or wholesale sales of meals are not subject to the retail sales or use tax.

(f) Transportation companies not segregating their charges for meals, and transporting persons for hire in interstate commerce, generally will be liable to their sellers for retail sales tax upon the purchase of the food supplies or prepared meals to the extent that the meals will be served to passengers in Washington. Certain food items are statutorily exempt of retail sales or use tax. (See WAC 458-20-244 Food and food ingredients.)

(5) **Food service contractors.** The term "food service contractor" means a person who operates a food service at a kitchen, cafeteria, dining room, or similar facility owned by an institution or business. Food service contractors may manage the food service operation on behalf of the institution or business, or may actually make sales of meals or prepared foods.

(a) Sales of meals. Food service contractors who sell meals or prepared foods to consumers are subject to the retailing B&O and retail sales taxes upon their gross proceeds of sales. For example, the operation of a cafeteria which provides meals to employees of a manufacturing or financial business is generally a retail activity. The food service contractor is considered to be making retail sales of meals, whether payment for the meal is made by the employees or the business, unless the business itself is reselling the meals to the employees.

In all cases where the meals are prepared at offsite facilities not owned by the institution or business, the food service

contractor is considered to be making sales of meals and the retailing B&O and retail sales taxes apply to the gross proceeds of sale, or gross income for sales to consumers.

(b) Food service management. The gross proceeds derived from the management of a food service operation are subject to the service and other business activities B&O tax. These tax reporting provisions apply whether the staff actually preparing the meals or prepared foods are employed by the institution or business hiring the food service contractor, or by the food service contractor itself. If the food service contractor merely manages the food service operation on behalf of an institution or business, that institution or business is considered to be selling meals or providing the meals as a part of the services the institution or business renders to its customers. These institutions and businesses should refer to the subsections (2) and (3) above to determine their B&O and retail sales tax liabilities.

Food service management includes, but is not limited to, the following activities:

(i) Food service contractors operating a cafeteria or similar facility which provides meals and prepared food for employees and/or guests of a business, but only where the business owning the facility is the one actually selling the meals to its employees.

(ii) Food service contractors managing and/or operating a cafeteria, lunch room, or similar facility for the exclusive use of students or faculty at an educational institution or private school. The educational institution or private school provides these meals to the students and faculty as a part of its educational services. The food service contractor is managing a food service operation on behalf of the institution, and is not making retail sales of meals to the students, faculty, or institution. Sales of meals or prepared foods to guests in such areas are, however, subject to the retailing B&O and retail sales taxes. (Refer also to the subsection above entitled "School, college, or university dining rooms.")

(iii) Food service contractors managing and/or operating the dietary facilities of a hospital, nursing home, or similar institution, for the purpose of providing meals or prepared foods to patients or residents thereof. These meals are provided to the patients or residents by the hospital, nursing home, or similar institution as a part of the services rendered by the institution. The food service contractor is managing a food service operation on behalf of the institution, and is not considered to be making retail sales of meals to the patients, residents, or institution. Meals sold to doctors, nurses, visitors, and other employees through a cafeteria or similar facility are, however, subject to the retailing B&O and retail sales taxes. (Refer also to the subsection above entitled "Hospitals, nursing homes, and other similar institutions.")

(c) The following examples explain the application of the B&O and retail sales taxes to typical situations involving food service contractors managing a food service operation. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

(i) GC Inc. is a food service contractor managing and operating an on-site cafeteria for B College. This cafeteria is operated for the exclusive use of students and faculty. Guests of students or faculty members, however, are allowed to use

the facilities. All moneys collected in the cafeteria are retained by B College. College B pays GC's direct costs for managing and operating the cafeteria, including the costs of the unprepared food products, employee salaries, and overhead expenses. GC also receives a management fee.

GC Inc. is managing a food service operation. The measure of tax is the gross proceeds received from B College. GC Inc. may not claim a deduction on account of cost of materials, salaries, or any other expense. GC Inc.'s proceeds are subject to the service and other activities B&O tax classification. B College is considered to be making retail sales of meals to the guests and must collect and remit retail sales taxes on the gross proceeds of these sales. B College should refer to WAC 458-20-167 to determine whether the retailing B&O tax applies.

(ii) DF Food Service contracts with Hospital A to manage and operate Hospital A's dietary and cafeteria facilities. DF is to receive a per meal fee for meals provided to Hospital A's patients. DF Food Service retains all proceeds for sales of meals to physicians, nurses, and visitors in the cafeteria.

The gross proceeds received from Hospital A in regards to the meals provided to the patients is derived from the management of a food service operation. These proceeds are subject to the service and other activities B&O tax classification. DF, however, is making retail sales of meals to physicians, nurses, and visitors in the cafeteria. DF Food Service must pay retailing B&O, and collect and remit retail sales tax, on the gross proceeds derived from the cafeteria sales.

(6) Meals furnished to employees. Sales of meals to employees are sales at retail and subject to the retailing B&O and retail sales taxes. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered.

(a) Where a specific and reasonable charge is made to the employee, the measure of the tax is the selling price.

(b) Where no specific charge is made, the measure of the tax will be the average cost per meal served to each employee, based upon the actual cost of the food.

(c) It is often impracticable to collect the retail sales tax from employees on such sales. The employer may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue.

(d) Where meals furnished to employees are not recorded as sales, the tax due shall be presumed to apply according to the following formula for determining meal count:

(i) Those employees working shifts up to five hours, one meal; and

(ii) Employees working shifts of more than five hours, two meals.

(7) Sales of meals, beverages, and food at prices including sales tax. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food and food ingredients), WAC 458-20-124 (restaurants, etc.), and WAC 458-20-107 (Advertised prices including sales tax). The taxability of persons operating class H licensed restaurants is specifically addressed in WAC 458-20-124.

(8) Gratuities. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities, or otherwise must be included in the selling price and are subject to both the retailing classification of the B&O tax and the retail sales tax.

(9) Examples. The following examples 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 facts and circumstances.

(a) ABC Hospital operates a cafeteria and sells meals to physicians and to persons who are visiting patients in the hospital. Meals are also provided to its employees at no charge. However, there is no accounting for the number of meals consumed by the employees. Payroll records do record the number of hours worked. On average, employees working shifts of up to five hours consume one meal while those working shifts of more than five hours consume two meals.

ABC Hospital is subject to retailing and retail sales taxes on the gross proceeds derived from the sales of meals to physicians and visitors. The retailing and retail sales taxes also apply to the value of meals consumed by ABC's employees. The value subject to tax is determined by the average cost of meals consumed by the employees, based upon the actual cost of the food items, multiplied by the number of meals as determined through a review of the payroll records. While the presumption is that employees working shifts of up to five hours consume one meal with those working shifts of five to eight hours consuming two, this presumption may be rebutted under particular circumstances.

(b) X operates a boarding house and provides lodging and meals to ten nontransient residents. Each resident is charged a lump sum to cover both lodging and meals with no accounting for a fair selling price for the meals. X is making retail sales of meals to its residents. Retailing and retail sales taxes are due on the value of the meals served. This value must be computed as double the cost of the meal, including the cost of the food and drink ingredients, costs of meal preparation, and other costs associated with the meal preparation such as overhead expenses.

(c) Y Motor Inn contracts with Z Company to provide catering services for a function to be held at the motor inn. During discussions concerning the services to be provided, Z Company is informed that a 15% gratuity is generally recommended. Z Company negotiates the gratuity percentage to 10% and signs a catering contract stating that the agreed gratuity will be added. The gratuity charged to Z Company is subject to both the retailing B&O and retail sales taxes. This is not a voluntary gratuity since it is required to be paid as a condition of the contract. (Gratuities are not part of the selling price only when they are strictly voluntary.) **(1) Introduction.** This section explains Washington's business and occupation (B&O) tax and retail sales tax applications for sales by caterers and food service contractors.

(a) Examples. This section contains 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 facts and circumstances.

(b) What other sections might apply? The following sections may contain additional relevant information:

- WAC 458-20-107 Requirement to separately state sales tax—Advertised prices including sales tax.
- WAC 458-20-124 Restaurants, cocktail bars, taverns and similar businesses.
- WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.
- WAC 458-20-167 Educational institutions, school districts, student organizations, and private schools.
- WAC 458-20-168 Hospitals, nursing homes, boarding homes, adult family homes and similar health care facilities.
- WAC 458-20-175 Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce.
- WAC 458-20-189 Sales to and by the state of Washington, counties, cities, towns, school districts, and fire districts.
- WAC 458-20-190 Sales to and by the United States—Doing business on federal reservations—Sales to foreign governments.
- WAC 458-20-244 Food and food ingredients.

(2) Sales by caterers. Sales of meals and prepared food by caterers are subject to the retailing B&O and retail sales taxes when sold to consumers. "Caterer" means a person who provides, prepares, and serves meals for immediate consumption at a location selected by the customer. The tax liability is the same whether the meals are prepared at the customer's site or the caterer's site. The retailing B&O and retail sales taxes also apply when caterers prepare and serve meals using ingredients provided by the customer.

(3) Food service contractors. The term "food service contractor" means a person who operates a food service at a kitchen, cafeteria, dining room, or similar facility owned by an institution or business. Food service contractors may manage the food service operation on behalf of the institution or business, or may actually make sales of meals or prepared foods.

(a) Sales of meals. Food service contractors who sell meals or prepared foods to consumers are subject to the retailing B&O and retail sales taxes on their gross proceeds of sales. For example, the operation of a cafeteria which provides meals to employees of a manufacturing or financial business is generally a retail activity. The food service contractor is considered to be making retail sales of meals, whether payment for the meal is made by the employees or the business, unless the business itself is reselling the meals to the employees.

In all cases where the meals are prepared at off-site facilities not owned by the institution or business, the food service contractor is considered to be making sales of meals and the retailing B&O and retail sales taxes apply to the gross proceeds of sale, or gross income for sales to consumers.

(b) Food service management. The gross proceeds derived from the management of a food service operation are subject to the service and other business activities B&O tax. These tax reporting provisions apply whether the staff actually preparing the meals or prepared foods is employed by the institution or business hiring the food service contractor, or

by the food service contractor itself. If the food service contractor merely manages the food service operation on behalf of an institution or business, that institution or business is considered to be selling meals or providing the meals as a part of the services the institution or business renders to its customers. These institutions and businesses should refer to subsections (4) and (5) in this section to determine their B&O tax and retail sales tax liabilities.

Food service management includes, but is not limited to, the following activities:

(i) Food service contractors operating a cafeteria or similar facility which provides meals and prepared food for employees and/or guests of a business, but only where the business owning the facility is the one actually selling the meals to its employees.

(ii) Food service contractors managing and/or operating a cafeteria, lunch room, or similar facility for the exclusive use of students or faculty at an educational institution or private school. The educational institution or private school provides these meals to the students and faculty as a part of its educational services. The food service contractor is managing a food service operation on behalf of the institution, and is not making retail sales of meals to the students, faculty, or institution. Sales of meals or prepared foods to guests in such areas are, however, subject to the retailing B&O and retail sales taxes.

(iii) Food service contractors managing and/or operating the dietary facilities of a hospital, nursing home, or similar institution, for the purpose of providing meals or prepared foods to patients or residents thereof. These meals are provided to the patients or residents by the hospital, nursing home, or similar institution as a part of the services rendered by the institution. The food service contractor is managing a food service operation on behalf of the institution, and is not considered to be making retail sales of meals to the patients, residents, or institution. Sales of meals to doctors, nurses, visitors, and other employees through a cafeteria or similar facility are, however, subject to the retailing B&O and retail sales taxes.

(c) Examples.

(i) GC Inc. is a food service contractor managing and operating an on-site cafeteria for B College. This cafeteria is operated for the exclusive use of students and faculty. Guests of students or faculty members, however, are allowed to use the facilities. All moneys collected in the cafeteria are retained by B College. B College pays GC's direct costs for managing and operating the cafeteria, including the costs of the unprepared food products, employee salaries, and overhead expenses. GC also receives a management fee.

GC Inc. is managing a food service operation. The measure of tax is the gross proceeds received from B College. GC Inc. may not claim a deduction on account of cost of materials, salaries, or any other expense. GC Inc.'s proceeds are subject to the service and other activities B&O tax classification. B College is considered to be making retail sales of meals to the guests and must collect and remit retail sales tax on the gross proceeds of these sales. B College should refer to WAC 458-20-167 to determine whether the retailing B&O tax applies.

(ii) DF Food Service contracts with Hospital A to manage and operate Hospital A's dietary and cafeteria facilities. DF is to receive a per meal fee for meals provided to Hospital A's patients. DF Food Service retains all proceeds for sales of meals to physicians, nurses, and visitors in the cafeteria.

The gross proceeds received from Hospital A in regards to the meals provided to the patients are derived from the management of a food service operation. These proceeds are subject to the service and other activities B&O tax classification. DF, however, is making retail sales of meals to physicians, nurses, and visitors in the cafeteria. DF Food Service must pay retailing B&O tax, and collect and remit retail sales tax, on the gross proceeds derived from the cafeteria sales.

(4) Retailing B&O and retail sales taxes. The sales of meals to consumers are subject to the retailing B&O tax and generally subject to retail sales tax. However, a retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.-040(6).

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. However, this exemption does not apply to purchases of prepared meals by not-for-profit organizations, such as hospitals, which provide the meals to patients as a part of the services they render.

(c) Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(5) Wholesale sales of prepared meals. Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling B&O tax classification. Sellers must obtain resale certificates for sales made before January 1, 2010, or reseller permits for sales made on or after January 1, 2010, from their customers to document the wholesale nature of any sale as provided in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

(6) When is deferred sales or use tax due? If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of meals being sold at retail or wholesale.

(d) Purchases of food products and prepared meals by persons who are not in the business of selling meals at retail or wholesale are subject to the retail sales tax. However, certain food products are statutorily exempt of retail sales or use tax. (See WAC 458-20-244.)

AMENDATORY SECTION (Amending WSR 10-06-069, filed 2/25/10, effective 3/28/10)

WAC 458-20-124 Restaurants, cocktail bars, taverns and similar businesses. (1) **Introduction.** This section explains Washington's business and occupation (B&O) tax and retail sales tax applications to sales by restaurants and similar businesses. It discusses the sales of meals, beverages, and foods at prices inclusive of the retail sales tax. This section also explains how discounted and promotional meals are taxed. ~~((Persons operating restaurants and similar businesses should also refer to WAC 458-20-119 and 458-20-244.))~~ Caterers and persons who merely manage the operations of a restaurant or similar business should refer to WAC 458-20-119 to determine their tax liability.

(a) Restaurants, cocktail bars, and taverns. The term "restaurants, cocktail bars, taverns, and similar businesses" means every place where prepared foods and beverages are sold and served to individuals, generally for consumption on the premises where sold.

(b) Examples. This section contains 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 facts and circumstances.

(c) What other sections might apply? The following sections may contain additional relevant information:

- WAC 458-20-107 Requirement to separately state sales tax—Advertised prices including sales tax.

- WAC 458-20-119 Sales by caterers and food service contractors.

- WAC 458-20-131 Gambling activities.

- WAC 458-20-183 Amusement, recreation, and physical fitness services.

- WAC 458-20-187 Coin operated vending machines, amusement devices and service machines.

- WAC 458-20-189 Sales to and by the state of Washington, counties, cities, towns, school districts, and fire districts.

- WAC 458-20-190 Sales to and by the United States—Doing business on federal reservations—Sales to foreign governments.

- WAC 458-20-244 Food and food ingredients.

~~(2) ((Business and occupation tax. The tax liability of restaurants, cocktail bars, taverns and similar businesses is as follows:~~

~~(a))) Retailing B&O and retail sales taxes.~~ Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are subject to the retailing tax classification and generally subject to retail sales tax. ~~((Meals provided to employees are presumed to be in exchange for services received from the employee and are retail sales and also subject to the retailing tax. (See WAC 458-20-119, Sales of meals.))~~

~~(b))) A retail sales tax exemption is available for the following sales of meals:~~

~~(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.-040(6):~~

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

(c) Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government;

(d) Effective July 1, 2011, chapter 55 (SB 5501), Laws of 2011, exempts meals from retail sales tax when provided without specific charge to employees by a restaurant. The legislation also exempts such meals from B&O tax and use tax. If any charge is made for meals to employees, retailing B&O tax and retail sales tax apply.

For the purposes of (d) of this subsection, the following definitions apply:

(i) "Meal" means one or more items of prepared food or beverages other than alcoholic beverages. For the purposes of (d) of this subsection, "alcoholic beverage" and "prepared food" have the same meanings as provided in RCW 82.08-.0293.

(ii) "Restaurant" means any establishment having special space and accommodation where food and beverages are regularly sold to the public for immediate, but not necessarily on-site, consumption, but excluding grocery stores, mini-markets, and convenience stores. Restaurant includes, but is not limited to, lunch counters, diners, coffee shops, espresso shops or bars, concession stands or counters, delicatessens, and cafeterias. It also includes space and accommodations where food and beverages are sold to the public for immediate consumption that are located within:

- Hotels, motels, lodges, boarding houses, bed and breakfast facilities;

- Hospitals, office buildings, movie theaters; and

- Schools, colleges, or universities, if a separate charge is made for such food or beverages.

Restaurants also include:

- Mobile sales units that sell food or beverages for immediate consumption within a place, the entrance to which is subject to an admission charge; and

- Public and private carriers, such as trains and vessels, that sell food or beverages for immediate consumption if a separate charge is made for such food or beverages.

A restaurant is open to the public for purposes of this subsection if members of the public can be served as guests. "Restaurant" does not include businesses making sales through vending machines or through mobile sales units such as catering trucks or sidewalk vendors of food or beverage items.

(3) Wholesaling B&O tax. Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling ~~(-other)~~ B&O tax classification. Sellers must obtain resale certificates for sales made before January 1, 2010, or reseller permits for sales made on or after January 1, 2010, from their customers to document the wholesale nature of any sale as provided in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

~~((e))~~ **(4) Service B&O tax.** Compensation received from owners of ~~(eoin-operated))~~ vending machines for allowing the placement of those machines at the restaurant, cocktail bar, tavern, or similar business is subject to the service and other business activities tax. Persons operating games of chance should refer to WAC 458-20-131.

~~((3))~~ **Retail sales tax.** Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns and similar businesses are generally subject to retail sales tax. This includes the meals sold or furnished to the employees of the business. A retail sales tax exemption is available for the following sales of meals:

~~(a)~~ Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38-040(6);

~~(b)~~ Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

~~(c)~~ Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

~~(4))~~ **(5) Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of the meals being sold.

(d) Purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use, are not subject to retail sales tax when purchased by restaurants and similar businesses making actual sales of meals.

~~((5))~~ **(6) Combination ~~(businesses))~~ business.** Persons operating a combination of two kinds of food sales ~~((businesses))~~, of which one is the sale of prepared food ~~((for immediate consumption))~~ (i.e., ~~((a bakery))~~ an establishment, such as a deli, selling food products ready for consumption and in bulk quantities), ~~((are required to keep their accounting records and sales receipts segregated between taxable and tax-exempt sales. Persons operating a combination business))~~ should refer to WAC 458-20-244 for taxability information.

~~((6))~~ **(7) Discounted meals, promotional meals, and meals given away.** Persons who sell meals on a "two for one" or similar basis are not giving away a free meal, but rather are selling two meals at a discounted price. Both the retailing B&O and retail sales taxes should be calculated on the reduced price actually received by the seller.

~~((a))~~ Persons who provide meals free of charge to persons other than employees are consumers of those meals. Persons operating restaurants or similar businesses are not required to report use tax on food and food ingredients given

away, even if the food or food ingredients are part of prepared meals. For example, a restaurant providing meals to the homeless or hot dogs free of charge to a little league team will not incur a retail sales or use tax liability with respect to these items given away. A sale has not occurred, and the food and food ingredients exemption applies. Should the restaurant provide the little league team with soft drinks free of charge, the restaurant will incur a deferred retail sales or use tax liability with respect to those soft drinks. Soft drinks are excluded from the exemption for food and food ingredients. (See WAC 458-20-244 (~~Food and food ingredients~~)).

~~((b) Meals provided to employees are presumed to be in exchange for services received from the employee and are not considered to be given away. These meals are retail sales. (See WAC 458-20-119 on employee meals.)~~

~~(7))~~ **(8) Sales of meals, beverages and food at prices including retail sales tax.** Persons may advertise and/or sell meals, beverages, or any kind of food product at prices including sales tax. Any person electing to advertise and/or make sales in this manner must clearly indicate this pricing method on the menus and other price information.

If sales slips, sales invoices, or dinner checks are given to the customer, the sales tax must be separately stated on all such sales slips, sales invoices, or dinner checks. If not separately stated on the sales slips, sales invoices, or dinner checks, it will be presumed that retail sales tax was not collected. In such cases the measure of tax will be gross receipts. ~~((Refer also to))~~ See WAC 458-20-107.)

~~((8) Class H restaurants.)~~ **(9) Spirits, beer, and wine restaurant licensees.** Restaurants operating under the authority of a ~~((class H liquor))~~ license from the liquor control board to sell spirits, beer, and wine by the glass for on-premises consumption generally have both dining and cocktail lounge areas. Customers purchasing beverages or food in lounge areas are generally not given sales invoices, sales slips, or dinner checks, nor are they generally provided with menus.

(a) Many ~~((class H restaurants))~~ spirits, beer, and wine restaurant licensees elect to sell beverages or food at prices inclusive of the sales tax in the cocktail lounge area. If this pricing method is used, notification that retail sales tax is included in the price of the beverages or foods must be posted in the lounge area in a manner and location so that customers can see the notice without entering employee work areas. It will be presumed that no retail sales tax has been collected or is included in the gross receipts when a notice is not posted and the customer does not receive a sales slip or sales invoice separately stating the retail sales tax.

(b) The election to include retail sales tax in the selling price in one area of a location does not preclude the restaurant operator from selling beverages or food at a price exclusive of sales tax in another. For example, ~~((an operator of a class H))~~ a spirits, beer, and wine restaurant licensee may elect to include the retail sales tax in the price charged for beverages in the lounge area, while the price charged in the dining area is exclusive of the sales tax.

(c) ~~((Class H))~~ Spirits, beer, and wine restaurant(s) licensees are not required to post actual drink prices in the cocktail lounge areas. However, if actual prices are posted,

the advertising requirements expressed in WAC 458-20-107 must be met.

~~((9))~~ **(10) Gratuities.** Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing B&O and retail sales taxes. ~~((Refer also to WAC 458-20-119.))~~

~~(10) Vending machines and amusement devices.~~ Persons owning and operating vending machines and amusement devices should refer to WAC 458-20-187 (Coin-operated vending machines, amusement devices and service machines.).

~~(11) Examples.~~ ~~((The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.))~~

~~(a) ABC Coffee Shop has its own bakery and also a counter and tables where it sells pastries and coffee for immediate consumption. ABC also sells donuts and other bakery items for consumption off the premises. No beverages are sold in unsealed containers except for consumption on the premises. ABC accounts separately for its sales of products which are not intended for immediate consumption through a coding maintained by the cash register. ABC is operating a combination business. It is required to collect retail sales tax on items sold for consumption on the premises, but is not required to collect retail sales tax on baked goods intended for consumption off the premises.~~

~~(b))~~ ~~(a)~~ XYZ Restaurant operates both a cocktail bar and a dining area. XYZ has elected to sell drinks and appetizers in the bar at prices including the retail sales tax while selling drinks and meals served in the dining area at prices exclusive of the sales tax. There is a sign posted in the bar area advising customers that all prices include retail sales tax. Customers in the dining area are given sales invoices which separately state the retail sales tax. As an example, a typical well drink purchased in the bar for \$2.50 inclusive of the sales tax, is sold for \$2.50 plus sales tax in the dining area. The pricing requirements have been satisfied and the drink and food totals are correctly reflected on the customers' dinner checks. XYZ may factor the retail sales tax out of the cocktail bar gross receipts when determining its retailing and retail sales tax liability.

~~((e))~~ ~~(b)~~ RBS Restaurant operates both a cocktail bar and a dining area. RBS has elected to sell drinks at prices inclusive of retail sales tax for all areas where drinks are served. It has a sign posted to inform customers in the bar area of this fact and a statement is also on the dinner menu indicating that any charges for drinks includes retail sales tax. Dinner checks are given to customers served in the dining area which state the price of the meal exclusive of sales tax, sales tax on the meal, and the drink price including retail sales tax. Because the business has met the sign posting requirement in the bar area and has indicated on the menu that sales tax is included in the price of the drinks, RBS may factor the

sales tax out of the gross receipts received from its drink sales when determining its taxable retail sales.

~~((c))~~ (c) Z Tavern sells all foods and drinks at a price inclusive of the retail sales tax. However, there is no mention of this pricing structure on its menus or reader boards. The gross receipts from Z Tavern's food and drink sales are subject to the retailing and retail sales taxes. Z Tavern has failed to meet the conditions for selling foods and drinks at prices including tax. Z Tavern may not assume that the gross receipts include any sales tax and may not factor the retail sales tax out of the gross receipts.

WSR 12-07-065
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 20, 2012, 8:56 a.m., effective April 20, 2012]

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

Purpose: Rule making is needed to assist in the implementation of claim resolution structured settlement agreements, as allowed by EHB 2123 (chapter 37, Laws of 2011 1st sp. sess.). These agreements will be available for claims for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016. Section 301 of the legislation (codified as RCW 51.04.062) states that the legislature recognizes that certain workers would benefit from an option allowing them to initiate claim resolution structured settlements to pursue work or retirement goals independent of the workers' compensation system. This rule making creates new chapter 296-14A WAC to clarify requirements and the process for these agreements.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, and section 305, chapter 37, Laws of 2011 1st sp. sess. (EHB 2123).

Adopted under notice filed as WSR 12-03-089 on January 17, 2012.

Changes Other than Editing from Proposed to Adopted Version: The department of labor and industries has made the following changes. Underlined words were added since the proposal; words that are lined through are deleted.

Rule as Proposed
<p>WAC 296-14A-050 Future claims—Can future claims be settled as part of a structured settlement? Future industrial injury or occupational disease claims may not be settled as part of a structured settlement. Future claims include, but are not limited to:</p> <p>(1) Work-related injuries or occupational exposures that have not yet occurred;</p> <p>(2) Applications for industrial injury or occupational disease benefits that have not yet been filed; and</p> <p>(3) Claims for future death benefits or survivor benefits when the injured worker is still alive.</p>

Rule as Adopted
<p>WAC 296-14A-050 Future claims—Can future claims be settled as part of a structured settlement? Future industrial injury or occupational disease claims may not be settled as part of a structured settlement. Future claims include, but are not limited to:</p> <p>(1) Work-related injuries or occupational exposures that have not yet occurred <u>or occupational diseases that have not yet manifested</u>;</p> <p>(2) Applications for industrial injury or occupational disease benefits that have not yet been filed; and</p> <p>(3) Claims for future death benefits or survivor benefits when the injured worker is still alive <u>death results from the injury</u>.</p>

Reason: The changes are made to improve the clarity and accuracy of the rule language.

A final cost-benefit analysis is available by contacting Mark Rosen, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-6570, fax (360) 902-4960, e-mail mark.rosen@lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 9, 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 9, Amended 0, Repealed 0.

Date Adopted: March 20, 2012.

Judy Schurke
 Director

Chapter 296-14A WAC

CLAIM RESOLUTION STRUCTURED SETTLEMENT AGREEMENTS

NEW SECTION

WAC 296-14A-010 Negotiating settlements—How is a structured settlement agreement negotiated in a state fund claim? (1) In a state fund claim, any party may submit a structured settlement application form to the department.

(2) The department will perform an initial review and determine if negotiations should proceed. When deciding whether to enter into negotiations for a structured settlement, the department will consider the following nonexclusive factors:

- (a) Worker's age;

(b) Nature and extent of injury(ies) or disease(s) related to the claim;

(c) Nature and extent of disabilities related to the condition(s) accepted under the claim;

(d) Other medical conditions unrelated to the claim;

(e) Other open or closed worker compensation claims for the worker;

(f) Other settlements for injuries or diseases;

(g) Worker's life expectancy;

(h) Worker's marital or domestic partnership status;

(i) Number and age of dependents;

(j) Worker's sources of present and future income and benefits;

(k) Worker's employment history;

(l) Worker's education history;

(m) Worker's labor market;

(n) The effect a structured settlement agreement might have on other benefits the worker is receiving or entitled to receive.

(3) If the department decides to negotiate, it will contact the other required parties and obtain their consent to move forward in negotiations, and obtain their consent about how the negotiations will be conducted. Negotiations may be conducted in-person, by phone, or by letter.

(4) If all of the parties voluntarily agree to a settlement, the department will put the agreement in writing. All parties must sign the agreement.

(5) After all parties have signed the structured settlement agreement, the department will forward a copy of the signed agreement to the board of industrial insurance appeals (BIIA), and provide any necessary documentation for the BIIA approval process.

NEW SECTION

WAC 296-14A-020 Employers. (1) **Who is an affected employer?** An employer is an affected employer if the cost of the claim which may be the subject of a structured settlement agreement is included in the calculation of the employer's experience factor used to determine premiums. The department will send notice of any structured settlement agreement negotiations to an affected employer.

(2) **How will an affected employer be notified of a structured settlement agreement negotiation?** When the department decides to begin settlement discussions, the department will notify all affected employers by mail, and will request the employer's participation in the negotiations.

(3) **How long does an affected employer have to respond to the department's notice of a negotiation?** An affected employer has fourteen calendar days from the date the notice is sent to respond to the department's request for participation.

(4) **What happens if an affected employer does not respond to the department's notice of a negotiation?** If the employer does not respond to the request within fourteen calendar days, the department will consider that the employer has declined to participate and will proceed with scheduling negotiations without the employer.

An affected employer who declines to participate as a party to a structured settlement agreement will be bound by

the terms of the agreement including any impact the structured settlement may have on the employer's experience factor or on the employer's industrial insurance premiums.

NEW SECTION

WAC 296-14A-030 Continuation of benefits—Do Title 51 RCW benefits stop during settlement negotiations? The department or self-insured employer must continue to manage the industrial insurance claim and pay benefits to which the worker is entitled during any settlement negotiation until the agreement is final.

NEW SECTION

WAC 296-14A-040 Settlement issues—Can issues outside of Title 51 RCW be settled as part of a structured settlement agreement? No. Issues outside of Title 51 RCW including, but not limited to, continued employment or discrimination claims cannot be settled within the structured settlement agreement.

NEW SECTION

WAC 296-14A-050 Future claims—Can future claims be settled as part of a structured settlement? Future industrial injury or occupational disease claims may not be settled as part of a structured settlement. Future claims include, but are not limited to:

(1) Work-related injuries that have not yet occurred or occupational diseases that have not yet manifested;

(2) Applications for industrial injury or occupational disease benefits that have not yet been filed; and

(3) Claims for future death benefits or survivor benefits when death results from the injury.

NEW SECTION

WAC 296-14A-060 Burden to Title 51 RCW funds—How does a self-insured employer obtain prior approval for a structured settlement agreement if the agreement will burden or impact any funds covered under Title 51 RCW? (1) If a self-insured employer is considering subjecting a fund covered under Title 51 RCW to any responsibility or burden as a result of a structured settlement agreement, the self-insured employer will:

(a) Notify the department in writing and give the director or the director's designee at least thirty days to either approve or deny the request; and

(b) Provide the following information:

(i) A copy of the complete claim file(s) of the injured worker;

(ii) Any other information relevant to the proposed agreement; and

(iii) All terms of the structured settlement agreement, including an explanation of the anticipated impact on the fund(s).

(2) If settlement negotiations continue after the self-insured employer has notified the department of a structured settlement agreement that may impact any funds covered under Title 51 RCW, the self-insured employer will keep the

department updated on all terms or information not previously provided.

NEW SECTION

WAC 296-14A-070 Protests—What if there is an outstanding protest on a claim that has a final settlement agreement? Any outstanding protests on a claim with a final settlement agreement are deemed to have been resolved by the agreement.

NEW SECTION

WAC 296-14A-080 Payments—What is a periodic payment schedule? Periodic payment for the purpose of RCW 51.04.063 structured settlements means payments that are made monthly unless the parties agree to a different payment schedule. In no case will payments be made more often than every two weeks.

NEW SECTION

WAC 296-14A-090 Prior agreements. (1) How can I get a copy of a prior settlement agreement? The department must keep copies of all final structured settlement agreements. Any party who is actively negotiating a new structured settlement agreement can request a copy of prior agreements involving the same worker, if any exist, from the department.

(2) **What is active negotiation?** Parties will be considered in active negotiations when the requirements of RCW 51.04.063(1) have been met, one hundred eighty days have passed since the claim was received by the department or self-insurer, the order allowing the claim is final and:

- (a) All parties have agreed to attempt to resolve the claim(s) through a structured settlement agreement;
- (b) The parties are discussing potential resolutions; and
- (c) No resolution has been reached.

WSR 12-07-076

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 20, 2012, 11:45 a.m., effective April 20, 2012]

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

Purpose: Amends WAC 181-79A-251 to change renewal requirements. Teachers will now submit a request for renewal by affidavit. Corrects errors in section referencing social worker. Makes other technical corrections.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-79A-251].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 12-01-087 on December 20, 2011.

Changes Other than Editing from Proposed to Adopted Version: Technical changes were made based on the dates for transition from program requirements to ProTeach portfo-

lio requirements in this section. The transition period expired December 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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

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

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

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

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

Date Adopted: March 8, 2012.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

WAC 181-79A-251 Residency and professional certification. Renewal and reinstatement.

(1) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) ~~(Prior to September 1, 2011, individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program or has registered for the professional certificate assessment under WAC 181-79A-206.~~

~~(A) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program.~~

~~(B) Individuals who hold a residency certificate that expires in 2010 or 2011 may have the certificate renewed for two years by registering for the external assessment pursuant to WAC 181-79A-206. Provided, That individuals who are unable to complete the professional certificate program by the expiration date on the two-year renewal who have not successfully completed the professional certificate program and enroll in the external assessment pursuant to WAC 181-79A-206 or taught for any portion of the nine years between employment and expiration date of the renewal can obtain an~~

~~additional two-year renewal upon verification they had been unemployed during those years, been on a leave of absence or were unemployed due to a reduction in force.~~

~~(ii) Beginning September 1, 2011,))~~ Individuals who hold, or have held, residency certificates have ~~((three))~~ the following options for renewal past the first three-year certificate:

(A) Candidates who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(B) Candidates who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by ~~((registering for the professional certificate assessment))~~ submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio or may permit their certificate to lapse until such time they register for the professional certificate assessment~~((-))~~;

(C) Candidates whose three-year residency certificate has lapsed may receive a two-year renewal by ~~((registering))~~ submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment~~(((-)))~~;

(D) Individuals who complete a National Board Certification assessment but do not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years.

~~((ii))~~ A residency certificate expires after the first renewal if the candidate has ~~((taken no action))~~ not registered for and submitted a portfolio assessment prior to June 30th of the expiration year, to achieve the professional certificate, provided: When the first two-year renewal on residency certificate expires, teachers have two renewal options:

(A) Teachers who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(B) Teachers who were unemployed or employed less than full-time during the first two-year renewal may permit their certificate to lapse and receive a second two-year renewal by ~~((registering))~~ submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certification assessment.

~~((iv))~~ (C) An individual who completes a National Board Certification assessment but does not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years in lieu of submitting an affidavit to the certification office confirming that they will register and submit the Washington uniform assessment portfolio as per this section, WAC 181-79A-251.

~~((v))~~ (iii) Teachers who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than five years following the final residency expiration: Provided, That the teacher registers and passes the professional certification assessment within two years.

~~((vi))~~ (iv) Teachers that hold a dated residency certificate prior to September 2011 that have expiration dates past

September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors~~((;))~~ and school psychologists~~((; or school social workers))~~.

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(2) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing the professional

growth plan as defined in WAC 181-79A-030 until September 1, 2012. Beginning September 1, 2012, only the professional growth plan developed in collaboration with the professional growth team as defined in WAC 181-79A-030 is required for renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate may use that completed plan to waive thirty hours of continuing education requirements for their professional teaching certificate. Until September 1, 2012, an expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards (~~outlined in WAC 181-78A-540~~):

- (I) Effective instruction.
- (II) Professional contributions.
- (III) Professional development.

(B) One of the salary criteria specified in WAC 392-121-262.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in WAC 329-121-262, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the professional educator standards board;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board of education-approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 181-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board of education-approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board of education-approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning; and

(III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board of education-approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9); or

(C) Provided, That a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.